

SENATE JOURNAL

1972

Budget Session

of the

THIRTY-NINTH LEGISLATURE

of the

State of Utah

PUBLISHED BY AUTHORITY



CERTIFICATION

The undersigned, as the duly appointed Committee on Revision of the Senate Journal for the 1972 Budget Session of the Thirty-Ninth Legislature of the State of Utah, do hereby certify that herein contained is a full true and correct record of the proceedings of the session commencing January 10, 1972 then continuing for twenty legislative days ending January 29, 1972.

COMMITTEE ON REVISION OF THE SENATE JOURNAL

QUAYLE CANNON, JR.,
Secretary of the Senate

SOPHIA C. BUCKMILLER,
Asst. Sec. of Senate
(Minute Clerk)

1972

BUDGET SESSION

of the

THIRTY-NINTH LEGISLATURE

FIRST DAY

MORNING SESSION

SENATE CHAMBER

State Capitol

Salt Lake City, Utah, January 10, 1972

Pursuant to the provisions of the Constitution of the State of Utah, the senators of the Thirty-Ninth Legislature of the State of Utah convened in the 1972 Budget Session in the Senate Chamber at 10:00 a.m.

The Senate was called to order by President Haven J. Barlow.

Prayer was offered by President Harold B. Lee, of the First Presidency of the Church of Jesus Christ of Latter-day Saints.

The National Guard Color Guard under the direction of Major Tom Brewer and consisting of SFC/Franks – Sgt. White – M/Sgt. Robertson – Tech/Sgt. Beckstead posted the colors.

Major Tom Brewer then led members of the Senate in the pledge of allegiance to the flag.

Mr. Quayle Cannon Jr., Secretary of the Senate read the following certification:

STATE OF UTAH
Executive Department
CERTIFICATE OF MEMBERSHIP OF THE 1972
BUDGET SESSION
OF THE UTAH STATE SENATE

I, Clyde L. Miller, Secretary of State of the State of Utah, do hereby certify that at a General Election held within and for the State of Utah on Tuesday, November 3, 1970, 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 12, 1971:

FIFTH DISTRICT: County of Salt Lake – Douglas G. Bischoff

SIXTH DISTRICT: County of Salt Lake – Moroni L. Jensen

SEVENTH DISTRICT: County of Salt Lake – Warren E. Pugh

EIGHTH DISTRICT: County of Salt Lake – Wilmer L. Barnett

NINTH DISTRICT: County of Salt Lake – M. James Macfarlane

FIFTEENTH DISTRICT: County of Utah – Ernest H. Dean

SIXTEENTH DISTRICT – County of Utah – Dean C. Christensen

EIGHTEENTH DISTRICT: County of Davis – Ezra T. Clark

TWENTIETH DISTRICT: County of Box Elder – Miles (Cap) Ferry

TWENTY-SECOND DISTRICT: Counties of Morgan, Rich, Summit, Wasatch and Duchesne – Robert F. Clyde

TWENTY-FIFTH DISTRICT: Counties of Tooele and Juab – Karl G. Swan

TWENTY-SIXTH DISTRICT: Counties of Sanpete, Millard and Beaver – Thorpe Waddingham

TWENTY-EIGHTH DISTRICT: Counties of Sevier, Garfield, Piute, Wayne, and San Juan – Kendrick Harward

And I further certify that by virtue of an election held on Tuesday, November 5, 1968, at which persons were chosen as members of said body, for the term of four years then next ensuing, the following are entitled to serve for the unexpired term, from the several districts, to wit:

FIRST DISTRICT: County of Salt Lake – W. Hughes Brockbank

SECOND DISTRICT: County of Salt Lake – Richard V. Evans

FOURTH DISTRICT: County of Salt Lake – Grant A. Whitman

TENTH DISTRICT: County of Salt Lake – Edward T. Beck

ELEVENTH DISTRICT: County of Salt Lake – Carl E. Petterson

TWELFTH DISTRICT: County of Weber – Merrill Jenkins

FOURTEENTH DISTRICT: County of Weber – E. LaMar Buckner

SEVENTEENTH DISTRICT: County of Utah – Wallace H. Gardner

NINETEENTH DISTRICT: County of Davis – Haven J. Barlow

TWENTY-FIRST DISTRICT: County of Cache – Reed Bullen

TWENTY-THIRD DISTRICT: County of Carbon – Omar B. Bunnell

TWENTY-FOURTH DISTRICT: Counties of Uintah, Grand, Daggett, and Emery – Ralph Preece

TWENTY-SEVENTH DISTRICT: Counties of Washington, Iron and Kane – Dixie Leavitt

And I further certify that by virtue of an appointment by the Governor and confirmation by a previous Session of the Utah State Senate, occasioned by a vacancy occurring in the Third District, the following is entitled to serve for the unexpired term:

THIRD DISTRICT: County of Salt Lake – Allan E. Mecham

And I further certify that by virtue of an appointment by the Governor whereby the following person was appointed to serve for the unexpired term:

THIRTEENTH DISTRICT: County of Weber – Rod O. Julander

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 Tenth Day of January, 1972.

CLYDE L. MILLER
Secretary of State

Certificate read and filed.

Roll Call: All Senators present with the exception of Senator Clyde, excused.

President Haven J. Barlow administered the oath of office to Senator Rod O. Julander, Thirteenth District, County of Weber.

Senator Buckner moved that the President and officers of the Thirty-Ninth Session of the Legislature be the officers for the 1972 Budget Session of the Thirty-Ninth Legislature.

Motion carried.

On motion of Senator Leavitt, the Senate rules of the Regular Session of the Thirty-Ninth Legislature were adopted as the rules for the 1972 Budget Session.

On motion of Senator Leavitt, the Joint Rules of the Regular Session of the Thirty-Ninth Legislature were adopted as the Joint Rules for the 1972 Budget Session.

On motion of Senator Leavitt, the President appointed a committee of three consisting of Senators Swan, Christensen and Preece to notify the House that the Senate is duly organized and ready to do business.

President Barlow appointed a committee of three consisting of Senators Harward, Julander and Ferry to notify the Governor that the Senate is duly organized and ready to receive any messages from him.

The President appointed Senators Barnett, Petterson and Jensen to read and revise the Journal for the 1972 Budget Session.

The President recognized a committee from the House, Representatives Nalder, Bullen and White which reported that the House was duly organized and ready to do business.

Senator Swan, for the Committee to Notify the House, reported that it had notified the House that the Senate was organized and ready to do business.

Senator Harward, for the Committee to Notify the Governor, advised members of the Senate that they had notified the Governor that the Senate was organized and ready to do business.

INTRODUCTION OF BILLS

(STATE BOARD OF EDUCATION REAPPORTIONMENT)

S. B. No. 1 By Messrs. Brockbank, Pugh, Clark, Bunnell and Dean

AN ACT AMENDING SECTIONS 53-2-1 AND 53-2-6, UTAH CODE ANNOTATED 1953, AS AMENDED BY CHAPTER 25, LAWS OF UTAH 1953, FIRST SPECIAL SESSION, AND SECTION 53-2-3, UTAH CODE ANNOTATED 1953, AS AMENDED BY CHAPTER 25, LAWS OF UTAH 1953, FIRST SPECIAL SESSION, AS AMENDED BY CHAPTER 87, LAWS OF UTAH 1965, AS AMENDED BY CHAPTER 38, LAWS OF UTAH 1967, AS AMENDED BY CHAPTER 130, LAWS OF UTAH 1969, AND REPEALING AND REENACTING SECTION 53-2-2, UTAH CODE ANNOTATED 1953; RELATING TO THE STATE BOARD OF EDUCATION; INCREASING THE MEMBERSHIP OF THE BOARD TO 11 PERSONS; PROVIDING FOR THE ESTABLISHMENT OF NEW DISTRICTS TO CONFORM MORE CLOSELY WITH THE POPULATION IN EACH DISTRICT; PROVIDING FOR TERMS OF OFFICE FOR MEMBERS; AND PROVIDING CERTAIN ELECTION PROCEDURES, was read the first time and referred to the Committee on Rules.

(SYSTEMS PLANNING AND COMPUTING)

S. B. No. 2 By Messrs. Leavitt and Bunnell

AN ACT AMENDING SECTIONS 63-42-2 AND 63-42-16, UTAH CODE ANNOTATED 1953, AS ENACTED BY CHAPTER 13, LAWS OF UTAH 1969, FIRST SPECIAL SESSION, RELATING TO DATA PROCESSING, SYSTEMS PLANNING, AND COMPUTING; CHANGING THE DEFINITION OF AGENCY; AND PROVIDING FOR SERVICES TO STATE AGENCIES AND LOCAL GOVERNMENTS BY THE DEPARTMENT OF SYSTEMS PLANNING AND COMPUTING, was read the first time and referred to the Committee on Rules.

PRESENTATION OF RESOLUTIONS

(LEGISLATIVE ARTICLE REVISION)

S. J. R. No. 1 By Messrs. Barlow, Clyde and Jenkins

A JOINT RESOLUTION PROPOSING TO AMEND ARTICLE VI OF THE CONSTITUTION OF THE STATE OF UTAH, RELATING TO THE

LEGISLATIVE DEPARTMENT; AMENDING SECTIONS 3 AND 4, PROVIDING FOR ELECTION OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND SENATE BY VOTERS RATHER THAN ELECTORS AND PROVIDING THAT ONE-HALF OF THE SENATE SHALL BE ELECTED EACH BIENNIUM AS CLOSELY AS MAY BE PRACTICABLE; AMENDING SECTION 5 AND PROVIDING FOR A CHANGE IN THE RESIDENCY REQUIREMENTS FOR LEGISLATORS; AMENDING SECTION 22, CHANGING CERTAIN REQUISITES REGARDING READING OF BILLS BEFORE PASSAGE, FORM AND CONTENT OF BILLS, AND AMENDMENT OF LAWS BY REFERENCE TO TITLE, CHANGING THE EFFECT OF PASSAGE OF LEGISLATION, AND PLACING SINGLE SUBJECT REQUISITES IN SECTION 22; PLACING TAX BY REFERENCE LANGUAGE IN A NEW SECTION 23; AMENDING SECTION 24, AND PROVIDING OTHER REQUIREMENTS CONCERNING THE SIGNING OF BILLS AND JOINT RESOLUTIONS; AMENDING SECTION 25 AND MAKING MORE DEFINITE WHEN ACTS OF THE LEGISLATURE BECOME EFFECTIVE; AMENDING SECTION 28, DELETING ALL OF THE SPECIAL LAWS PROHIBITED BY IT AND PROHIBITING SPECIAL LAWS FROM BEING ENACTED WHERE A GENERAL LAW CAN APPLY; PROVIDING A NEW SECTION ALLOWING COMPENSATION AND MILEAGE FOR ATTENDANCE BY LEGISLATORS AT MEETINGS OF INTERIM COMMITTEES ESTABLISHED BY LAW; PROVIDING A NEW SECTION EMPOWERING THE LEGISLATURE TO APPOINT LEGAL COUNSEL AND OTHER STAFF; PROVIDING A NEW SECTION EMPOWERING THE LEGISLATURE TO APPOINT A LEGISLATIVE AUDITOR AND DEFINING HIS DUTIES; PROVIDING FOR THE DELETION OF SECTIONS 27 AND 30 RELATING RESPECTIVELY TO RELEASING CERTAIN DEBTS AND EXTRA COMPENSATION TO OFFICERS AND CONTRACTORS PROHIBITED; AND REPEALING AND WITHDRAWING FROM THE NEXT GENERAL ELECTION S.J.R. NO. 11 PASSED AT THE GENERAL SESSION OF THE 39TH LEGISLATURE AND DIRECTING THE SECRETARY OF STATE TO SUBMIT TO THE ELECTORS OF THIS STATE IN LIEU THEREOF THIS PROPOSED AMENDMENT, was read the first time and referred to the Committee on Rules.

(LAKE POWELL RESOLUTION)

S. J. R. No. 2

By Mr. Ferry

A JOINT RESOLUTION OF THE BUDGET SESSION OF THE 39TH LEGISLATURE URGING THE COMMISSIONER OF THE BUREAU OF RECLAMATION AND THE SECRETARY OF THE INTERIOR TO MAINTAIN THEIR RESPECTIVE POSITIONS REGARDING THE WATER

STORAGE CAPACITY OF LAKE POWELL, was read the first time and referred to the Committee on Rules.

(STATE SUPPORT TO LOCAL GOVERNMENT UNITS)

S. J. R. No. 3

By Mr. Leavitt

A JOINT RESOLUTION PROPOSING TO AMEND ARTICLE XIII, SECTION 5 OF THE CONSTITUTION OF THE STATE OF UTAH, RELATING TO FINANCIAL SUPPORT FOR LOCAL GOVERNMENTS; AND EMPOWERING THE LEGISLATURE TO PROVIDE STATE SUPPORT FOR LOCAL GOVERNMENT UNITS, was read the first time and referred to the Committee on Rules.

On motion of Senator Leavitt, the Senate recessed in order to meet with the House in Joint Convention to hear the Governor's Budget Message. In further compliance with the Leavitt motion the Senate voted to re-assemble at approximately 2:00 p.m. in regular session in the Senate Chamber.

JOINT CONVENTION

The President of the Senate called the Joint Convention to order.

Roll Call — showed a quorum of Senate and House members present.

The President of the Senate appointed a Joint Committee consisting of Representatives Warren, Jack and S. Smith together with Senators Harward, Julander and Ferry to notify the Governor that the Legislature is in Joint Convention and ready to hear his message.

President Barlow recognized Utah's First Lady Mrs. Calvin L. Rampton, and other special guests which included Mrs. Haven J. Barlow.

The Joint Committee returned escorting His Excellency Governor Calvin L. Rampton, who was presented to the Joint Convention by President Haven J. Barlow.

The Governor then delivered the following message.

GOVERNOR'S BUDGET MESSAGE

Mr. President, Mr. Speaker, Ladies and Gentlemen of the 39th Legislature of the State of Utah:

You are now convened in the fourth session of the Legislature of the state of Utah which will consider an annual rather than a biennial budget. Dealing with budgetary matters on an annual basis has better enabled the Legislature to fulfill its constitutional function of making appropriations. Furthermore, the creation of the interim Budget-Audit Committee and the employment of an excellent staff places the members of the Legislature in a much better position to weigh the budget recommendations of the executive. While it is to be expected that the recommendations of the Governor will be given serious consideration in arriving at state spending priorities, the Executive Budget is just a recommendation. It is your duty to examine it thoroughly and objectively before exercising your discretion as to the allocation of available state revenues. The Legislative Analyst has for several weeks been advised of the executive recommendations and you have received this morning copies of the detailed budget as well as a Budget in Brief for quick reference.

The preparation of this budget has been somewhat less difficult than any other since I have been Governor. We will finish this year with an accumulated surplus. Although I am recommending that the surplus not be carried forward into next year but rather be used for buildings, the level of income indicated by current revenues nonetheless should enable us to meet some needs, particularly in social services, which have been inadequately funded in years when available revenues were too tightly stretched. By this I do not mean to imply that the available funds will meet all departmental

requests. Total requests for appropriations from various institutions and departments of state government would exceed expenditures in the current year by more than \$58,000,000 in the General and Uniform School Funds alone. I have reduced these requests through a series of budget hearings to a figure of \$25,769,900 over last year's appropriations allocated in a manner which meet the priorities for state services as I see them.

STATE OPERATIONS SINCE THE ADJOURNMENT OF THE LAST SESSION

Since the Legislature met in general session a year ago, revenues to both the Uniform School Fund and the General Fund have run somewhat ahead of estimates made in the preparation of the appropriation bill for the current fiscal year. They are still running close to the accelerated rate which I noted to you during the special session held last August. The revenue estimates contained in the Executive Budget both for the balance of the current fiscal year and for the next fiscal year are, in my opinion, realistic.

In attempting to determine the amount of probable surplus at the end of the current fiscal year, I have assumed individual income tax revenues at \$70,000,000. This figure should be attained although it is difficult to estimate individual income tax revenues based upon current increases over a similar period last year because of the effect on the total year's collection exercised by deficiency payments and claims for refund during April. If sales tax were to continue during the balance of the current fiscal year at the same rate of increase experienced up to November 15, 1971, the last

date on which an accurate reading is available, revenues for the current fiscal year would exceed \$116 million from this source. In preparing the Executive Budget, however, I have estimated only \$114,750,000; for two reasons. First, these revenues are greatly influenced by inflationary factors which should be reduced somewhat during the second half of the fiscal year. Secondly, there may have been some accelerated buying during the freeze phase of the National Economic Control Program.

In estimating revenues from these two most important source of funds, the Uniform School Fund and the General Fund, the Executive Budget assumes much smaller increases in the next fiscal year over the current fiscal year than we are experiencing in the current fiscal year over the last fiscal year. This does not indicate an assumed decline in the level of economic activity in the state, but indicates a belief that inflationary pressures will be reduced during the '72-'73 fiscal year. Therefore, increases are estimated from a basis of sound economic growth, rather than on the illusory growth occasioned by unbridled inflationary pressures. Therefore, while the Executive Budget assumes an increase in sales tax revenue this year over last year of 13.3%, it assumes an increase next year over this year of only 6.3%. In the case of individual income tax, the assumption of growth this year is 13.1% as against an assumption 10.0% for the next fiscal year.

Based upon these revenue assumptions, the government of the state of Utah during the next fiscal year will require, and I propose, no increase in any tax levy or fee schedule.

SUPPLEMENTAL APPROPRIATIONS FOR THE CURRENT FISCAL YEAR

One of the advantages of the annual session of the Legislature is that each year you meet half way through the fiscal year then in progress and have an opportunity to review

operations under the appropriations made a year previously. The Legislature is then enabled, by supplemental appropriation, to adjust any budgets where changed and unexpected conditions may warrant. This procedure was followed in the regular session a year ago and I am recommending this procedure again in the current year.

Attached to the Budget in Brief as Schedule I are a list of items recommended for appropriations to take effect upon approval and to be applicable to the '71-'72 fiscal year. A number of larger items require specific comment.

Uniform School Fund

It is recommended that a supplemental appropriation of \$2,318,000 be made from the General Fund to the Uniform School Fund. If this appropriation is made, the Uniform School Fund should finish the current fiscal year with neither a surplus nor a deficit. On the other hand, if the appropriation should not be made, the Uniform School Fund would end in a deficit position notwithstanding a substantial surplus in the General Fund and an increase in the state school levy of approximately 1.3 mills would be required. It is not good fiscal procedure to require an increase in tax levy to balance a deficit in the Uniform School Fund where there are sufficient general funds on hand to achieve the balance without increasing taxes.

In this regard, the Legislature should consider taking from the State Tax Commission the power to set the state property levy and itself determine what the levy should be. Setting of tax levies is traditionally and properly a legislative function. The power to set the State School property tax levy was originally given to the Tax Commission back when the Legislature was meeting only every two years, because an interim adjustment in tax revenues was often required between biennial legislative sessions. The need for this administrative adjust-

ment has been eliminated by annual sessions. The Legislature should seriously consider reclaiming this power and responsibility.

University Teaching Hospital

Over the years of its operation the University of Utah teaching hospital has failed to meet its operating costs from its service revenues. The Legislature each year has appropriated an amount averaging about \$200,000 to the hospital. This has not been enough to cover its operations. As a result, the hospital has gone into a deficit position, and its working capital has been depleted. During the late 1950's and early 1960's when preparations were being made for the construction of the teaching hospital, it was somewhat oversold to the community and the Legislature with the representation that it would be self-sustaining. It is not a reasonable expectation, however, that a university teaching hospital can render services at the same consumer rates as other hospitals and still cover all of its operating costs. This is true for two reasons. First, the teaching function occasions some expenses which cannot be passed on to the users of the hospital services. Secondly, a teaching hospital, being a public hospital, cannot be as selective in its admissions requirements as can a hospital operated by a nongovernmental agency. Therefore, uncollectible accounts are almost certain to be larger in a public hospital than in a privately operated hospital. I am, therefore, recommending that there be included in the supplemental appropriation bill for the University Hospital the sum of \$1,200,000. This will cover the existing deficit and restore the working capital of the hospital. In addition, it is recommended that the appropriation to the University Hospital for the next fiscal year be increased from \$200,000, as has been customary, to \$500,000. This should enable the hospital to prevent a re-occurrence of this accumulating deficit.

Board Of Corrections

Included in the recommendation for a supplemental appropriation is \$106,718 to the Utah State Prison. The recommended budget for the 1972-73 fiscal year would provide for substantial increases in the pay of the personnel at the State Prison as well as provide for additional personnel to meet the increased caseload. Too often in past years, as we have attempted to stretch insufficient available revenues over state needs, both the executive and the Legislature have been inclined to cut too far into the budget requests of the State Prison. This has resulted in insufficient staffing and has meant that guards at the Prison are paid substantially less than other law enforcement officers throughout the state, notwithstanding the fact that the present emphasis on rehabilitation as opposed to mere custody requires higher quality and better trained prison personnel. In view of the immediate needs at the Prison, I am recommending the supplemental appropriation in order that the improvements contemplated in the next fiscal year, both as to additional personnel and up-grading of personnel salaries be made effective as quickly as possible; preferably not later than March 1st. In addition, you will note in the building schedule, that I have recommended certain capital improvements at the Prison.

Building Program

Based upon the revenue estimates contained in the Executive Budget, and assuming the full supplemental appropriations bill as recommended, the General Fund should show a surplus at the end of this fiscal year of approximately \$7,500,000. This does not take into consideration any lapsing of General Fund appropriations nor any additional supplemental appropriations which the Legislature may make. However, these two amounts tend to offset each

other, and probably would not have a major effect upon the amount of surplus. We are all aware of the danger inherent in using a surplus from one year to fund on-going programs in a succeeding year. A level of expenditure is established which is difficult to sustain in following years when no surplus may be available. I have, therefore, in the past recommended, and the Legislature has concurred, that surpluses in the General Fund be used to fund one-time expenditures, usually buildings.

The Building Board has prepared a list of buildings needed by the state and its departments and institutions arranged according to the priority dictated by the judgment of the board members. A copy of that schedule is contained in the Budget in Brief as Schedule II. The total costs of the buildings for which priority has been established is \$32,256,200. This is more than is going to be available for buildings during the coming fiscal year. However, in my opinion, while all the buildings listed on the priority list are buildings the state could well use, only those which have been assigned the highest priority could be classified as critically needed. It is recommended that the Legislature appropriate to the Building Board the amount of surplus in the General Fund to be used for construction of the buildings on the priority list as far as it will go, and according to the priorities listed. While the balance sheet attached to the Executive Budget indicates there will be a General Fund surplus of \$7,500,000; it has already been pointed out that this may assume a lower than actual sales tax revenue by as much as \$1 million. It is, therefore, recommended that the Legislature appropriate \$8,500,000 for buildings with the restriction that the Governor and the Building Board shall be authorized to expend from such appropriation only up to the amount actually remaining as surplus in the General Fund at the end of the current fiscal year after full funding of any deficit in the Uniform School Fund, and after

the full funding of other items in the supplemental appropriations bill.

There are three buildings which would undoubtedly be much higher on the priority list were it not for the fact that additional planning is necessary before actual costs can be determined. I recommend that the Building Board be given planning authorization for these three buildings with the provision that the Board confer closely with the departments of state government which will have jurisdiction of the proposed buildings when they are constructed. These three buildings are: 1. A hospital building at the Utah State Prison. 2. A Police Officer Training building. 3. A Construction, Trades and Maintenance building at Utah Technical College in Salt Lake.

SCHOOL SUPPORT PROGRAM

The Executive Budget contains an increase in state funds for the support of local school districts in the amount of 7.9%. The local funds within the districts should increase as a result of increased property valuation by 4.9%, making an overall program increase of 6.9%. This will provide for some growth in the number of distribution units, and also permit a cost of living increase in the salaries of school personnel.

It is recommended that the State support to local school districts for the basic program be increased from \$9,120 per class-room unit to \$9,580 per classroom unit. It is further recommended that the state support for board voted leeway be increased from \$212 per mill per classroom unit to \$220 per mill per classroom unit. No change is recommended in the support for voted leeway.

The Utah Education Association has recommended that the state assume the full contribution to the teachers' retirement system, thus relieving the individual teachers from any con-

tribution. They further request that one-half of the amount so contributed by the state immediately vest to the credit of the individual school teacher just as the personal contributions now vest. Without making any recommendation one way or another on this proposal, I wish to point out that it could be accomplished within the executive budget as presented, and would cost approximately \$6,900,000 additional. If that were done, however, and we were to remain within the limits of the executive budget, there would remain only \$1,473,000 for increasing the basic or board leeway support program.

It is recommended that the categorical programs be continued at the same level of funding, with the following exceptions. The extended year program appropriation should be increased from \$600,000 to \$900,000. The appropriation for the support of school programs by the Utah Symphony should be increased from \$110,000 to \$160,000; and a new categorical item for compensating the Ballet West for programs in the schools in the amount of \$50,000 should be established.

The Utah State Board of Education and the Utah State School Boards Association have recommended that the categorical grants for extended year programs, for libraries, community schools, career development, teacher leadership, and regional service units, be consolidated in a block grant to cover the same general area as now covered by the categorical grants. I feel that this is a desirable change in the special programs appropriation since it will allow the local school boards greater discretion in applying this money to areas of need within the individual school districts. While there is justification for strict categorical grants when new programs are being instituted, once the programs become established, the need for the strict guidelines is eliminated. This is the same position taken by the states in urging that federal categorical

grants, wherever practicable, should be made into block grants.

VOCATIONAL EDUCATION

There are two other matters recommended in the Executive Budget which require special mention. A year ago the State Board of Education recommended that special units for vocational training be increased from 1¼% of the aggregate number of units in the state to 3%. I agreed with such a recommendation, but stated in my message to the Legislature: "However, because of financial limitations in the current year, I recommend the increase to 2% and will recommend to the 1972 budget session that the amount be increased to 3%." I now make that recommendation. I feel that this increase by one-half in the number of vocational units is warranted by our greater emphasis and need for vocational training.

EARLY CHILDHOOD DEVELOPMENT

It is further recommended that a categorical appropriation be made to the State Department of Education in the amount of \$300,000 for research planning and conducting of pilot programs in the field of early childhood development. Recent studies made by national educational organizations as well as by organizations within our own state have recommended the establishment of pre-kindergarten programs. Whether these programs should be institutional programs or other types of training and development is open to considerable discussion, but we need to move rapidly in this field if we are to provide our young citizens with the best developmental and educational systems we can devise.

Some of our school districts have been conducting limited programs in this area, but the State Office of Education must become deeply involved if they are to give proper guidance to

the development of these new programs. Recently the Congress passed an Early Childhood Development bill which would have brought into this state as much as \$10 million per year. The President vetoed this bill because of objections he had, both as to the size of the appropriation and to the guidelines for administration. Had the bill not been vetoed, we would have found ourselves with this large sum of money available for a badly needed program, but without a clearly defined plan as to how it should be used. There is every indication that the Congress in the coming session will pass a similar bill; probably funded at a lower level and with different administrative provisions. I believe that we can reasonably look forward to substantial federal grants for such programs either in the next fiscal year, or in the following fiscal year. It would be unfortunate indeed if money that might come to the state for early childhood development programs were, for lack of adequate planning and research, not expended in such a manner as to yield maximum results.

HIGHER EDUCATION

The Executive Budget proposes an appropriation to our higher educational system in the amount of \$55,912,600, an increase of 10.9% over the appropriation for the current fiscal year. The Board of Higher Education has estimated increased enrollment of 6.91% next fiscal year. This is somewhat greater than the increase in enrollment experienced in the current year over last year. However, I have used this figure in estimating our need for increases in appropriations based upon increased students. The appropriation recommended assumes the 6.91% increase in enrollment plus a 4% increase in unit costs, which should cover such costs if, as is generally expected, inflationary pressures decrease during the next fiscal year. No increase in tuitions, therefore, should be required during the 1972-73 academic year.

In this regard the Executive Budget adopts the figure for collections contained in the budget documents in the Board of Higher Education. It is my opinion, however, that that figure, including tuitions, is understated by an excess of \$2 million. Therefore, in examining the budget for the institutions of higher learning, the Higher Board should be asked to recompute their collections estimate showing tuition fees as a separate item.

The increases are not applied evenly as to each institution, but have been based upon estimates of need as determined by the staff of the Board of Higher Education. The amount recommended, of course, is somewhat less than the amount requested by the Higher Board, and substantially less than the composite requests of the institutions. However, the distribution of the money recommended is that proposed by the Higher Board, with one exception.

The staff recommendation was for a greater percentage increase for the Utah Technical College at Salt Lake than for the Utah Technical College at Provo. Due to the fact that both of these institutions expect greatly increased enrollment, and in view of the fact that it was necessary for the State Office of Education to supplement the appropriation of the Provo institution during the current fiscal year by the allocation of \$100,000 of federal vocational funds, I have recommended that the percentage increase for each of the two institutions be the same: slightly over 33%.

You will also observe that I have included in the budget for the University of Utah the sum of \$80,000 for the Natural History Museum, and in the budget of the Utah State University the sum of \$40,000 for the Man and His Bread Museum. These two museums were funded by the 1970 budget session, but recommended appropriations were disapproved during the general session in 1971. Nevertheless, I feel that these are institutions that should be supported and I am, therefore, again recom-

mending their funding to this session of the Legislature.

SOCIAL SERVICES

Over past years as we have had tight budgetary situations our divisions within the Department of Social Services have felt, more than most departments of state government, the paring of the budgetary knife. In view of the fact that this year's budget is somewhat less stringent, I feel that this is the time to correct past inequities in this regard. I have already discussed at some length in regard to the supplemental appropriation bill the needs of the Division of Corrections. We are fortunate to have in this state an excellent Division of Corrections. Prison disturbances in other states have pointed up the need for correctional reform. In line with this need, our Division of Corrections has stressed rehabilitation of offenders as well as custody of dangerous prisoners. We have established Halfway Houses in order to facilitate the return of the offender to a normal civilian life. In order to provide the proper balance between custody and rehabilitation, we need not only additional personnel, but adequately compensated personnel. For this reason, I am recommending an increase of 26.5% in the appropriation to the Division of Corrections.

The Division of Health, particularly in view of the growing importance of its section on environmental health needs additional and upgraded personnel if we are to assure to all our people clean air and water and healthy communities in which to live. Hence, the recommendation of an increase of 38.1% in the budget for that division.

The Division of Alcoholism and Drugs, while relatively new, is continuing aggressive programs to wipe out the twin threats of alcoholism and drug abuse, not only to our young people, but to our entire population. I believe we are making progress in this field. The federal

government is entering into this battle with us, and is making federal funds available on a matching basis. However, in order to properly implement the necessary programs we must have personnel adequate in number and training. I have recommended an increase of 15.9% in the appropriation of this division.

Public and Medical Assistance

In view of the large increases recommended for other functions within the Department of Social Services, the increases proposed by the Executive Budget for Public Assistance and Medical Assistance are relatively small percentage-wise. This is accounted for by a change in pattern which has occurred during the late summer and fall months of the past calendar year. Over many months, the caseload for both Public Assistance and Medical Assistance has increased at an ever accelerating rate. As a result for several years past, it has been necessary to seek supplemental funds for these two programs. An inverse situation now exists. During the past few months the caseload has begun to plateau. Pursuant to a requirement of a federal court decree, the payments under these two programs was changed from a maximum grant basis to a percent of needs basis. At the beginning of the current fiscal year, the payments were established at a level of 70% of the needs budget. This was the level at which the department felt that it could sustain the payments for the current year under the established appropriation in light of our past experience as to growth of caseload. Due to the plateauing of caseload, however, the payments fell below budgeted amounts in the sums of \$746,500 public assistance and \$315,000 medical assistance for the state's share only in the first five months of the current fiscal year. If the pattern continues at the present level, this could mean a surplussage in these two programs at the end of the fiscal year of close to \$3 million. This pattern, however, is volatile

and the present pattern cannot be depended upon to continue. The division could substantially increase the percent of needs payments immediately if in fact the present caseload trend were to continue, and if the Legislature sees fit to approve the Executive Budget proposals for the next fiscal year. However, it is no service to those who are receiving assistance to increase payments for a period of time only to cut them back at a later date because of an increase in caseload or because of a different decision by the Legislature as to the level of payments in the next fiscal year.

The budget for the coming fiscal year assumes a 73% of needs payment based upon an increase in caseload somewhere between the rapid escalation in the not too far distant past and the recent plateauing.

One of the problems in establishing the level of payment for public assistance and medical assistance is the change which may occur from fiscal year to fiscal year depending upon caseload and the legislative appropriation. It would greatly assist the Division of Family Services in securing a stability of payment if the Legislature would provide that sums appropriated for Medical Assistance and Public Assistance should not lapse at the conclusion of a given fiscal year. The National Congress meets the problem of the volatility of demand for public and medical assistance payments by providing an open-end appropriation to the Department of Health Education and Welfare for these purposes. Such a procedure would be neither constitutionally permissible or otherwise desirable in state government. However, the same objective could be attained to a lesser degree if appropriations were made non-lapsing. Therefore, the recommendation for an increase of 4.4% in the public assistance appropriation and of 8.8% in the medical assistance appropriation presupposes that any surpluses in these two accounts at the end of the current fiscal year will be made available in the next fiscal year in addition to

the appropriations requested. Such an appropriation together with the carryover of any unused funds would permit the Division to regulate payments on a more stable basis. It would permit an increase in the percent of needs payment to 73% as soon as the Legislature makes its will known and probably an additional increase in the percent at some time in the next fiscal year, depending upon the trend in caseload.

I realize that asking for non-lapsing appropriations for these purposes may at first seem at odds with my earlier general recommendation that the Legislature assume greater control over state budgets. However, the extremely uncertain nature of the demand for expenditure in this field would appear to commend greater administrative discretion in spite of the now possible annual legislative review.

In the event the Legislature decides not to make the appropriations for the current fiscal year non-lapsing, I would like to confer with the appropriate committee near the end of this session to make an estimate of probable lapsing in view of a month's greater experience and to recommend an increase in next year's appropriation in an amount equal to the estimated lapsing based upon such additional period of experience.

PUBLIC SAFETY

There are two matters in the proposed budget of the Department of Public Safety which require particular mention. In order to recruit for the Utah Highway Patrol and for the Liquor Law Enforcement Division personnel of high caliber, it is necessary that the salaries paid by these two state agencies be competitive with the salaries paid by other law enforcement agencies in the state, particularly those on the Wasatch Front.

At the present time the beginning salary of a Utah Highway Patrolman is \$546 per month

for a 45 hour week compared with \$592 for the Salt Lake City Police and the Salt Lake County Sheriff; \$611 per month for the Bountiful City Police; and \$644 per month for the Roy Police. The Executive Budget would permit the Utah Highway Patrol to add the additional troopers required by the legislatively adopted formula for personnel strength on the patrol, and would also permit an increase of approximately 15% in the beginning salary for troopers. Lesser percentage increases in the salaries of troopers with seniority would also be provided. Similar salary increases would be funded for the personnel of the Liquor and Narcotics Enforcement Division.

Aid To Local Government

Under the provisions of the Omnibus Crime Bill, substantial federal funds are made available to the state to up-grade state and local law enforcement capability. The federal guidelines require that 40% of the planning money and 75% of the action monies be passed on by the states to units of local government. Actually Utah has passed through substantially greater than the required percentage to the cities, counties and towns. Beginning with the coming fiscal year, a new requirement appears in the federal guidelines. The state itself is required to provide some funds to accompany the federal funds passed through to local government. Under the prescribed formula the amount of matching funds required of the state for this purpose during the next fiscal year will be approximately \$316,000. An obstacle to such procedure is encountered in the provisions of Article XIII, Section 5 of the Utah Constitution, which has been construed to prohibit the state from granting to local units of government monies raised by state taxation. However, based upon long precedent and several opinions from Attorneys General, it would appear that the same prohibition does not apply to earnings from the State Liquor Control Commission's operations.

Ever since 1948 the state has each year paid to local governmental entities the sum of \$1

million from the liquor earnings. In 1948 liquor earnings approximated \$3,350,000 per year. During the next fiscal year, earnings from the liquor control operation will exceed 8,500,000. It would appear only equitable, therefore, that the amount going to local government should be increased. I, therefore, recommend that the distribution to local governmental units from the liquor control fund be raised from \$1 million to \$2 million annually with the provision that sufficient money to meet the states buy-in obligation for local law enforcement be routed through the Law Enforcement Planning Commission and thence to local government under the LEPA formula. Thus in the coming year, \$316,000 from the liquor control fund would be appropriated to the LEPA office, and thence transmitted to the units of local government, while the sum of \$1,684,000 would be transmitted to local governments according to the distribution formula now provided by state law. In subsequent years I recommend that 1/3 of the Liquor Commission's annual earnings be passed on to units of local government.

I would recommend another change. At the present time, the money distributed to the cities and counties from the liquor control fund must be spent for liquor law enforcement. This has presented a problem for some police and sheriffs' offices. In some areas there are few liquor enforcement problems and the money could better be spent for other law enforcement. Furthermore, there is the problem of allocating overhead between liquor law enforcement and other law enforcement, as well as making an arbitrary assignment of general surveillance time between liquor law enforcement and general enforcement. I would recommend, therefore, that the Legislature change the state law to provide that the money being paid to local government out of the liquor control fund be used for law enforcement purposes generally, and not restricted specifically to liquor law enforcement.

NATURAL RESOURCES

The use of out-of-door recreation areas in the state of Utah is increasing many times faster than the population. Higher average incomes, greater leisure time, the ready availability of the boat, the camper, snowmobile, and other recreational activities, take many thousands of our citizens into the mountains, or to the lakes and streams on each weekend the year around. As a result available facilities in the out of doors recreational areas have not kept pace with need. When camping and sanitation facilities are not available, of course, the result is an abuse of our natural scenic and recreational areas.

Another problem which has developed only recently in regard to out-of-door recreation is the establishment of the sportmen's clubs, which have purchased, or leased, privately owned fee lands in the state, and have denied access through such lands to our citizens seeking access to the public lands beyond. If our citizens are to have access for recreation to the public domain which is certainly their right, it is necessary that access corridors be obtained by purchase or by condemnation if necessary.

Bonding Program

I propose that the Legislature authorize a \$15 million recreation development program. Approximately \$10,000,000 should be made available to the Division of Parks and Recreation for the purpose of developing outdoor recreational facilities in our state parks. \$5,000,000 would be available to the Department of Wildlife Resources for construction and renovation of fish hatcheries within the state and for the purpose of obtaining corridors through private land holdings for access to the public lands beyond. The Department of Natural Resources will present to the appropriate committees of the Legislature the details of this program.

In order to finance this program, I am recommending an appropriation in the next fiscal year of \$1 million, and the authorization of a \$14 million bond issue. The \$1 million appropriation in the next fiscal year would establish a level of funding from which the principal of the bond issue would be retired in succeeding years. In all probability it would require approximately 5 to 6 years to complete the program. During the period between the sale of the bonds and the dispersal of the money, the balance of the funds could be invested at a rate higher than we would probably have to pay for the money, thus greatly diminishing the interest cost of the bonds. I recommend the bonding approach for two reasons. First, until the funding is assured for the proposed program, it is difficult to plan and implement an orderly development. Secondly, these facilities are needed as rapidly as we can supply them.

DEVELOPMENT SERVICES

I have again recommended substantial increases in appropriations to the Department of Development Services, particularly to the Division of Industrial Promotion and to the Travel Council. The people of the entire state are involved in promoting an orderly and balanced economic growth. As a result of this effort we find that while most states are encountering severe economic problems and are having to resort to successive tax increases, the state of Utah approaches the next fiscal period with a comfortable surplus and without need for a tax increase.

If the state is to play its proper role in this development process, it must have adequate funds to support local, county and regional development groups, service clubs and Chambers of Commerce. One need only look at our state revenues to know that the money which has been appropriated for this purpose over the last 7 years can be counted as an investment rather than an expenditure.

EMPLOYEES SALARY ADJUSTMENT

The Department of Finance is required each year to recommend to the Governor and to the Legislature the level of salaries for state employees under the state classified salary scale. The Legislature has created an Executive Compensation Commission charged with the responsibility of making recommendations to the Legislature regarding executive salaries based upon comparability with salaries for like positions of responsibility in the community. In order to avoid duplication of work, the Director of Finance, with the concurrence of the Governor, requested the Executive Compensation Commission, in the course of its research on executive salaries, to also conduct research on comparable salaries for those who serve under the state salary schedule.

The report of the Executive Compensation Commission which has been adopted by the Director of Finance makes a recommendation for increases in various categories of state employment. The details of the recommendation have already been made available to the Legislature. The increases recommended are not uniform, but average 4.4%. In the Executive Budget, there has been built into each individual departmental and division budget, sufficient funds to finance the annual 5% merit increase for state employees based upon past experience as to the number of employees qualifying for such increases. The individual budgets, however, do not contain funds to implement the increases in general salary scale recommended by the Executive Compensation Commission and the Department of Finance. There is included in the budget, however, as a bulk sum, sufficient money to implement this recommendation if the Legislature so approves. This would require \$1 million from the general fund and slightly more than \$2.3 million from other sources, including federal grants. If the Legislature desires, these could be incorporated into the appropriations for each division on such basis as the Legislature may approve. However, in view of the uncertainty regarding the regulations of the Federal

Pay Board, I recommend that again this year funds to implement the general salary increases be appropriated to the Department of Finance with authority given to the Board of Examiners, pursuant to guidelines established by the Legislature, to implement these increases within the regulations that may, from time to time, be established by the Federal Pay Board. Allocation of such appropriation would thereupon be made to the various departments, divisions and institutions in the amount determined necessary by the Department of Finance.

I call your attention to the fact that the Utah State Employees Association has recommended that rather than provide for general salary increases, the Legislature provide that the entirety of the cost of the state retirement system and a greater share of the state health and accident insurance program be funded by the state.

I would point out that by coincidence rather than by design the \$3,300,000 cost of implementing the general salary increase recommendations is within a few thousand dollars of the cost of having the state assume the entire obligation of financing the retirement program and increasing the state share of the health and accident insurance program.

CONCLUSION

The Constitution and Laws of the State of Utah provide for no State of the State speech to a budget session. Furthermore non-budgetary items must be added to the agenda not by the Governor, but by the Legislature itself. I will not presume, therefore, in this formal message to suggest additional matters for consideration. A number of housekeeping matters have been proposed by various of the executive departments of state government. These have already been discussed with the Legislative leadership. If additional matters arise during the course of the session, I will call them to your attention by supplemental communication.

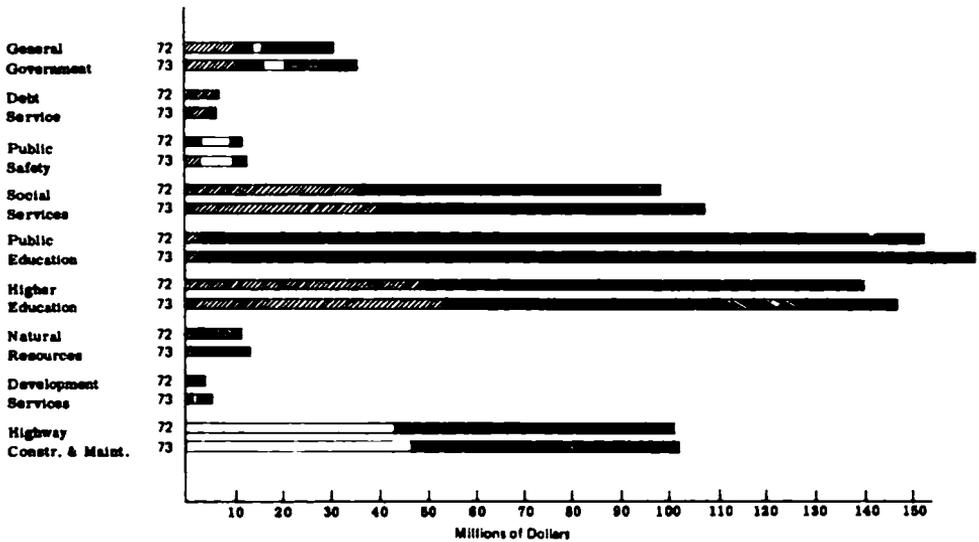
I and other members of the executive branch of the state government will remain available during your 20-day session to provide what information you may require of us.

SCHEDULES AND SUMMARIES
of
GOVERNOR'S RECOMMENDATIONS

STATE OF UTAH
SUMMARY OF EXPENDITURES

1971 - 72

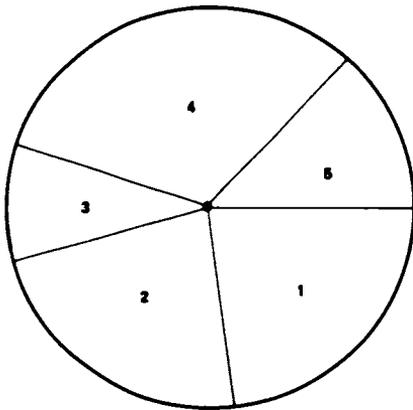
1972 - 73



LEGEND: General Fund School Fund Highway Fund Federal Grants Collections, etc.

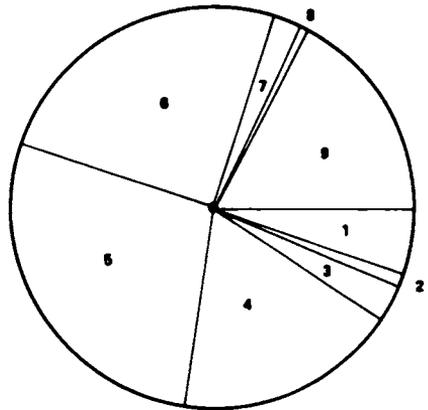
STATE OF UTAH

PLAN OF FINANCING
1972 - 73



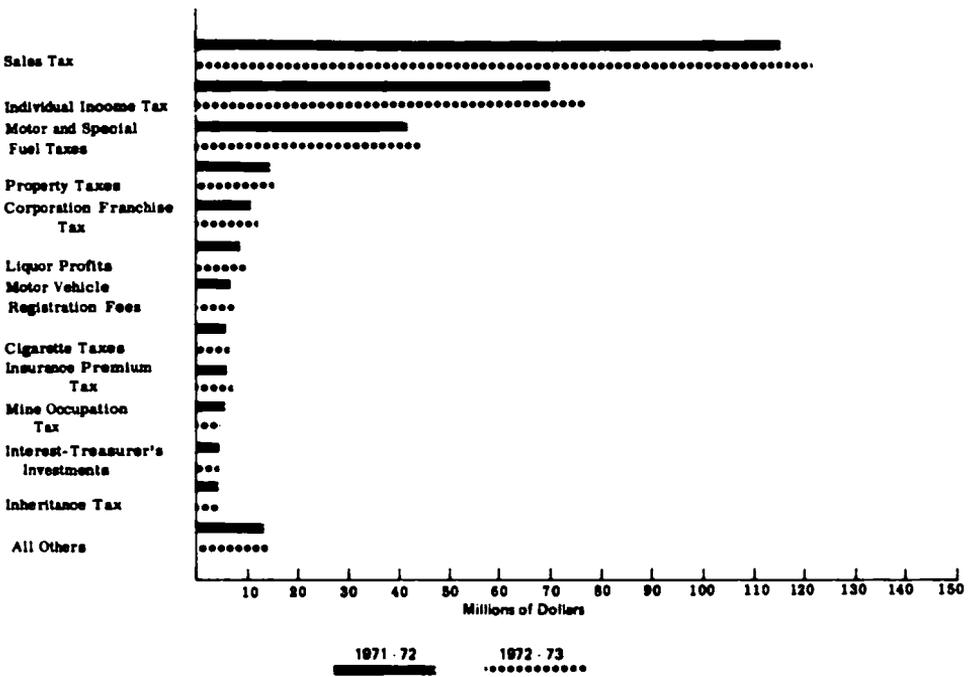
| | | |
|-----|------------------|---------------|
| 1 - | General Fund | 22.3% |
| 2 - | School Fund | 23.3 |
| 3 - | Highway Fund | 9.5 |
| 4 - | Federal Grants | 34.6 |
| 5 - | Collection, etc. | 10.3 |
| | | <u>100.0%</u> |

SUMMARY OF EXPENDITURES
1972 - 73

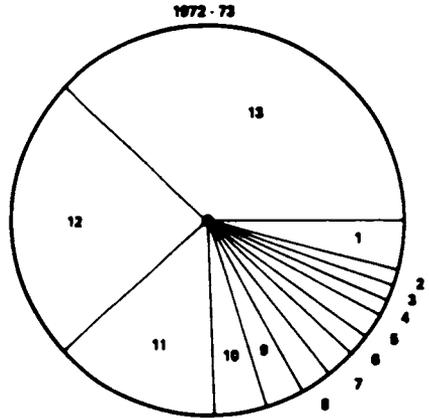
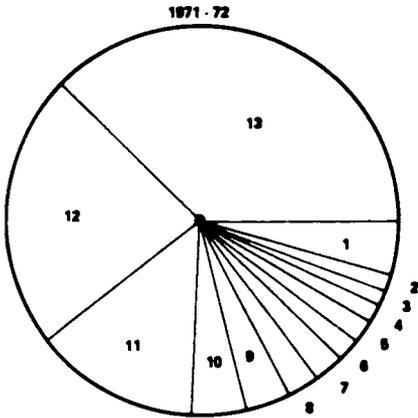


| | | |
|-----|-------------------------------|---------------|
| 1 - | General Government | 6.0% |
| 2 - | Debt Service | 1.0 |
| 3 - | Public Safety | 2.2 |
| 4 - | Social Services | 18.2 |
| 5 - | Public Education | 27.7 |
| 6 - | Higher Education | 24.8 |
| 7 - | Natural Resources | 2.1 |
| 8 - | Development Services | 0.7 |
| 9 - | Highway Construction & Maint. | 17.3 |
| | | <u>100.0%</u> |

STATE OF UTAH
GENERAL PURPOSE REVENUES - BY SOURCE



STATE OF UTAH
GENERAL PURPOSE REVENUES - BY SOURCE



| | | |
|------|------------------------------------|---------------|
| 1 - | All Others | 4.5% |
| 2 - | Inheritance Tax | 1.3 |
| 3 - | Interest - Treasurer's Investments | 1.3 |
| 4 - | Mine Occupation Tax | 1.5 |
| 5 - | Insurance Premium Tax | 1.9 |
| 6 - | Cigarette Taxes | 1.9 |
| 7 - | Motor Vehicle Registration Fees | 2.5 |
| 8 - | Liquor Profits | 2.7 |
| 9 - | Corporation Franchise Tax | 3.6 |
| 10 - | Property Taxes | 4.6 |
| 11 - | Motor and Special Fuel Taxes | 13.7 |
| 12 - | Individual Income Tax | 22.9 |
| 13 - | Sales Tax | 37.8 |
| | | <u>100.0%</u> |

| | | |
|------|------------------------------------|---------------|
| 1 - | All Others | 4.2% |
| 2 - | Inheritance Tax | 1.2 |
| 3 - | Interest - Treasurer's Investments | 1.2 |
| 4 - | Mine Occupation Tax | 1.4 |
| 5 - | Insurance Premium Tax | 2.0 |
| 6 - | Cigarette Taxes | 1.9 |
| 7 - | Motor Vehicle Registration Fees | 2.4 |
| 8 - | Liquor Profits | 2.7 |
| 9 - | Corporation Franchise Tax | 3.7 |
| 10 - | Property Taxes | 4.6 |
| 11 - | Motor and Special Fuel Taxes | 13.7 |
| 12 - | Individual Income Tax | 23.6 |
| 13 - | Sales Tax | 37.4 |
| | | <u>100.0%</u> |

**STATE OF UTAH
SUMMARY OF EXPENDITURES**

| | <u>Expenditure 1970-71</u> | <u>Authorized 1971-72</u> | <u>Governor's Recommendation 1972-73</u> |
|--------------------------------------|--------------------------------|-------------------------------|--|
| GENERAL GOVERNMENT | \$ 20,595,800 | \$ 30,029,300 | \$ 35,251,200 |
| STATE BOARD OF BONDING COMMISSIONERS | 6,972,700 | 6,312,500 | 6,167,300 |
| PUBLIC SAFETY | 8,848,700 | 11,174,500 | 12,864,400 |
| SOCIAL SERVICES | 82,130,200 | 98,693,900 | 107,233,100 |
| PUBLIC EDUCATION | 135,131,500 | 152,748,300 | 163,359,300 |
| HIGHER EDUCATION | 112,272,100 | 139,507,400 | 146,548,300 |
| NATURAL RESOURCES | 8,196,400 | 10,440,200 | 12,604,600 |
| DEVELOPMENT SERVICES | 3,802,400 | 3,801,300 | 4,202,100 |
| HIGHWAYS | 105,840,300 | 102,356,000 | 102,303,000 |
| | <u>\$483,790,100</u> | <u>\$555,063,400</u> | <u>\$590,533,300</u> |

**STATE OF UTAH
SUMMARY OF PLAN FOR FINANCING**

| | <u>Expenditure 1970-71</u> | <u>Authorized 1971-72</u> | <u>Governor's Recommendation 1972-73</u> |
|--|--------------------------------|-------------------------------|--|
| GENERAL PURPOSE FUNDS | | | |
| General Fund | \$107,472,500 | \$116,374,100 | \$131,790,800 |
| Uniform School Fund | 111,584,100 | 127,351,100 | 137,704,300 |
| Highway Construction and Maintenance Fund | 52,476,800 | 50,472,600 | 56,160,900 |
| | <u>271,533,400</u> | <u>294,197,800</u> | <u>325,656,000</u> |
| RESTRICTED REVENUES | | | |
| Federal Grants and Reimbursements | 132,375,900 | 157,754,000 | 158,950,300 |
| Restricted and Development Funds* | 41,746,100 | 43,838,700 | 44,933,000 |
| | <u>174,122,000</u> | <u>201,592,700</u> | <u>203,883,300</u> |
| General Fund | 7,589,700 | 6,863,900 | 8,550,100 |
| Uniform School Fund | 2,724,700 | 2,864,000 | 3,003,200 |
| Departmental Collections | 31,127,100 | 47,716,450 | 48,172,200 |
| | <u>215,563,500</u> | <u>259,037,000</u> | <u>263,608,800</u> |
| ADMINISTRATION ALLOCATIONS | | | |
| Liquor Control Fund | 1,971,300 | 2,114,500 | 2,381,400 |
| Trust and Agency Funds | 20,500 | 20,000 | 20,600 |
| State Retirement Fund | 314,000 | 343,900 | 425,100 |
| State Insurance Fund | 437,000 | 485,100 | 521,100 |
| | <u>2,742,800</u> | <u>2,963,500</u> | <u>3,348,200</u> |
| OTHER ADJUSTMENTS | <u>6,049,600R</u> | <u>1,134,900R</u> | <u>2,079,700R</u> |
| | <u>\$483,790,100</u> | <u>\$555,063,400</u> | <u>\$590,533,300</u> |

*Mostly Federal Funds

COMBINED FISCAL SUMMARY
of the
STATE'S BUDGETARY FUNDS
(General Purpose Revenues)

| | 1971-72 Fiscal Year | | | 1972-73 Fiscal Year | | |
|---|---------------------|----------------|--------------|---------------------|--------------|---------------|
| | General Fund | School Fund | Highway Fund | Combined | School Fund | Highway Fund |
| Fund Balance (or Deficit) at Beginning of Fiscal Year | \$ 9,427,300 | \$ (4,255,700) | \$ 5,171,600 | \$ 7,876,800 | \$ | \$ 10,466,000 |
| Adjustments Applicable to Prior Fiscal Year | (3,478,200) | (883,300) | (3,478,200) | (883,300) | | |
| Building Board Appropriations | 5,949,100 | (5,139,000) | 810,100 | 7,876,800 | | |
| School Program Costs | 152,368,500 | 99,150,000 | 251,518,500 | 53,525,000 | 160,906,500 | 56,870,000 |
| Estimated Revenues | 1,252,200 | (728,000) | 524,200 | (463,200) | 1,350,000 | (499,000) |
| Overhead Allocations | 159,569,800 | 93,283,000 | 252,852,800 | 60,938,600 | 162,256,500 | 66,837,000 |
| Total Available | 116,374,100 | 127,351,100 | 243,725,200 | 50,472,600 | 131,790,800 | 26,160,900 |
| Appropriations | 43,195,700 | (34,068,100) | 9,127,600 | 10,466,000 | 30,465,700 | 10,676,100 |
| Fund Balance (or Deficit) Before Transfers | (28,700,000) | 28,700,000 | | | (30,329,300) | |
| Transfers Appropriated | (3,050,000) | 3,050,000 | | | | |
| General to School Fund | | | | | | |
| School to School Fund | | | | | | |
| Fund Balance (or Deficit) After Transfers | 11,445,700 | (2,318,100) | 9,127,600 | 10,466,000 | 136,400 | 10,676,100 |
| Supplemental Appropriations Recommended by Governor | (2,318,100) | 2,318,100 | | | | |
| Transfer to School Fund | | | | | | |
| Supplemental Bill | | | | | | |
| Net of Lapsing | (1,600,000) | | (1,600,000) | | | |
| Building Board | | | | | | |
| Construction Projects | (7,527,600) | | (7,527,600) | | | |
| Fund Balance at End of Fiscal Year | \$ | \$ | \$ | \$ 10,466,000 | \$ 136,400 | \$ 10,676,100 |

GENERAL FUND — REVENUE PROJECTIONS
GENERAL PURPOSE REVENUES

| | 1968-69 Experience | 1969-70 Experience | 1970-71 Experience | 1971-72 Estimate | 1972-73 Projection |
|---|--------------------------------|--------------------------------|---------------------------------|---------------------------------|--------------------------------|
| Sales and Use Taxes (percent increase over prior year) | \$65,199,200 (11.7%) | \$ 90,976,100 (4.7%)* | \$101,299,700 (11.3%) | \$114,750,000 (13.3%) | \$122,000,000 (6.3%) |
| Liquor Profits | 6,245,900 | 6,817,900 | 7,315,000 | 8,200,000 | 8,750,000 |
| Cigarette and Tobacco Taxes | 5,367,900 | 5,402,900 | 5,731,200 | 5,900,000 | 6,100,000 |
| Insurance Premium Tax | 3,852,700 | 4,393,300 | 5,064,900 | 5,800,000 | 6,400,000 |
| Mine Occupation Taxes | 2,901,100 | 4,179,400 | 4,576,500 | 4,600,000 | 4,400,000 |
| Interest — Treasuries Investments | 2,427,000 | 4,351,800 | 5,032,300 | 4,000,000 | 4,000,000 |
| Inheritance Taxes | 2,088,400 | 3,101,600 | 3,593,600 | 4,000,000 | 4,000,000 |
| Oleomargarine Taxes | 1,069,700 | 1,022,100 | 971,200 | 1,000,000 | 900,000 |
| Beer Taxes | 364,300 | 408,600 | 432,700 | 1,300,000 | 1,350,000 |
| Fees of State Officials | 395,900 | 429,500 | 416,500 | 450,000 | 500,000 |
| Insurance Fees | 230,500 | 249,700 | 264,400 | 300,000 | 325,000 |
| Safety Inspection Fees | 159,900 | 98,300 | 166,000 | 225,000 | 250,000 |
| Court Reporters' Fees | 62,800 | 70,400 | 75,000 | 75,000 | 80,000 |
| Cigarette Licenses | 35,600 | 39,100 | 33,200 | 40,000 | 45,000 |
| Fines and Forfeitures | 12,500 | 23,700 | 26,800 | 30,000 | 35,000 |
| County Clerks' Fees | 2,300 | 56,300 | 72,400 | 100,000 | 100,000 |
| Public Service Commission Levy | 232,600 | 306,900 | 348,200 | 350,000 | 350,000 |
| Professional Registration Fees | 206,600 | 211,100 | 218,400 | 275,000 | 300,000 |
| Contractors Licenses | 127,300 | 158,900 | 186,100 | 200,000 | 200,000 |
| Security Commission Fees | 106,900 | 125,600 | 127,800 | 150,000 | 150,000 |
| Real Estate Dealers Licenses | 29,300 | 59,000 | 74,400 | 100,000 | 100,000 |
| Engineers and Surveyors Licenses | 12,700 | 15,900 | 15,400 | 17,000 | 20,000 |
| Cemetery Licenses | 400 | 400 | 500 | 500 | 500 |
| Agriculture Fees | | 165,700 | 156,700 | 175,000 | 200,000 |
| Motor Vehicle Administration Fees | 86,700 | 161,100 | 162,400 | 190,000 | 200,000 |
| Oil and Gas Conservation Fees | 92,100 | 92,900 | 94,400 | 115,000 | 125,000 |
| Abstractors Licenses | 1,000 | 1,300 | 900 | 1,000 | 1,000 |
| Miscellaneous | 8,800 | 7,300 | 16,900 | 25,000 | 25,000 |
| Total General Purpose Revenue | <u>\$91,320,100</u> (10.2%) | <u>\$122,927,900</u> (9.7%) | <u>\$136,468,900</u> (11.0%) | <u>\$152,368,500</u> (11.6%) | <u>\$160,906,500</u> (5.7%) |
| (Percent increase over prior year) | | | | | |

* State sales tax rate for 1968-69 and subsequent — 3%. Rate for 1969-70 and subsequent — 4%. Percent increase 1969-70 over 1968-69 computed after adjusting for rate change.

**UNIFORM SCHOOL FUND
REVENUE PROJECTIONS
GENERAL PURPOSE REVENUES**

| | 1968-69 Experience | 1969-70 Experience | 1970-71 Experience | 1971-72 Estimate | 1972-73 Projection |
|------------------------------------|-----------------------|-----------------------|-----------------------|---------------------|-----------------------|
| Individual Income Tax | | | | | |
| Regular Collections | \$ 50,887,100 | \$ 54,743,500 | \$ 61,883,500 | \$ 70,000,000 | \$ 77,000,000 |
| (Percent increase over prior year) | (17.5%) | (7.6%) | (13.0%) | (13.1%) | (10.0%) |
| Prepayments Initiated (2 Months) | 6,591,100 | 6,591,100 | | | |
| Total Income Tax | 50,887,100 | 61,334,600* | 61,883,500 | 70,000,000 | 77,000,000 |
| Corporation Franchise Tax | 10,725,900 | 11,839,300 | 11,127,300 | 11,000,000 | 12,000,000 |
| School Land Income | 1,994,200 | 2,082,000 | 2,410,100 | 2,500,000 | 2,600,000 |
| Federal Minerals Royalties (45%) | 1,238,100 | 1,347,400 | 1,355,500 | 1,400,000 | 1,500,000 |
| Miscellaneous | 40,200 | 75,300 | 66,900 | 100,000 | 125,000 |
| Total Revenues | | | | | |
| Exclusive of Property Taxes | 64,905,500 | 76,678,600 | 76,843,300 | 85,000,000 | 93,225,000 |
| Property Tax Revenues | 12,128,900 | 12,580,200 | 12,886,500 | 14,150,000 | 14,900,000 |
| Total General Purpose Revenues | \$ 77,034,400 | \$ 89,258,800 | \$ 89,729,800 | \$ 99,150,000 | \$ 108,125,000 |
| (Percent increase over prior year) | (12.4%) | (7.3%) | (8.5%) | (10.5%) | (10.8%) |

* Adjusted for Prepayment

COMPUTATION OF PROPERTY TAX REVENUE

| | | | | | |
|--|------------------|------------------|------------------|------------------|------------------|
| Total Assessed Value of Taxable Property | \$ 1,662,859,560 | \$ 1,744,115,179 | \$ 1,847,510,322 | \$ 1,965,570,282 | \$ 2,066,000,000 |
| State School Levy | 7.3 Mills | 7.2 Mills | 7.2 Mills | 7.2 Mills | 7.2 Mills |
| Proceeds (98% Collections) | \$ 11,896,100 | \$ 12,306,500 | \$ 13,036,000 | \$ 13,869,100 | \$ 14,817,600 |

**HIGHWAY CONSTRUCTION AND MAINTENANCE FUND
REVENUE PROJECTIONS
GENERAL PURPOSE REVENUES**

| | 1968-69 Experience | 1969-70 Experience | 1970-71 Experience | 1971-72 Estimate | 1972-73 Projection |
|--|-----------------------|-----------------------|-----------------------|---------------------|-----------------------|
| Motor Fuels Taxes | \$26,750,100 | \$32,744,700 | \$35,208,000 | \$37,800,000 | \$40,100,000 |
| Special Fuel Taxes | 2,717,700 | 3,301,800 | 3,677,900 | 4,100,000 | 4,400,000 |
| Sub-Total* | 29,467,800 | 36,046,500 | 38,885,900 | 41,900,000 | 44,500,000 |
| (Percent increase over prior year) | (8.5%) | (6.2%)** | (6.5%)** | (7.8%) | (6.2%) |
| Motor Vehicle Registration Fees | 6,031,200 | 6,227,400 | 7,069,000 | 7,500,000 | 7,900,000 |
| Temporary Permits | 1,648,300 | 1,753,100 | 1,947,400 | 2,300,000 | 2,500,000 |
| Driver's License Fees | 924,300 | 865,700 | 998,500 | 1,100,000 | 1,200,000 |
| Vehicle Control Fee | 315,200 | 322,500 | 343,700 | 361,000 | 379,000 |
| Special Transportation Permits | 274,300 | 289,600 | 338,600 | 364,000 | 391,000 |
| Total General Purpose Revenues | \$38,661,100 | \$45,504,800 | \$49,583,100 | \$53,525,000 | \$56,870,000 |
| (Percent increase over prior year) | (5.7%) | (5.4%)** | (7.9%)** | (8.0%) | (6.2%) |

* Subject to allocation to Collector Road System

** Adjusted for rate increases. Motor and Special Fuel Tax rates increased from 06¢ to 07¢ per gallon effective July 1, 1969.

SCHEDULE I
SUPPLEMENTAL APPROPRIATION ITEMS
Budget Session 1972

| | | | |
|---------|---|--------------|----------------|
| Item 1 | To Department of Finance—Jurors and Witness Fees From General Fund | | \$ 126,032.00 |
| | 1970-1971 | \$51,032.00 | |
| | 1971-1972 | \$75,000.00 | |
| Item 2 | To Department of Finance—Archives—From General Fund | | \$ 24,300.00 |
| | Purchase of 675 sets of Volume 1A and Volume 1B, Utah Code Annotated. | | |
| Item 3 | To Secretary of State—From General Fund | | \$ 59,192.00 |
| | Increased Building Security | \$44,132.00 | |
| | Computer Costs | \$15,060.00 | |
| Item 4 | To State Auditor—From General Fund | | \$ 20,000.00 |
| | For audit at Utah State University | | |
| Item 5 | To Department of Social Services—Division of Corrections, State Prison From General Fund | | \$ 106,718.00 |
| | Upgrading Correction Personnel from Grade 12 to Grade 14 | \$43,750.00 | |
| | Employment of six (6) new Correction Officers Grade 14 | \$21,000.00 | |
| | Employment of Assistant Warden | \$11,000.00 | |
| | To reopen Cell Block D | \$27,500.00 | |
| | Contribution to Legal Defenders | \$ 3,468.00 | |
| Item 6 | To Department of Social Services—Division of Family Services From General Fund | | \$ 55,213.34 |
| | From Federal Funds | | \$ 128,097.89 |
| Item 7 | To Utah State Board of Education. From General Fund | | \$ 35,000.00 |
| | For New Industry Training Program | | |
| Item 8 | To Attorney General. From General Fund | | \$ 59,250.00 |
| | Payment of American Fork Training School employees settlement under Fair Labor Standards Act. | | |
| Item 9 | To Uniform School Fund. From General Fund | | \$2,318,100.00 |
| Item 10 | To University of Utah—University Hospital From General Fund | | \$1,200,000.00 |
| Item 11 | To Dixie College. From General Fund | | \$ 55,279.00 |
| Item 12 | To Department of Highways—From Highway Construction and Maintenance Fund | | \$ 148,558.00 |
| | To purchase Liability Insurance from January 1, 1972 to August 1, 1972 | \$138,558.00 | |
| | To host WASHO Convention, June 1972 | \$ 10,000.00 | |
| Item 13 | To Department of Public Safety—From Highway Construction and Maintenance Fund | | \$ 38,000.00 |
| | For Construction of Weber County Highway Patrol and Drivers License Building | | |

| | | |
|---------|--|--------------|
| Item 14 | To Department of Natural Resources—Division of Wildlife Resources. From General Fund—Wildlife Resources Account..... To fund one-half department's costs of Ferron Reservoir construction. | \$ 50,000.00 |
| Item 15 | To Department of Natural Resources—Division of Water Rights From General Fund For three (3) employees to implement H.B. 79, Laws of Utah 1971. | \$ 19,165.00 |
| Item 16 | To Department of Finance. From Item 82 (Chapter 221, Laws of Utah 1971) Department of Development Services—Travel Development | \$ 4,855.93 |
| | To cover unpaid fiscal year 1970-1971 costs. | |
| | Communications Division | \$ 681.42 |
| | Motor Pool | \$ 404.56 |
| | Central Stores | \$ 23.41 |
| | Central Mailing | \$ 3,746.54 |

SCHEDULE II
UTAH STATE BUILDING BOARD
RECOMMENDED 1972 BUILDING PROGRAM AND PRIORITIES

| PRIORITY | INSTITUTION | PROJECT | AMOUNT | CUMULATIVE TOTAL |
|----------|----------------------------------|---|----------|---------------------|
| 1. | Division of Mental Health | A. R. & I.—State Hospital—Youth Center Fire Detectors | \$ 5,000 | \$ 5,000 |
| 2. | Utah State University | Utilities—Additional Fire Hydrants and New Water Pump | 47,000 | 52,000 |
| 3. | Utah State University | A. R. & I.—Fire Escapes, Old Buildings and Heat System Additions | 54,000 | 106,000 |
| 4. | Utah Technical College—Salt Lake | Utilities—Fire Sprinkler | 69,000 | 175,000 |
| 5. | Division of Mental Health | A. R. & I. & Utilities—State Hospital—Fire Sprinkler and Remodel Medical Surgical Bldg. and Hyde Building | 180,000 | 355,000 |
| 6. | Schools for Deaf and Blind | Utilities—School for Deaf—Sewer and Electrical Lines | 5,100 | 360,100 |
| 7. | Schools for Deaf and Blind | A. R. & I.—Blind School—Replace Old Doors | 29,900 | 390,000 |
| 8. | Prison | Utilities and Dairy Remodel | 151,000 | 541,000 |
| 9. | Schools for Deaf and Blind | A. R. & I.—Deaf School and Blind School—Science and Media Center Remodel | 126,000 | 667,000 |
| 10. | Southern Utah State College | Utilities—Boiler | 80,000 | 747,000 |
| 11. | Dixie College | A. R. & I.—Remodeling for Safety | 24,000 | 771,000 |
| 12. | University of Utah | Utilities—Electrical System Conversion | 118,000 | 889,000 |
| *13. | Division of Health | Laboratory Building | 555,000 | 1,444,000 |
| 14. | Weber State College | Maintenance Facilities | 329,000 | 1,773,000 |
| 15. | State Capitol (Building Board) | A. R. & I.—State Capitol | 110,700 | 1,883,700 |
| 16. | Prison | A. R. & I.—Showers Remodel | 21,000 | 1,904,700 |
| 17. | Dixie College | Campus Development | 110,000 | 2,014,700 |
| 18. | Southern Utah State College | Campus Development | 198,000 | 2,212,700 |
| 19. | Schools for Deaf and Blind | School for Blind—Primary Classroom Unit | 120,000 | 2,332,700 |
| 20. | National Guard | Camp Williams—Armory | 100,000 | 2,432,700 |
| 21. | Juvenile Courts | Building Addition | 235,000 | 2,667,700 |
| 22. | College of Eastern Utah | A. R. & I.—Gym Roof and Art Building | 28,000 | 2,695,700 |
| 23. | Division of State History | A. R. & I.—Exterior Renovation | 20,000 | 2,715,700 |
| 24. | State Capitol (Building Board) | A. R. & I.—State Capitol Fire Exit and Service Entrance | 172,000 | 2,887,700 |
| 25. | Training School | A. R. & I.—Dormitory Repairs | 75,000 | 2,962,700 |
| 26. | Training School | A. R. & I.—Window Sash Replacement | 50,000 | 3,012,700 |
| 27. | Snow College | A. R. & I.—Miscellaneous Repairs | 45,000 | 3,057,700 |

| PRIORITY | INSTITUTION | PROJECT | AMOUNT | CUMULATIVE TOTAL |
|----------|----------------------------------|---|-----------|------------------|
| 28. | National Guard | Addition to Army Hanger—S.L.C. | 5,500 | 3,063,200 |
| 29. | Schools for Deaf and Blind | Deaf School—Parking, Drives and Landscaping | 20,000 | 3,083,200 |
| 30. | Division of Mental Health | A. R. & I. at State Hospital Utility Tunnel, Sidewalks and Lighting | 99,000 | 3,182,200 |
| *31. | Weber State College | Library | 3,900,000 | 7,082,200 |
| 32. | Southern Utah State College | Remodel Old Administration Building | 512,000 | 7,594,200 |
| 33. | University of Utah | A. R. & I.—Remodeling and Addition | 800,000 | 8,394,200 |
| 34. | Prison | Utilities—Ventilation of Old Cell Blocks and Administration Building | 79,000 | 8,473,200 |
| 35. | Division of Agriculture | Vehicle Storage Facilities | 55,000 | 8,528,200 |
| 36. | Snow College | Campus Development—Walks | 35,000 | 8,563,200 |
| 37. | Department of Public Safety | Police Academy | 449,000 | 9,012,200 |
| *38. | University of Utah | Service Center | 1,998,000 | 11,010,200 |
| *39. | Utah State University | Food Science Building | 1,750,000 | 12,760,200 |
| 40. | State Capitol (Building Board) | A. R. & I.—State Capitol—Restrooms Ramps and Equipment Storage | 65,000 | 12,825,200 |
| **41. | Utah Technical College—Salt Lake | Construction Trades and Maintenance Bldg. | 1,811,000 | 14,636,200 |
| 42. | Training School | A. R. & I.—Remodel Old Dorm and Old School | 125,000 | 14,761,200 |
| 43. | Weber State College | Campus Development | 150,000 | 14,911,200 |
| 44. | College of Eastern Utah | Campus Development | 44,000 | 14,955,200 |
| 45. | State Prison | Hospital | 555,000 | 15,510,200 |
| *46. | Division of Health | Administration Building | 2,712,000 | 18,222,200 |
| 47. | Snow College | A. R. & I.—Miscellaneous Repairs | 95,000 | 18,317,200 |
| 48. | Utah State University | Utilities—Electrical Distribution System | 140,000 | 18,457,200 |
| 49. | Utah State University | Campus Development—Landscaping | 65,000 | 18,522,200 |
| 50. | Industrial School | Warehouse | 80,000 | 18,602,200 |
| *51. | Industrial School | Girls' Cottages | 380,000 | 18,982,200 |
| 52. | Weber State College | A. R. & I.—Remodeling | 226,000 | 19,208,200 |
| 53. | State Training School | Residential Cottages—2 at American Fork, 2 in Urban Areas | 532,000 | 19,740,200 |
| 54. | State Capitol (Building Board) | A. R. & I.—Resurface Capitol Floors | 255,000 | 19,995,200 |
| **55. | Weber State College | Tech. Ed. Lab and Classroom Building | 3,300,000 | 23,295,200 |
| 56. | Schools for Deaf and Blind | A. R. & I.—Garage and Maint. Building | 52,000 | 23,347,200 |
| 57. | Utah State University | A. R. & I.—Remodel Old Main | 115,000 | 23,462,200 |
| 58. | Dixie College | Utilities—Air Condition Buildings | 350,000 | 23,812,200 |
| **59. | Southern Utah State College | Trades and Industries Building | 540,000 | 24,352,200 |
| 60. | State Prison | A. R. & I.—Medium Security Visiting Room and Chapel Security | 79,000 | 24,431,200 |

| PRIORITY | INSTITUTION | PROJECT | AMOUNT | CUMULATIVE TOTAL |
|----------|------------------------------------|---|-----------|------------------|
| 61. | Utah State University | Utilities—Heat Plant Equipment | 319,000 | 24,750,200 |
| 62. | Weber State College | Utilities—Heat Plant Standby | 359,000 | 25,109,200 |
| **63. | Snow College | Physical Education Building | 1,805,000 | 26,914,200 |
| 64. | Weber State College | Utilities—Extend Co-Axial Cable | 35,000 | 26,949,200 |
| 65. | State Capitol (Building Board) | Utilities—Air Cond. Legislative Chambers | 26,000 | 26,975,200 |
| *66. | Weber State College | Central Chilled Water Plant | 780,000 | 27,755,200 |
| 67. | State Prison | Additional Maximum Security Cells | 35,000 | 27,790,200 |
| 68. | Utah State University | A. R. & I.—Miscellaneous Repairs | 82,000 | 27,872,200 |
| *69. | Services for Visually Handicapped | Workshop for the Blind | 222,000 | 28,094,200 |
| 70. | University of Utah | A. R. & I.—Remodel Life Science Building | 407,000 | 28,501,200 |
| *71. | Industrial School | Boys' Cottage | 295,000 | 28,796,200 |
| 72. | Weber State College | Campus Development—Landscaping | 216,000 | 29,012,200 |
| 73. | Division of Mental Health | Out-Patient Facility Region 8 | 65,000 | 29,077,200 |
| 74. | Training School | 4 Residential Cottages (2 in Urban Areas) | 532,000 | 29,609,200 |
| 75. | Utah State University | Art Barn Remodel | 65,000 | 29,674,200 |
| 76. | Weber State College | Campus Development—Peripheral Road Landscape | 287,000 | 29,961,200 |
| 77. | Division of Mental Health | 40-Bed In-Patient Facility (Salt Lake County) | 443,000 | 30,404,200 |
| *78. | Industrial School | Boys' Cottage | 190,000 | 30,594,200 |
| 79. | State Prison | Warehouse | 75,000 | 30,669,200 |
| 80. | Utah Technical College—Salt Lake | Land Purchase | 25,000 | 30,694,200 |
| 81. | Utah State University Exp. Station | Land Purchase | 40,000 | 30,734,200 |
| 82. | Dixie College | Land Purchase | 179,000 | 30,913,200 |
| 83. | Weber State College | Campus Development (E-W Mall) | 87,000 | 31,000,200 |
| 84. | Weber State College | Utilities (Central Control System) | 144,000 | 31,144,200 |
| *85. | Division of Mental Health | Utah State Hospital—Youth Center | 273,000 | 31,417,200 |
| 86. | Training School | New School Building | 335,000 | 31,752,200 |
| 87. | Industrial School | Vehicle Carport | 12,000 | 31,764,200 |
| 88. | State Prison | A. R. & I.—Med. Security—New Gym | 180,000 | 31,944,200 |
| 89. | Weber State College | A. R. & I.—Remodel Gym and Bldg. #3 | 122,000 | 32,066,200 |
| 90. | Weber State College | Land Purchase | 180,000 | 32,246,200 |
| 91. | State Capitol (Building Board) | State Capitol—Replace Statuary | 10,000 | 32,256,200 |

* Planning authorized by previous session of Legislature.

** Planning authorization suggested by Board of Higher Education.

The Joint Committee then escorted Governor Rampton to his chambers.

On motion of Senator Leavitt, the Governor's message was ordered spread upon the Journal of the Senate.

Mr. Lewis H. Lloyd, Director of the Legislative Council introduced Mr. Edward Clyde to the Joint Convention.

Mr. Edward A. Clyde – Salt Lake Attorney retained by the State with two other attorneys to represent the state in defending reapportionment questions (Senate Bill No. 1 – Reapportionment), appeared before the Joint Convention and discussed the decision of 3 Federal Court Judges on reapportionment and the task of the Legislature in light of this decision.

On motion of Senator Leavitt, the Joint Convention was dissolved.

AFTERNOON SESSION

The Senate re-assembled. President Barlow in the chair.

INTRODUCTION OF BILLS

(BONDS OF INSTITUTIONS OF HIGHER LEARNING)

S. B. No. 3

By Messrs. Pugh and Dean

AN ACT AMENDING SECTION 53-38-2, UTAH CODE ANNOTATED 1953, AS REENACTED BY CHAPTER 9, LAWS OF UTAH 1966, SECOND SPECIAL SESSION, AS AMENDED BY CHAPTER 149, LAWS OF UTAH 1969, AS AMENDED BY CHAPTER 9, LAWS OF UTAH 1969, FIRST SPECIAL SESSION, AS AMENDED BY CHAPTER 15, LAWS OF UTAH 1970, ENACTING SECTION 53-38-1.8, UTAH CODE ANNOTATED 1953, AND REPEALING AND REENACTING SECTION 53-38-1, UTAH CODE

ANNOTATED 1953, AS REENACTED BY CHAPTER 9, LAWS OF UTAH 1966, SECOND SPECIAL SESSION, AS AMENDED BY CHAPTER 149, LAWS OF UTAH 1969, AS AMENDED BY CHAPTER 15, LAWS OF UTAH 1970, RELATING TO FINANCING AND ACQUISITION OF BUILDINGS AND PROJECTS OF STATE INSTITUTIONS OF HIGHER LEARNING; PROVIDING FOR THE GOVERNING AUTHORITY OF STATE INSTITUTIONS OF HIGHER LEARNING FOR PURPOSES OF AUTHORIZING AND ISSUING REVENUE BONDS; PROVIDING FOR THE ISSUANCE, SALE, VALIDATION, AND DELIVERY OF CERTAIN REVENUE BONDS OF CERTAIN STATE INSTITUTIONS OF HIGHER LEARNING; PROVIDING FOR THE DETERMINATION OF THE TERMS OF SALE, INTEREST RATE AND PRICE OF REVENUE BONDS OF INSTITUTIONS OF HIGHER LEARNING; PROVIDING FOR INTERIM FINANCING OF BUILDINGS AND PROJECTS; PROVIDING FOR THE VALIDATION OF REVENUE BONDS OF STATE INSTITUTIONS OF HIGHER LEARNING HERETOFORE ISSUED AND DELIVERED; AND PROVIDING AN EFFECTIVE DATE, was read the first time and referred to the Committee on Rules.

(AMENDMENTS TO UNIFORM MUNICIPAL FISCAL PROCEDURES ACT)

S. B. No. 4

By Messrs. Brockbank and Pugh

AN ACT AMENDING THE UNIFORM MUNICIPAL FISCAL PROCEDURES ACT BY AMENDING SECTIONS 10-10-27, 10-10-29, 10-10-30, 10-10-31, 10-10-38, 10-10-39, 10-10-55, 10-10-56, 10-10-58, 10-10-59, 10-10-73, and 10-10-75, UTAH CODE ANNOTATED 1953, AS ENACTED BY CHAPTER 24, LAWS OF UTAH 1961, RELATING TO THE FISCAL PROCEDURES TO BE FOLLOWED BY MUNICIPALITIES; PROVIDING FOR CERTAIN NEW DEFINITIONS OF TERMS WITHIN THE ACT; DESCRIBING FUNDS THAT MUNICIPALITIES MAY MAINTAIN; DESCRIBING THE BASIS OF ACCOUNTING TO BE EMPLOYED BY CITIES; PROVIDING FOR THE METHOD OF ESTIMATING EXPENDABLE REVENUES FOR BUDGETARY PURPOSES; DESCRIBING THE EFFECT OF INTERFUND LOANS; AND MODIFYING CASH BUDGET PROCEDURES FOR UTILITY FUNDS, was read the first time and referred to the Committee on Rules.

On motion of Senator Gardner, the Senate voted that the following recommendations proposed by the Joint Appropriations Committee be adopted as the outline for the 1972 Budget Session.

DIRECTION FROM THE JOINT APPROPRIATIONS COMMITTEE
CHAIRMAN: Sen. Wallace H. Gardner
CO-CHAIRMAN: Rep. D. Leon Reese

**PROPOSED 1972 LEGISLATIVE JOINT APPROPRIATIONS
 COMMITTEE ORGANIZATION**

It is proposed that the Joint Appropriations Committee of the 1972 Budget Session of the Utah State Legislature be headed by a Chairman from the Senate and a Co-chairman from the House of Representatives and that the Joint Appropriations Committee consist of the following subcommittees:

| | Senate | House |
|-------------------------------------|--------|-------|
| 1. Business, Labor and Regulations | 2 | 8 |
| 2. Development Services | 2 | 4 |
| 3. Education | 5 | 11 |
| 4. Government Operations | 2 | 6 |
| 5. Higher Education | 5 | 11 |
| 6. Judicial and Executive | 2 | 6 |
| 7. Natural Resources | 2 | 5 |
| 8. Social Services | 4 | 11 |
| 9. Transportation and Public Safety | 2 | 6 |

A. Each member of the House of Representatives and each member of the Senate with the exception of the Speaker of the House, the President of the Senate, and the Joint Appropriations Committee Chairman and Co-chairman will be assigned to a subcommittee. These officers will be ex-officio members of all subcommittees.

B. Each subcommittee will have a chairman and a vice-chairman. The President of the Senate will appoint, in concurrence with the Joint Appropriations Committee Chairman, the Chairman from the membership of the Senate. The Speaker of the House will appoint, in concurrence with the Joint Appropriations Committee Co-chairman, the Vice-chairman from the membership of the House.

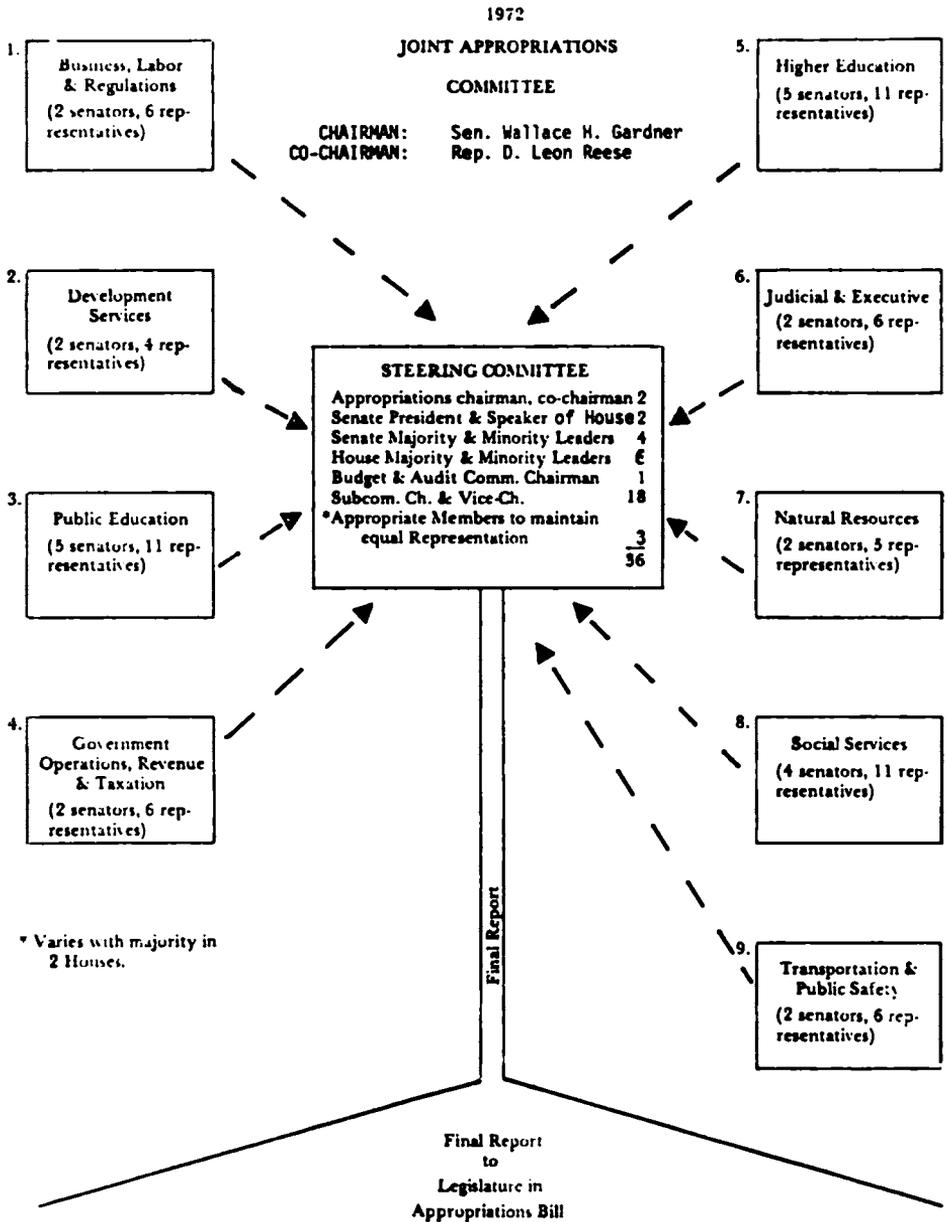
C. The attached outline indicates the names of the committees, the departments to be included in their functions and the number of Representatives and Senators to be appointed to each subcommittee.

D. It is also proposed that there be a Steering Committee consisting of the following:

| | |
|--|-----------|
| Chairman and Co-chairman of the Joint Appropriations Committee | 2 |
| Chairman of each Joint Appropriations subcommittee | 9 |
| Vice-chairman of each Joint Appropriations subcommittee | 9 |
| Leadership of the House of Representatives | 7 |
| Leadership of the Senate | 5 |
| Chairman and Vice-chairman of Budget - Audit Committee | 2 |
| Plus 2 senators - one Republican and one Democrat | 2 |
| | 36 |

Democrats (18) Republicans (18)

- E. As the subcommittees meet they are to keep in constant communication with the Chairman and Co-chairman of the Joint Appropriations Committee.
- F. After the subcommittees have completed their conclusion and recommendations they will submit them to the Chairman and Co-chairman of the Joint Appropriations Committee for appraisal.
- G. "The Joint Subcommittees' recommendations and actions will take into consideration and recognize the numerical differences between the two houses and for this reason before final approval of the Subcommittees' recommendations at least 50 percent of the members of the committee from each House, who are present, must vote in favor of the recommendation."
- H. The Chairman and Co-chairman of the Joint Appropriations Committee will then make their recommendations to the Steering Committee.
- I. Each Committee should review the budget pertaining to their committee and give Staff member opportunity to submit the information they have compiled before holding hearings or reviewing with departments.
- J. Supplemental Appropriations Bill will be submitted to each committee. The items pertaining to specific committee should be acted upon first and given to Chairman or Co-Chairman of Appropriations Committee to be checked and presented to Steering Committee for approval. It is important supplemental bill be handled the first week to enable Appropriations committee to arrive at income figure.
- K. Book on Budget for each member distributed in committees. Complete in 10 days.



* Varies with majority in 2 Houses.

1972
 JOINT APPROPRIATIONS COMMITTEE
 SUBCOMMITTEE ASSIGNMENTS

| Subcommittee | Room | Members |
|--------------------------------------|--------------------|------------------------------------|
| 1. BUSINESS & REGULATIONS | 311 | |
| Apprenticeship Council | | Sen. Miles Ferry, Chairman |
| Business Regulation | | Sen. Carl Pettersson |
| Financial Institutions | | Rep. Dallas Buckway, Vice-Chair'n |
| Industrial Commission | | Rep. John Cooper |
| Insurance Department | | Rep. George Gygi |
| Liquor Control Commission | | Rep. John Redd |
| | | Rep. Charles Bullen |
| | | Rep. Robert M. Arbuckle |
| | | Douglas P. Kettle—Staff Member |
| | | |
| 2. DEVELOPMENT SERVICES | Law Library | |
| Dept. of Development Services | | Sen. Ralph Preece, Chairman |
| Div. of Aeronautics | | Sen. Richard Evans |
| Expositions | | Rep. David Harvey, Vice-Chairman |
| Div. of Fine Arts | | Rep. LaMar Vincent |
| Industrial Promotion | | Rep. Glade Sowards |
| State History | | Rep. Kenneth Silliman |
| Travel Council | | Keith M. Steiner—Staff Member |
| | | |
| 3. EDUCATION | 313 | |
| Board of Education | | Sen. Warren E. Pugh, Chairman |
| Schools for the Deaf & Blind | | Sen. Wilmer Barnett |
| Rehabilitation | | Sen. Moroni Jensen |
| Services for Visually Handicapped | | Sen. Omar Bunnell |
| Area Vocational Centers | | Sen. LaMar Buckner |
| Utah Symphony | | Rep. Kenneth Gardner, Vice-Chair'n |
| | | Rep. Stanley Leavitt |
| | | Rep. Dewain Washburn |
| | | Rep. Gerald Woodmansee |
| | | Rep. John Garr |
| | | Rep. Robert Bowen |
| | | Rep. Georgia Peterson |
| | | Rep. M. Byron Fisher |
| | | Rep. Sidney Atkin |
| | | Rep. H. Verlan Andersen |
| | | Rep. Franklyn Matheson |
| | | Heber Fuller—Staff Member |

| Subcommittee | Room | Members |
|------------------------------------|------------|------------------------------------|
| 4. GOVERNMENT OPERATIONS | 309 | |
| Building Board | | Sen. Douglas Bischoff, Chairman |
| Finance Department | | Sen. Rod O. Julander |
| Fire Marshal | | Rep. Brian Florence, Vice-Chair'n |
| Library Commission | | Rep. Beverly White |
| Retirement Board | | Rep. Lee Hanson |
| State Planning | | Rep. A. Alton Hoffman |
| Systems Planning & Computing | | Rep. Quentin Cannon |
| Tax Commission | | Rep. Howard Nielson |
| Board of Bonding Commissioners | | Thomas Rothey—Staff Member |
| 5. HIGHER EDUCATION | 303 | |
| State Board of Higher Education | | Sen. Reed Bullen, Chairman |
| Dixie College | | Sen. W. Hughes Brockbank |
| Eastern Utah | | Sen. Merrill Jenkins |
| Snow College | | Sen. Dixie Leavitt |
| Southern Utah State College | | Sen. Ernest Dean |
| University of Utah | | Rep. Mike Dmitrich, Vice-Chairman |
| Utah State University | | Rep. Milly Oberhansley |
| Technical College—Provo | | Rep. Peter D. Grundfossen |
| Technical College—SLC | | Rep. L. Glen Cottle |
| Weber State College | | Rep. Rebecca Nalder |
| | | Rep. Charles E. Bennett |
| | | Rep. Stanford P. Darger |
| | | Rep. Vance W. Aagard |
| | | Rep. Ronald T. Halverson |
| | | Rep. Danniell S. Dennis |
| | | Rep. Homer F. Wilkinson |
| | | Heber Hunt—Staff Member |
| 6. JUDICIAL & EXECUTIVE | 331 | |
| Attorney General | | Sen. Allan E. Mecham, Chairman |
| Auditor | | Sen. Edward Beck |
| District Court | | Rep. Marvin F. Warren, Vice-Chair. |
| Governor | | Rep. C. DeMont Judd, Jr. |
| Juvenile Court | | Rep. Ronald L. Rencher |
| Secretary of State | | Rep. Ennis R. Starr |
| Special Claims | | Rep. Ted M. Davis |
| Supreme Court | | Rep. Robert L. Backman |
| Treasurer | | Howard V. Weight—Staff Member |

| Subcommittee | Room | Members |
|--|------------|------------------------------------|
| 7. NATURAL RESOURCES | 307 | |
| Dept. of Natural Resources | | Sen. Robert Clyde, Chairman |
| Water Rights | | Sen. Thorpe Waddingham |
| Water Resources | | Rep. Del L. Buckner, Vice-Chairman |
| Water Resources Const. Fund | | Rep. Hyrum L. Lee |
| Wildlife Resources | | Rep. F. Mort Bagley |
| Oil and Gas Conservation | | Rep. C. Alfred Frost |
| Parks and Recreation | | Rep. Edison J. Stephens |
| State Lands | | |
| Section of Forestry & Fire Control | | Ronald E. Casper—Staff Member |
| Agriculture | | |
| 8. SOCIAL SERVICES | 327 | |
| Dept. of Social Services | | Sen. Ezra T. Clark, Chairman |
| Corrections Division | | Sen. Dean Christensen |
| Adult Probation & Parole | | Sen. Karl Swan |
| Board of Pardons | | Sen. James Macfurlane |
| Prison | | Rep. John Smith, Vice-Chairman |
| Health Division | | Rep. Nathaniel D. Clark |
| Indian Affairs Division | | Rep. Nellie Jack |
| Mental Health Division | | Rep. Beatrice Marchant |
| State Hospital | | Rep. Samuel Taylor |
| Division of Family Services | | Rep. Vervene Carlisle |
| Detention of Children | | Rep. J. Harold Mitchell |
| Industrial School | | Rep. T. William Cockayne |
| Training School | | Rep. C. Elmo Turner |
| Division of Aging | | Rep. Willis L. Hansen |
| Division of Drugs | | Rep. W. Edward Kerr |
| Alcoholism | | |
| | | Marion S. Wittwer—Staff Member |
| 9. TRANSPORTATION & PUBLIC SAFETY | 305 | |
| Department of Highways | | Sen. Kendrick Harward, Chairman |
| Public Safety | | Sen. Grant Whitman |
| National Guard | | Rep. Homer U. Petersen, Vice-Ch. |
| Council of Defense | | Rep. Harold T. Newman |
| | | Rep. Isaac B. Humphrey |
| | | Rep. Stanford S. Smith |
| | | Rep. Charles B. Leatham |
| | | Rep. J. Dean Hill |
| | | Robert Fox—Staff Member |

1972
JOINT APPROPRIATIONS COMMITTEE
STEERING COMMITTEE

SENATE:

Senator Wallace H. Gardner, Chairman
President Haven J. Barlow
Senator Edward T. Beck
Senator Douglas Bischoff
Senator W. Hughes Brockbank
Senator E. LaMar Buckner
Senator Reed Bullen
Senator Omar B. Bunnell
Senator Ezra T. Clark
Senator Robert F. Clyde
Senator Ernest H. Dean
Senator Miles "Cap" Ferry
Senator Kendrick Harward
Senator Merrill Jenkins
Senator Dixie Leavitt
Senator Allan E. Mecham
Senator Ralph A. Preece
Senator Warren E. Pugh

REPRESENTATIVES:

Representative D. Leon Reese, Co-Chairman
Speaker Richard C. Howe
Representative Robert Bowen
Representative Del L. Buckner
Representative Dallas H. Buckway
Representative Mike Dmitrich
Representative Brian Florence
Representative Kenneth W. Gardner
Representative David C. Harvey
Representative C. DeMont Judd, Jr.
Representative Howard C. Nielson
Representative Milly Oberhansley

- Representative Lorin N. Pace
- Representative Homer U. Peterson
- Representative John E. Smith
- Representative Glade M. Sowards
- Representative Marvin F. Warren
- Representative Homer F. Wilkinson

Senator Gardner moved that all proposed goals of the various subcommittees be reported no later than the 21st day of January 1972.

Motion carried.

Senator Gardner indicated that it was the tentative planned procedure that all appropriations subcommittees go into action at 9:00 a.m. during this week.

On motion of Senator Buckner the Senate resolved itself into a Committee of the Whole.

Mr. Jeff M. Bingham, former intern and now presently Director of the intern program for the Hinckley Institute of Politics at the University of Utah then introduced all the legislative interns that would be serving during the 1972 Budget Session.

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

REPORT OF RULES COMMITTEE

January 10, 1972

Mr. President:

Your Rules Committee, to which was referred

S. B. No. 1 (State Board of Education Reapportionment)

- S. B. No. 2 (Systems Planning and Computing)
- S. J. R. No. 1 (Legislative Article Revision)
- S. J. R. No. 2 (Lake Powell Resolution)
- S. J. R. No. 3 (State Support to Local Government Units)

reports the same to be declared non-budgetary and that a Senate Enabling Resolution (S. E. R.) be prepared and introduced for further consideration by both bodies, and that the bill be held in the Rules Committee until that action is taken.

Respectfully,

E. LA MAR BUCKNER,
Chairman

Committee report read and adopted.

On motion of Senator Leavitt, the Senate adjourned until Tuesday, January 11, 1972 at 2:00 p.m.

SECOND DAY

AFTERNOON SESSION

January 11, 1972

The Senate was called to order at 2:00 p.m. President Barlow in the chair.

Roll Call – All Senators present.

Prayer by Senator Douglas G. Bischoff.

January 11, 1972

Mr. President:

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

Respectfully,

WILMER L. BARNETT,
Chairman

Report adopted and filed.

REPORTS OF STANDING COMMITTEES

REPORT OF RULES COMMITTEE

January 11, 1972

Mr. President:

Your Rules Committee, to which was referred

S. B. No. 3 (Bonds of Institutions of Higher Learning)

S. B. No. 4 (Amendments to Uniform Municipal Fiscal Procedures Act)

reports the same to be declared non-budgetary and that a Senate Enabling Resolution (S.E.R.) be prepared and introduced for further consideration by both bodies, and that the bill be held in the Rules Committee until that action is taken.

Respectfully,

E. LA MAR BUCKNER,
Chairman

Committee report read and adopted.

INTRODUCTION OF BILLS

(UTAH INDIVIDUAL INCOME TAX ACT OF 1972)

S. B. No. 5 By Messrs. Harward and Jensen

AN ACT RELATING TO TAXATION OF INCOME; PROVIDING FOR THE IMPOSITION OF AN INCOME TAX ON EACH RESIDENT INDIVIDUAL, ESTATE, OR TRUST, MEASURED BY FEDERAL TAXABLE INCOME, AND THE IMPOSITION OF AN INCOME TAX ON EACH NONRESIDENT INDIVIDUAL, ESTATE, OR TRUST, MEASURED BY FEDERAL TAXABLE INCOME ALLOCABLE TO UTAH; ADOPTING BY REFERENCE PROVISIONS OF THE FEDERAL INCOME TAX LAWS APPLICABLE IN ARRIVING AT INCOME SUBJECT TO TAX; PROVIDING FOR INCOME TAX WITHHOLDING, FOR ADMINISTRATIVE PROCEDURES, PENALTIES, AND SANCTIONS; ELIMINATING THE EXEMPTION OF CERTAIN PUBLIC EMPLOYEES' RETIREMENT BENEFITS, RETIREMENT BENEFITS UNDER THE UTAH STATE RETIREMENT ACT, AND SCHOOL EMPLOYEES' RETIREMENT BENEFITS

(BONDS OF INSTITUTIONS OF HIGHER LEARNING RESOLUTION)

S. E. R. No. 3

By Messrs. Pugh and Dean

AN ENABLING RESOLUTION OF THE BUDGET SESSION OF THE 39TH LEGISLATURE OF THE STATE OF UTAH, PERMITTING INTRODUCTION AND CONSIDERATION OF A BILL ENTITLED "BONDS OF INSTITUTIONS OF HIGHER LEARNING", was read the first time.

On motion of Senator Buckner, the rules were suspended and the Senate voted to place S.E.R. 3 on the Second Reading Calendar.

(AMENDMENTS TO UNIFORM MUNICIPAL FISCAL PROCEDURES ACT RESOLUTION)

S. E. R. No. 4

By Messrs. Brockbank and Pugh

AN ENABLING RESOLUTION OF THE BUDGET SESSION OF THE 39TH LEGISLATURE OF THE STATE OF UTAH, PERMITTING INTRODUCTION AND CONSIDERATION OF A BILL ENTITLED "AMENDMENTS TO UNIFORM MUNICIPAL FISCAL PROCEDURES ACT", was read the first time.

On motion of Senator Buckner, the rules were suspended and the Senate voted to now place S.E.R. No. 4 on the Second Reading Calendar.

(LEGISLATIVE ARTICLE REVISION RESOLUTION)

S. J. R. - S. E. R. No. 1

By Messrs, Barlow, Clyde and Jenkins

AN ENABLING RESOLUTION OF THE BUDGET SESSION OF THE 39TH LEGISLATURE OF THE STATE OF UTAH, PERMITTING INTRODUCTION AND CONSIDERATION OF A RESOLUTION ENTITLED "LEGISLATIVE ARTICLE REVISION", was read the first time.

On motion of Senator Buckner, the rules were suspended and the Senate voted to now place S.J.R.-S.E.R. 1 on the Second Reading Calendar.

(LAKE POWELL RESOLUTION)

S. J. R. - S. E. R. No. 2

By Mr. Ferry

AN ENABLING RESOLUTION OF THE BUDGET SESSION OF THE 39TH LEGISLATURE OF THE STATE OF UTAH, PERMITTING INTRODUCTION AND CONSIDERATION OF A RESOLUTION ENTITLED "LAKE POWELL RESOLUTION", was read the first time.

On motion of Senator Buckner, the rules were suspended and the Senate voted to now place S.J.R.-S.E.R. 2 on the Second Reading Calendar.

(STATE SUPPORT TO LOCAL GOVERNMENT UNITS RESOLUTIONS)

S. J. R. - S. E. R. No. 3

By Mr. Leavitt

AN ENABLING RESOLUTION OF THE BUDGET SESSION OF THE 39TH LEGISLATURE OF THE STATE OF UTAH, PERMITTING INTRODUCTION AND CONSIDERATION OF A RESOLUTION ENTITLED "STATE SUPPORT TO LOCAL GOVERNMENT UNITS", was read the first time.

On motion of Senator Leavitt, the rules were suspended and the Senate voted to now place S.J.R.-S.E.R. 3 on the Second Reading Calendar.

On motion of Senator Leavitt the Senate resolved itself into a Committee of the Whole.

Mr. Milton Weilemann, Development Services Director, appeared before the Committee of the Whole.

Mr. Raymond L. Hixson, Executive Secretary Spaceport Committee, appeared before the Committee of the Whole.

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

CONSIDERATION OF BILLS ON SECOND READING

S.E.R. No. 1 (STATE BOARD OF EDUCATION REAPPORTIONMENT) was read the second time.

On motion of Senator Buckner the rules were suspended and S.E.R. No. 1 was read the third time and placed on its final passage.

S.E.R. No. 1 then passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bunnell, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Pugh, Swan, Waddingham and Mr. President.

Voting in the negative was: Senator Whitman.

Absent and not voting were: Senators Bullen and Christensen.

S.E.R. No. 1 was transmitted to the House.

S.E.R. No. 2 (SYSTEMS PLANNING AND COMPUTING RESOLUTION) was read the second time.

On motion of Senator Buckner the rules were suspended and S.E.R. No. 2 was read the third time and placed on its final passage.

S.E.R. No. 2 failed to pass on the following roll call:

Yeas, 7; Nays 19; Absent, 2.

Voting in the affirmative were: Senators Buckner, Bunnell, Evans, Harward, Leavitt, Swan and Mr. President.

Voting in the negative were: Senators Barnett, Beck, Bischoff, Brockbank, Christensen, Clark, Clyde, Dean, Ferry, Gardner, Jenkins, Jensen, Julander, Macfarlane, Petterson, Preece, Pugh, Waddingham and Whitman.

Absent and not voting were: Senators Bullen and Mecham.

S.E.R. No. 2 filed.

On motion of Senator Pugh, the Senate adjourned until Wednesday, January 12, 1972 at 2:00 p.m.

THIRD DAY

AFTERNOON SESSION

January 12, 1972

The Senate was called to order at 2:00 p.m. President Barlow in the chair.

Roll Call — All Senators present.

Prayer by Senator Moroni L. Jensen.

January 12, 1972

Mr. President:

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

Respectfully,

WILMER L. BARNETT,
Chairman

Report adopted and filed.

COMMUNICATIONS FROM THE HOUSE

January 11, 1972

Mr. President:

I am directed to inform your Honorable Body that the House did on the 11th day of January, 1972 declare the following bills to be non-budgetary and non-fiscal, and that joint resolutions will have to be adopted by 2/3 vote of both Houses before the same may be considered:

H.B. 1—Tax Exemption for Low Income Persons

H.B. 2—Tax Exempt Property Sales

H.B. 3—Exempt Property Listing

H.B. 4—Nonresident Hunting Fees

H.B. 5—Freedom to Buy and Sell Act

H.B. 6—Anti-Compulsory Charity Law

H.B. 7—Local Option Sales Tax-Public Transit Allocation

Respectfully,

J. LAMBERT GIBSON,
Chief Clerk

Communication filed.

REPORT OF RULES COMMITTEE

January 12, 1972

Mr. President:

Your Rules Committee, to which was referred S.B. No. 5 (Individual Income Tax Act of 1972) reports the same back favorably as a budgetary item and recommends the same be printed and under suspension of the rules be referred directly to the Second Reading Calendar.

Respectfully,

E. LAMAR BUCKNER,
Chairman

Committee report read and adopted.

CONSIDERATION OF BILLS ON SECOND READING

S.E.R. No. 3 (BONDS OF INSTITUTIONS OF HIGHER LEARNING) was read the second time.

On motion of Senator Swan the rules were suspended and S.E.R. No. 3 was read the third time and placed on its final passage.

On motion of Senator Leavitt, the Senate adjourned until Thursday, January 13, 1972 at 2:00 p.m.

FOURTH DAY

AFTERNOON SESSION

January 13, 1972

The Senate was called to order at 2:00 p.m. President Barlow in the chair.

Roll Call – All Senators present except Senator Brockbank, excused.

Prayer by Senator Robert F. Clyde.

January 13, 1972

Mr. President:

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

Respectfully,

WILMER L. BARNETT, Chairman

Report adopted and filed.

COMMUNICATIONS FROM THE GOVERNOR

January 11, 1972

President of the Senate
Speaker of the House
Members of the 39th Legislature
of the State of Utah

Ladies and Gentlemen:

I am transmitting herewith with the request that it be considered as a non-budgetary item by the current Budget Session of the Legislature, a bill providing for a special death benefit of \$25,000 to be paid to widows and minor children of policemen, firemen, and other public safety officers who meet violent death under certain circumstances in the line of duty.

The requisite number of bills have been prepared and delivered for possible introduction into the House. Your attention to this matter will be greatly appreciated.

Sincerely,

CALVIN L. RAMPTON,
Governor

Communication filed.

January 11, 1972

Honorable Haven J. Barlow
President, Utah State Senate
State Capitol
Salt Lake City, Utah

Dear President Barlow:

Since the Senate last met in Extraordinary Session, and in accordance with Section 67-1-2, Utah Code Annotated, 1953, I have made the following appointments which I submit to you for your approval.

1. Winn L. Richards, M.D., Ogden, Utah, Appointed November 19, 1971 to the Board of Health, for a term expiring March 15, 1973.
2. Bettina Black, Salt Lake City, Utah, appointed September 10, 1971 to the College of Eastern Utah Institutional Council, for a term expiring June 30, 1973.
3. Thomas S. Monson, Salt Lake City, Utah, appointed November 19, 1971, to the State Board of Higher Education, for a term expiring June 30, 1975.

4. Paul Steven Penrod, Provo, Utah, appointed December 23, 1971 to the Committee on Water Pollution, for a term expiring March 1, 1975.
5. Daniel L. Martino, Ogden, Utah, appointed December 23, 1971, to the Board of Fine Arts, for a term expiring July 1, 1973.
6. Keith L. Winegar, Bountiful, Utah, appointed September 7, 1971 to the Advisory Council for the Schools for the Deaf and Blind, for a term expiring March 1, 1972.

Respectfully submitted,

CALVIN L. RAMPTON,
Governor

Communication referred to the Special Committee on appointments.

COMMUNICATION FROM THE HOUSE

January 12, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, under suspension of the rules H.E.R.-H.J.R. No. 1, by Messrs. Dmitrich, Warren and Sowards, COMMENDATION OF THE UTAH STARS, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

HER-HJR No. 1 was read for the first time.

On motion of Senator Leavitt the rules were suspended and HER-HJR No. 1 was read the second and third times and placed on its final passage.

HER-HJR No. 1 then passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Ferry, Gardner, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pugh, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting were: Senators Brockbank, Evans, Harward, Pettersson and Preece.

HER-HJR No. 1 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

INTRODUCTION OF BILLS

(GROSS LADEN WEIGHT OF VEHICLES)

S. B. No. 6

By Messrs. Bunnell and Julander

AN ACT AMENDING SECTION 41-1-1, UTAH CODE ANNOTATED 1953, AS AMENDED BY CHAPTER 66, LAWS OF UTAH 1955, AS AMENDED BY CHAPTER 66, LAWS OF UTAH 1963, AS AMENDED BY CHAPTER 76, LAWS OF UTAH 1965, AND AS AMENDED BY CHAPTER 105, LAWS OF UTAH 1971; RELATING TO GROSS LADEN WEIGHT OF VEHICLES; PROVIDING THAT THE MAXIMUM, RATHER THAN MINIMUM, LOAD TO BE CARRIED ON VEHICLES SHALL BE ADDED TO THE WEIGHT OF THE VEHICLE IN DETERMINING GROSS LADEN WEIGHT, was read the first time and referred to the Committee on Rules.

PRESENTATION OF RESOLUTIONS

(CONTROL AND SUPERVISION OF SCHOOLS)

S.J.R. No. 4

By Messrs. Clyde, Bunnell and Mecham

A JOINT RESOLUTION PROPOSING TO AMEND ARTICLE X, SECTION 8 OF THE CONSTITUTION OF THE STATE OF UTAH, RELATING TO THE CONTROL AND SUPERVISION OF THE PUBLIC SCHOOL SYSTEM; DEFINING THAT PORTION OF THE PUBLIC SCHOOL SYSTEM UNDER THE SUPERVISION AND CONTROL OF THE STATE BOARD OF EDUCATION; AND PROVIDING THAT ALL OTHER SCHOOLS SHALL BE CONTROLLED AND SUPERVISED AS PROVIDED BY LAW, was read the first time and referred to the Committee on Rules.

(SCHOOL DISTRICTS AS SUBDIVISIONS)

S.J.R. No. 5

By Messrs. Barnett and Jensen

A JOINT RESOLUTION PROPOSING TO AMEND ARTICLE XI, SECTION 1 OF THE CONSTITUTION OF THE STATE OF UTAH; RELATING TO SCHOOL DISTRICTS; AND REMOVING SCHOOL DISTRICTS FROM BEING CONSTITUTIONAL SUBDIVISIONS OF COUNTIES, was read the first time and referred to the Committee on Rules.

UNFINISHED BUSINESS

S.E.R. No. 3 (BONDS OF INSTITUTIONS OF HIGHER LEARNING) being Unfinished Business, was before the Senate.

On motion of Senator Leavitt, S.E.R. No. 3 retained its position on the Third Reading Calendar.

CONSIDERATION OF BILLS ON SECOND READING

S.E.R. No. 4 (AMENDMENTS TO UNIFORM MUNICIPAL FISCAL PROCEDURES ACT RESOLUTION) was read the second time.

On motion of Senator Gardner, S.E.R. No. 4 retained its position on the Second Reading Calendar.

SJR-SER No. 1 (LEGISLATIVE ARTICLE REVISION) was read the second time.

On motion of Senator Buckner the rules were suspended and SJR-SER No. 1 was read the third time and placed on its final passage.

SJR-SER No. 1 then passed on the following roll-call:

Yeas, 26; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Buckner, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward,

Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Petterson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting were: Senators Brockbank and Bullen.

SJR-SER No. 1 was transmitted to the House.

On motion of Senator Bischoff, S.E.R. No. 4 having retained its position on the Second Reading Calendar, was before the Senate.

On motion of Senator Bischoff the rules were suspended and S.E.R. No. 4 was read the third time and placed on its final passage.

S.E.R. No. 4 then passed on the following roll call:

Yeas, 19; Nays, 8; Absent, 1.

Voting in the affirmative were: Senators Barnett, Bischoff, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Harward, Julander, Leavitt, Mecham, Pugh, Swan, Waddingham and Mr. President.

Voting in the negative were: Senators Beck, Gardner, Jenkins, Jensen, Macfarlane, Petterson, Preece and Whitman.

Absent and not voting was: Senator Brockbank.

S.E.R. No. 4 was transmitted to the House.

SJR-SER No. 2 (LAKE POWELL RESOLUTION) was read the second time.

On motion of Senator Ferry, SJR-SER No. 2 was tabled.

SJR-SER No. 3 (STATE SUPPORT TO LOCAL GOVERNMENT UNITS RESOLUTION) was read the second time.

Senator Leavitt, with the aid of five Senators, requested a Call of the Senate.

On motion of Senator Leavitt, the Call of the Senate was lifted.

On motion of Senator Buckner the rules were suspended and SJR-SER No. 3 was read the third time and placed on its final passage.

SJR-SER No. 3 then passed on the following roll call:

Yeas, 21; Nays, 4; Absent, 3.

Voting in the affirmative were: Senators Bischoff, Buckner, Bullen, Bunnell, Christensen, Clark, Dean, Ferry, Gardner, Harward, Jensen, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

Voting in the negative were: Senators Barnett, Evans, Jenkins and Julander.

Absent and not voting were: Senators Beck, Brockbank and Clyde.

SJR-SER No. 3 was transmitted to the House.

On motion of Senator Leavitt the Senate sauntered for 10 minutes.

REPORT OF RULES COMMITTEE

January 13, 1972

Mr. President:

Your Rules Committee, to which was referred S. B. No. 6 (GROSS LADEN WEIGHT OF VEHICLES) reports the same back favorably as a budgetary item and recommends the same be printed and under suspension of the rules be referred directly to the top of the Second Reading Calendar.

Respectfully,

E. LAMAR BUCKNER, Chairman

Committee report read and adopted.

January 13, 1972

Mr. President:

Your Rules Committee, to which was referred

S. J. R. No. 4 (CONTROL AND SUPERVISION OF SCHOOLS)

S. J. R. No. 5 (SCHOOL DISTRICTS AS SUBDIVISIONS)

reports the same to be declared non-budgetary and that a Senate Enabling Resolution (S. E. R.) be introduced for further consideration by both bodies, and that the bill be held in the Rules Committee until that action is taken.

Respectfully,

E. LAMAR BUCKNER, Chairman

Committee report read and adopted.

On motion of Senator Leavitt, the Senate adjourned until Friday, January 14, 1972 at 2:00 p.m.

FIFTH DAY

AFTERNOON SESSION

January 14, 1972

The Senate was called to order at 2:00 p.m. President Barlow in the chair.

Roll Call – All Senators present.

Prayer by Senator M. James Macfarlane.

January 14, 1972

Mr. President:

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

Respectfully,

WILMER L. BARNETT, Chairman

Report adopted and filed.

COMMUNICATION FROM THE GOVERNOR

January 14, 1972

Honorable Haven J. Barlow
President of the Senate
and
Members of the Utah State Senate

Gentlemen:

In accordance with Section 67-1-1, Utah Code Annotated 1953, I propose to make the following appointments which I submit to you for your approval:

1. Paul S. Rose, Salt Lake City, Utah, appointed as Executive Director of the Department of Social Services, to serve at the pleasure of the Governor. Said term beginning February 1, 1972. 63-35-5, UCA 1953.
2. Frank S. Warner, Ogden, Utah, appointed as a member of the Public Service Commission, for a term expiring March 1, 1977, and to take effect March 1, 1972. 54-1-1.5, UCA 1953.

Respectfully submitted,

CALVIN L. RAMPTON,
Governor

Communication referred to the Special Committee on Appointments.

COMMUNICATIONS FROM THE HOUSE

January 13, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day

passed H.E.R. No. 2, by Mr. John E. Smith, TAX EXEMPT PROPERTY SALES RESOLUTION, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H.E.R. No. 2 was read the first time and referred to the Committee on Rules.

PRESENTATION OF RESOLUTIONS

(CONTROL AND SUPERVISION OF SCHOOLS RESOLUTION)

SJR-SER No. 4

By Messrs. Clyde, Bunnell and Mecham

AN ENABLING RESOLUTION OF THE BUDGET SESSION OF THE 39TH LEGISLATURE OF THE STATE OF UTAH, PERMITTING INTRODUCTION AND CONSIDERATION OF A RESOLUTION ENTITLED "CONTROL AND SUPERVISION OF SCHOOLS", was read the first time.

On motion of Senator Buckner, the rules were suspended and the Senate voted to place SJR-SER No. 4 on the Second Reading Calendar.

(SCHOOL DISTRICTS AS SUBDIVISIONS RESOLUTION)

SJR-SER No. 5

By Messrs. Barnett and Jensen

AN ENABLING RESOLUTION OF THE BUDGET SESSION OF THE 39TH LEGISLATURE OF THE STATE OF UTAH, PERMITTING INTRODUCTION AND CONSIDERATION OF A RESOLUTION ENTITLED "SCHOOL DISTRICTS AS SUBDIVISIONS", was read the first time.

On motion of Senator Buckner, the rules were suspended and the Senate voted to place SJR-SER No. 5 on the Second Reading Calendar.

CONSIDERATION OF BILLS ON SECOND READING

S.B. No. 6 (GROSS LADEN WEIGHT OF VEHICLES) was read the second time.

On motion of Senator Bunnell the rules were suspended and S. B. No. 6 was read the third time and placed on its final passage.

S. B. No. 6 then passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting were: Senators Preece and Pugh.

S. B. No. 6 was transmitted to the House.

S. B. No. 5 (UTAH INDIVIDUAL INCOME TAX ACT OF 1972) was read the second time.

On motion of Senator Harward, S. B. No. 5 retained its position on the Second Reading Calendar.

On motion of Senator Buckner, the rules were suspended and SJR-SER No. 4 (CONTROL AND SUPERVISION OF SCHOOLS) was read the second time.

On motion of Senator Barnett the rules were suspended and SJR-SER No. 4 was read the third time and placed on its final passage.

SJR-SER No. 4 then passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting were: Senators Preece and Pugh.

SJR-SER No. 4 was transmitted to the House.

On motion of Senator Buckner the rules were suspended and SJR-SER No. 5 (SCHOOL DISTRICTS AS SUBDIVISIONS) was read the second time.

SJR-SER No. 5 was placed on the Third Reading Calendar on the following roll call:

Yeas, 19; Nays, 7; Absent, 2.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Evans, Gardner, Harward, Jenkins, Jensen, Julander, Macfarlane, Mecham, Petterson and Swan.

Voting in the negative were: Senators Clyde, Dean, Ferry, Leavitt, Waddingham, Whitman and Mr. President.

Absent and not voting were: Senators Preece and Pugh.

On motion of Senator Buckner, the Senate adjourned until Monday, January 17, 1972 at 2:00 p.m.

EIGHTH DAY

AFTERNOON SESSION

January 17, 1972

The Senate was called to order at 2:00 p.m. President Barlow in the chair.

Roll call – All Senators present.

Prayer by Senator Carl E. Pettersson.

January 17, 1972

Mr. President:

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

Respectfully,

WILMER L. BARNETT, Chairman

Report adopted and filed.

COMMUNICATIONS FROM THE HOUSE

January 14, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, under suspension of the rules H.J.R. No. 1, by Mr. Dimitrich, et al., **COMMENDATION OF THE UTAH STARS**, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

H.J.R. No. 1 was read for the first time.

On motion of Senator Buckner the rules were suspended and H.J.R. No. 1 was read the second and third times and placed on its final passage.

H.J.R. No. 1 then passed on the following roll call:

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

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

H.J.R. No. 1 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

January 14, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, under suspension of the rules, S.E.R. No. 1, by Mr. Brockbank, et al., STATE BOARD OF EDUCATION REAPPORTIONMENT RESOLUTION, which has been signed by the Speaker in open session, in the presence of the House, and the same is transmitted herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S.E.R. No. 1 was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Secretary of State.

January 14, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, under suspension of the rules H.E.R.-H.J.R. No. 2, by Mr. Woodmansee, RESOLUTION AUTHORIZING INTRODUCTION OF REPEAL OF MINIMUM VOTING AGE AMENDMENT RESOLUTION, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H.E.R.-H.J.R. No. 2 was read the first time and referred to the Committee on Rules.

REPORT OF RULES COMMITTEE

January 17, 1972

Mr. President:

Your Rules Committee, to which was referred

S. B. No. 1 (STATE BOARD OF EDUCATION REAPPORTIONMENT) reports the same back favorably and recommends the same be printed and under the suspension of the rules be placed on the Second Reading Calendar.

H.E.R.-H.J.R. No. 2 (RESOLUTION AUTHORIZING INTRODUCTION OF REPEAL OF MINIMUM VOTING AGE AMENDMENT) reports the same back favorably and recommends under the suspension of the rules be placed on the Second Reading Calendar.

Respectfully,

E. LAMAR BUCKNER, Chairman

Committee report read and adopted.

INTRODUCTION OF BILLS

(ADMINISTRATIVE RULEMAKING)

S. B. No. 7

By Messrs. Leavitt and Bunnell

AN ACT ENACTING SECTIONS 63-1-1 THROUGH 63-1-10, UTAH CODE ANNOTATED 1953; RELATING TO PROCEDURES FOR RULEMAKING AND DISCLOSURE OF RULES BY ADMINISTRATIVE AGENCIES AND OFFICERS OF THE STATE OF UTAH; REQUIRING DISCLOSURE OF AGENCY ORGANIZATION, PROCEDURES, RULES AND DECISIONS; REQUIRING AGENCY RULEMAKING IN SPECIFIED INSTANCES; ESTABLISHING PROCEDURES FOR ADOPTION AND EFFECTIVENESS OF AGENCY RULES; PROVIDING FOR DECLARATORY JUDGMENTS TO DETERMINE THE VALIDITY OF AGENCY RULES; AND REPEALING INCONSISTENT PROVISIONS, was read the first time and referred to the Committee on Rules.

CONSIDERATION OF BILLS ON THIRD READING

On motion of Senator Pugh, S.E.R. No. 3 having retained its position on the Third Reading Calendar, was before the Senate.

S.E.R. No. 3 then passed on the following roll call:

Yeas, 22; Nays, 6; Absent, 0.

Voting in the affirmative were: Senators Barnett, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Ferry, Gardner,

Harward, Jenkins, Julander, Leavitt, Macfarlane, Mecham, Preece, Pugh, Waddingham and Mr. President.

Voting in the negative were: Senators Beck, Evans, Jensen, Petterson, Swan and Whitman.

S.E.R. No. 3 was transmitted to the House.

On motion of Senator Barnett, S.J.R.-S.E.R. No. 5 retained its position on the Third Reading Calendar.

CONSIDERATION OF BILLS ON SECOND READING

On motion of Senator Leavitt, the rules were suspended and the Senate voted to now consider H.J.R.-H.E.R. No. 2.

H.J.R.-H.E.R. No. 2 (RESOLUTION AUTHORIZING INTRODUCTION OF REPEAL OF MINIMUM VOTING AGE AMENDMENT) was read the second time.

On motion of Senator Leavitt the rules were suspended and H.J.R.-H.E.R. No. 2 was read the third time and placed on its final passage.

H.J.R.-H.E.R. No. 2 then passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Petterson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting was: Senator Harward.

H.E.R.-H.J.R. No. 2 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

On motion of Senator Leavitt, the rules were suspended and the Senate voted to now consider S. B. No. 1.

S. B. No. 1 (STATE BOARD OF EDUCATION REAPPORTIONMENT) was read the second time.

On motion of Senator Brockbank, S. B. No. 1 was amended as follows:

Page 2, line 33, delete "July" insert "June".

Page 3, line 5, delete "August" insert "July".

Page 3, line 28, delete "25th" insert "15th".

S. B. No. 1 was placed on the Third Reading Calendar on the following roll call:

Yeas, 27; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting was: Senator Harward.

REPORT OF RULES COMMITTEE

January 17, 1972

Mr. President:

Your Rules Committee, to which was referred

S. B. No. 7 (ADMINISTRATIVE RULEMAKING)

reports the same to be declared non-budgetary and that a Senate Enabling Resolution (S.E.R.) be introduced for further consideration by both bodies, and that the bill be held in the Rules Committee until that action is taken.

Respectfully,

E. LAMAR BUCKNER, Chairman

Committee report read and adopted.

On motion of Senator Leavitt, the Senate adjourned until Tuesday, January 18, 1972 at 2:00 p.m.

NINTH DAY

AFTERNOON SESSION

January 18, 1972

The Senate was called to order at 2:00 p.m. President Barlow in the chair.

Roll Call – All Senators present except Senator Buckner, excused.

Prayer by Senator Dean C. Christensen.

January 18, 1972

Mr. President:

Your Committee on Revision of the Journal respectfully reports that we have read the Journal for the eighth day and find it correct with minor amendments noted on the final copy.

Respectfully,

WILMER L. BARNETT, Chairman

Report adopted and filed.

COMMUNICATIONS FROM THE HOUSE

January 17, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed H.E.R. No. 1, by Mrs. Marchant, et al., TAX EXEMPTIONS FOR LOW INCOME PERSONS RESOLUTION, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H.E.R. No. 1 was read the first time and referred to the Committee on Rules.

January 17, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed H.E.R. No. 9, by Messrs. Judd and Pace, UNEMPLOYMENT COMPENSATION FOR STATE EMPLOYEES RESOLUTION, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H.E.R. No. 9 was read the first time and referred to the Committee on Rules.

INTRODUCTION OF BILLS

(PUBLIC ASSISTANCE AND MEDICAL CARE CLAIM LIMITATIONS)

S. B. No. 8

By Messrs. Gardner, Clark and Christensen

AN ACT AMENDING SECTION 55-15-24, UTAH CODE ANNOTATED 1953, AS REPEALED AND REENACTED BY CHAPTER 137, LAWS OF UTAH 1971, RELATING TO PUBLIC ASSISTANCE GRANTS; CHANGING THE TIME DURING WHICH SUPPLIERS OF PUBLIC ASSISTANCE AND MEDICAL ASSISTANCE ARE TO FILE THEIR CLAIMS; AND PROVIDING FOR THE EFFECT OF THIS LIMITATION, was read the first time and referred to the Committee on Rules.

S. B. No. 9

By Messrs. Pugh and Brockbank

AN ACT AMENDING SECTION 58-37-6, UTAH CODE ANNOTATED 1953, AS ENACTED BY CHAPTER 145, LAWS OF UTAH 1971; RELATING TO CONTROLLED SUBSTANCES; AND AUTHORIZING PHYSICIANS TO PRESCRIBE DRUGS FOR INPATIENTS AND OUTPATIENTS OF A LICENSED HOSPITAL, was read the first time and referred to the Committee on Rules.

On motion of Senator Leavitt, the rules were suspended and the Senate voted to introduce S.E.R. No. 10 at this time.

PRESENTATION OF RESOLUTION

(LEGISLATIVE REAPPORTIONMENT RESOLUTION)

S.E.R. No. 10

By Messrs. Leavitt and Bunnell

AN ENABLING RESOLUTION OF THE BUDGET SESSION OF THE 39TH LEGISLATURE OF THE STATE OF UTAH, PERMITTING INTRODUCTION AND CONSIDERATION OF A BILL OR BILLS ENTITLED "LEGISLATIVE REAPPORTIONMENT."

S.E.R. No. 10 was read the first time.

On motion of Senator Leavitt, the rules were further suspended and the Senate voted to now place S.E.R. No. 10 on the Second Reading Calendar.

S.E.R. No. 10 was read the second time.

On motion of Senator Barnett the rules were suspended and S.E.R. No. 10 was read the third time and placed on its final passage.

S.E.R. No. 10 then passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Bullen, Bunnell, Christensen, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Petterson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting were: Senators Buckner and Clark.

S.E.R. No. 10 was transmitted to the House.

(ADMINISTRATIVE RULEMAKING RESOLUTION)

S.E.R. No. 7

By Messrs. Leavitt and Bunnell

AN ENABLING RESOLUTION OF THE BUDGET SESSION OF THE 39TH LEGISLATURE OF THE STATE OF UTAH, PERMITTING INTRODUCTION AND CONSIDERATION OF A BILL ENTITLED "ADMINISTRATIVE RULEMAKING", was read the first time.

On motion of Senator Leavitt, the rules were suspended and the Senate voted to now place S.E.R. No. 7 at the head of the Second Reading Calendar.

On motion of Senator Leavitt the rules were suspended and S.E.R. No. 7 was read the second and third times and placed on its final passage.

S.E.R. No. 7 then passed on the following roll call:

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

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Bullen, Bunnell, Christensen, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jensen, Julander, Leavitt, Macfarlane, Pettersson, Preece, Pugh, Whitman and Mr. President.

Voting in the negative were: Senators Jenkins, Mecham and Waddingham.

Absent and not voting were: Senators Buckner, Clark and Swan.

S.E.R. No. 7 was transmitted to the House.

CONSIDERATION OF BILLS ON THIRD READING

S. B. No. 1 (STATE BOARD OF EDUCATION REAPPORTIONMENT) was read the third time and placed on its final passage.

S. B. No. 1 then passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Bunnell, Christensen, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Swan, Waddingham and Mr. President.

Absent and not voting were: Senators Buckner, Bullen, Clark, Pugh and Whitman.

S. B. No. 1 was transmitted to the House.

On motion of Senator Leavitt, the Senate adjourned until Wednesday, January 19, 1972 at 2:00 p.m.

TENTH DAY

AFTERNOON SESSION

January 19, 1972

The Senate was called to order at 2:00 p.m. President Barlow in the chair.

Roll Call – All Senators present.

Prayer by Senator Warren E. Pugh.

January 19, 1972

Mr. President:

Your Committee on Revision of the Journal respectfully reports that we have read the Journal for the ninth day and find it correct with minor amendments noted on the final copy.

Respectfully,

WILMER L. BARNETT, Chairman

Report adopted and filed.

COMMUNICATIONS FROM THE HOUSE

January 18, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, under suspension of the rules H.E.R. No. 12, by Mr. Judd, et al., DEATH BENEFIT FOR PUBLIC SERVICE EMPLOYEES RESOLUTION, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H.E.R. No. 12 was read the first time and referred to the Committee on Rules.

January 18, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, under suspension of the rules H.E.R. No. 13, by Mr. Pace, et al., LOCAL SCHOOL BOARD ELECTION FILING DATE RESOLUTION, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H.E.R. No. 13 was read the first time and referred to the Committee on Rules.

January 18, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, under suspension of the rules H.E.R. No. 14, by Mr. Nielson, et al., REAPPORTIONMENT OF STATE BOARD OF EDUCATION RESOLUTION, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H.E.R. No. 14 was read the first time and referred to the Committee on Rules.

RULES COMMITTEE REPORT

January 19, 1972

Mr. President:

Your Rules Committee, to which were referred

S. B. No. 8 (PUBLIC ASSISTANCE AND MEDICAL CARE CLAIM LIMITATIONS)

S. B. No. 9 (PHYSICIANS PRESCRIBING DRUGS AT HOSPITALS) reports the same to be declared non-budgetary and that a Senate Enabling Resolution (S. E. R.) be introduced for further consideration by both houses, and that the bills be held in the Rules Committee until that action is taken.

Respectfully,

E. LAMAR BUCKNER, Chairman

Committee report read and adopted.

PRESENTATION OF RESOLUTIONS

(PUBLIC ASSISTANCE AND MEDICAL CARE CLAIM LIMITATIONS RESOLUTION)

S.E.R. No. 8 By Messrs. Gardner, Clark and Christensen

AN ENABLING RESOLUTION OF THE BUDGET SESSION OF THE 39TH LEGISLATURE OF THE STATE OF UTAH, PERMITTING INTRODUCTION AND CONSIDERATION OF A BILL ENTITLED "PUBLIC ASSISTANCE AND MEDICAL CARE CLAIM LIMITATIONS RESOLUTION", was read the first time.

On motion of Senator Buckner, the rules were suspended and the Senate voted to place S.E.R. No. 8 on the Second Reading Calendar.

On motion of Senator Christensen the rules were suspended and S.E.R. No. 8 was read the second and third times and placed on its final passage.

S.E.R. No. 8 then passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators Barnett, Bischoff, Brockbank, Buckner, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Harward, Jenkins, Jensen, Julander, Macfarlane, Mecham, Pettersson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting were: Senators Beck, Bullen, Gardner and Leavitt.

S.E.R. No. 8 was transmitted to the House.

(PHYSICIANS PRESCRIBING DRUGS AT HOSPITALS RESOLUTION)

S.E.R. No. 9

By Messrs. Pugh and Brockbank

AN ENABLING RESOLUTION OF THE BUDGET SESSION OF THE 39TH LEGISLATURE OF THE STATE OF UTAH, PERMITTING INTRODUCTION AND CONSIDERATION OF A BILL ENTITLED "PHYSICIANS PRESCRIBING DRUGS AT HOSPITALS", was read the first time.

On motion of Senator Buckner, the rules were suspended and the Senate voted to place S.E.R. No. 9 on the Second Reading Calendar.

On motion of Senator Pugh the rules were suspended and S.E.R. No. 9 was read the second and third times and placed on its final passage.

S.E.R. No. 9 then passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators Barnett, Bischoff, Brockbank, Buckner, Bunnell, Christensen, Clark, Clyde, Dean, Ferry, Harward, Jenkins, Jensen, Julander, Macfarlane, Mecham, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting were: Senators Beck, Bullen, Evans, Gardner Leavitt and Petterson.

S.E.R. No. 9 was transmitted to the House.

On motion of Senator Buckner, the Senate adjourned until Thursday, January 20, 1972 at 2:00 p.m.

ELEVENTH DAY

AFTERNOON SESSION

January 20, 1972

The Senate was called to order at 2:00 p.m. President Barlow in the chair.

Roll Call – All Senators present.

Prayer by Senator Wallace H. Gardner.

January 20, 1972

Mr. President:

Your Committee on Revision of the Journal respectfully reports that we have read the Journal for the tenth day and find it correct with minor amendments noted on the final copy.

Respectfully,

WILMER L. BARNETT, Chairman

Report adopted and filed.

COMMUNICATIONS FROM THE HOUSE

January 19, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has determined the following bills to be non-budgetary and non-fiscal, and joint resolutions will have to be adopted by two-thirds of both Houses before the same may be considered:

- H.B. No. 8—Personalized License Plates
- H.B. No. 9—Unemployment Compensation for State Employees
- H.B. No. 10—Repeal of the Local Vehicle Registration Fee Act
- H.B. No. 11—Distribution of Liquor Profits
- H.B. No. 12—Death Benefit for Public Service
- H.B. No. 13—Local School Board Election Filing Date
- H.B. No. 14—Reapportionment of State Board of Education
- H.B. No. 16—State Employee Health Insurance Act
- H.B. No. 17—State Employee Retirement Contributions
- H.B. No. 18—Contributions to Public Safety Retirement
- H.B. No. 19—Services for Unincorporated Areas
- H.B. No. 21—Voters' Pamphlets
- H.B. No. 22—State Classification and Compensation Administration
- H.B. No. 23—Camper Registration Decals
- H.B. No. 24—Camper and Camping Trailer Registrations
- H.B. No. 25—Recreation Property Taxation
- H.B. No. 26—Public Assistance Refunds

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

January 19, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, under suspension of the rules H.J.R. No. 2, by Mr. Woodmansee, RE-

PEAL OF MINIMUM VOTING AGE AMENDMENT RESOLUTION, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H.J.R. No. 2 was read the first time and referred to the Committee on Rules.

January 19, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed H.E.R. No. 16, by Mr. Judd, et al., STATE EMPLOYEE HEALTH INSURANCE ACT RESOLUTION, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H.E.R. No. 16 was read the first time and referred to the Committee on Rules.

January 19, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed H.E.R. No. 17, by Mr. Judd, et al., STATE EMPLOYEE RETIREMENT CONTRIBUTIONS RESOLUTION, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H.E.R. No. 17 was read the first time and referred to the Committee on Rules.

January 19, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed H.E.R. No. 18, by Mr. Judd, et al., CONTRIBUTION TO PUBLIC SAFETY RETIREMENT RESOLUTION, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H.E.R. No. 18 was read the first time and referred to the Committee on Rules.

RULES COMMITTEE REPORT

January 20, 1972

Mr. President:

Your rules Committee, to which were referred:

- H.E.R. No. 2 (TAX EXEMPT PROPERTY SALES RESOLUTION)
- H.E.R. No. 9 (UNEMPLOYMENT COMPENSATION FOR STATE EMPLOYEES RESOLUTION)
- H.E.R. No. 12 (DEATH BENEFIT FOR PUBLIC SERVICE EMPLOYEES RESOLUTION)
- H.E.R. No. 13 (LOCAL SCHOOL BOARD ELECTION FILING DATE RESOLUTION)
- H.E.R. No. 14 (REAPPORTIONMENT OF STATE BOARD OF EDUCATION RESOLUTION)

reports the same to be declared non-budgetary and further reports the same

back favorably and recommends under suspension of the rules be placed on the Second Reading Calendar.

Respectfully,

E. LAMAR BUCKNER, Chairman

Committee report read and adopted.

On motion of Senator Leavitt the Senate resolved itself into a Committee of the Whole.

Mr. Walter D. Talbot, State Superintendent of Public Instruction made a presentation to President Barlow, two copies of a film entitled "Mr. Senator" portraying the legislative process, to be used as the Senate sees fit, to better inform students and the public in general the workings of the Legislature.

President Barlow thanked Superintendent Talbot for the public service the State Board of Education has rendered in the production of this film and for the good it will do.

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

INTRODUCTION OF BILLS

(STATE SENATE REAPPORTIONMENT)

S. B. No. 10 By Messrs Barnett, Bischoff, Brockbank, Clark and Mecham

AN ACT RELATING TO REAPPORTIONMENT OF THE SENATE OF THE STATE OF UTAH; PROVIDING FOR REAPPORTIONMENT OF THEIR MEMBERS BY NUMBERS AND BY DISTRICTS FOR 23 SENATORS; PROVIDING A SCHEDULE FOR THE ELECTION OF THE STATE SENATORS AND FOR THEIR TERMS OF OFFICE; AND REPEALING SECTIONS 1 AND 2 OF CHAPTER 5, LAWS OF UTAH 1971, FIRST SPECIAL SESSION; AND PROVIDING AN EFFECTIVE DATE, was read the first time and referred to the Committee on Rules.

PRESENTATION OF RESOLUTIONS

(RESOLUTION OF CONDOLENCE ON DEATH OF RICHARD L. EVANS)

S.J.R. No. 6 By Messrs. Jensen and Brockbank

A JOINT RESOLUTION OF THE BUDGET SESSION OF THE 39TH LEGISLATURE OF THE STATE OF UTAH, ACKNOWLEDGING THE

PASSING OF RICHARD L. EVANS AS A GREAT LOSS TO HIS FAMILY, FRIENDS, CHURCH, AND THE STATE OF UTAH, was read the first time.

On motion of Senator Buckner, the rules were suspended and the Senate voted to place S.J.R. No. 6 on the Second Reading Calendar.

On motion of Senator Buckner the rules were suspended and S.J.R. No. 6 was read the second and third times and placed on its final passage.

S.J.R. No. 6 then passed on the following roll call:

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

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

S.J.R. No. 6 was transmitted to the House.

CONSIDERATION OF BILLS ON SECOND READING

On motion of Senator Harward, S. B. No. 5 (UTAH INDIVIDUAL INCOME TAX ACT OF 1972) having retained its position on the Second Reading Calendar, was before the Senate.

On motion of Senator Harward the Senate resolved itself into a Committee of the Whole.

Mr. Lewis H. Lloyd, Director, Legislative Council, appeared before the Committee of the Whole.

Mr. Gerald Engstrom, attorney that drafted S. B. No. 5, appeared before the Committee of the Whole.

Mr. K. Fred Skousen, statistician, appeared before the Committee of the Whole.

Mr. Paul M. Holt, State Tax Commission, appeared before the Committee of the Whole.

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

On motion of Senator Leavitt, S.B. No. 5 retained its position on the Second Reading Calendar.

COMMUNICATIONS FROM THE HOUSE

January 20, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed S.J.R.-S.E.R. No. 1, by Mr. Barlow, et al., RESOLUTION AUTHORIZING INTRODUCTION OF LEGISLATIVE ARTICLE REVISION RESOLUTION, which has been signed by the Speaker in open session, in the presence of the House, and the same is transmitted herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S.J.R.-S.E.R. No. 1 was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Secretary of State.

January 20, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed S.E.R. No. 4, by Mr. Brockbank, et al., AMENDMENTS TO UNIFORM MUNICIPAL FISCAL PROCEDURES ACT RESOLUTION, which has been signed by the Speaker in open session, in the presence of the House, and the same is transmitted herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S.E.R. No. 4 was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Secretary of State.

On motion of Senator Leavitt, the Senate adjourned until Friday, January 21, 1972 at 2:00 p.m.

TWELFTH DAY

AFTERNOON SESSION

January 21, 1972

The Senate was called to order at 2:00 p.m. President Barlow in the chair.

Roll Call — All Senators present.

Prayer by Senator Kendrick Harward.

January 21, 1972

Mr. President:

Your Committee on Revision of the Journal respectfully reports that we have read the Journal for the eleventh day and find it correct with minor amendments noted on the final copy.

Respectfully,

WILMER L. BARNETT, Chairman

Report adopted and filed.

COMMUNICATIONS FROM THE HOUSE

January 20, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed S.E.R. No. 3, by Mr. Pugh, et al., BONDS OF INSTITUTIONS OF

HIGHER LEARNING RESOLUTION, which has been signed by the Speaker in open session, in the presence of the House, and the same is transmitted herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S.E.R. No. 3 was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Secretary of State.

January 20, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, as amended by the House, S.E.R. No. 10, by Mr. Leavitt, et al., LEGISLATIVE REAPPORTIONMENT RESOLUTION, and the same is returned herewith for your further action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

On motion of Senator Leavitt, the Senate voted to concur in the House amendments to S.E.R. No. 10.

S.E.R. No. 10 then passed on the following roll call:

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

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

S.E.R. No. 10 was transmitted to the House for the signature of the Speaker.

RULES COMMITTEE REPORT

January 21, 1972

Mr. President:

S.B. No. 3 (BONDS OF INSTITUTIONS OF HIGHER LEARNING) reports the same back favorably and recommends the same be printed and under suspension of the rules be placed on the Second Reading Calendar

H.J.R. No. 2 (REPEAL OF MINIMUM VOTING AGE AMENDMENT)

H.E.R. No. 16 (STATE EMPLOYEE HEALTH INSURANCE ACT RESOLUTION)

H.E.R. No. 17 (STATE EMPLOYEE RETIREMENT CONTRIBUTIONS RESOLUTION)

H.E.R. No. 18 (CONTRIBUTION TO PUBLIC SAFETY RETIREMENT RESOLUTION)

reports the same to be declared non-budgetary and further reports the same back favorably and recommends under suspension of the rules be placed on the Second Reading Calendar.

Respectfully,

E. LAMAR BUCKNER, Chairman

Committee report read and adopted.

Senator Christensen moved that the Senate do advise and consent to the following appointments.

Winn L. Richards, M.D., Ogden, Utah, appointed November 19, 1971 to the Board of Health, for a term expiring March 15, 1973.

Bettina Black, Salt Lake City, Utah, appointed September 10, 1971 to the College of Eastern Utah Institutional Council, for a term expiring June 30, 1973.

Thomas S. Monson, Salt Lake City, Utah, appointed November 19, 1971, to the State Board of Higher Education, for a term expiring June 30, 1975.

Paul Steven Penrod, Provo, Utah, appointed December 23, 1971 to the Committee on Water Pollution, for a term expiring March 1, 1975.

Daniel L. Martino, Ogden, Utah, appointed December 23, 1971, to the Board of Fine Arts, for a term expiring July 1, 1973.

Keith L. Winegar, Bountiful, Utah, appointed September 7, 1971 to the Advisory Council for the Schools for the Deaf and Blind, for a term expiring March 1, 1972.

Paul S. Rose, Salt Lake City, Utah, appointed as Executive Director of the Department of Social Services, to serve at the pleasure of the Governor. Said term beginning February 1, 1972. 63-35-5, UCA 1953.

Frank S. Warner, Ogden, Utah, appointed as a member of the Public Service Commission, for a term expiring March 1, 1977, and to take effect March 1, 1972. 54-1-1.5, UCA 1953.

Motion carried.

On motion of Senator Harward, the rules were suspended and the Senate voted to now consider bills on the Second Reading Calendar.

CONSIDERATION OF BILLS ON SECOND READING

On motion of Senator Harward, S. B. No. 5 (UTAH INDIVIDUAL INCOME TAX ACT OF 1972) having retained its position on the Second Reading Calendar, was before the Senate.

On motion of Senator Leavitt the Senate resolved itself into a Committee of the Whole.

Mr. Charles Carter, President AFGE 1592, American Federation of Government Employees, Hill Air Force Base, appeared before the Committee of the Whole.

Mr. Pondlin DeFae, President National Association of Letter Carriers, State of Utah, appeared before the Committee of the Whole.

Miss Susan Merrill of Ogden, recently crowned "Miss Rodeo America" appeared before the Committee of the Whole and addressed members of the Senate.

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

On motion of Senator Harward, S. B. No. 5 was amended as follows:

1. Page 3, line 11: delete "1972" and insert in lieu thereof "1973".
2. Page 7, line 12: delete "1971" and insert in lieu thereof "1972".
3. Page 81, lines 27, 28, and 32: delete "1971" from each of these lines and insert in lieu thereof "1972".
4. Page 82, lines 2 and 7: delete "1971" from these lines and insert in lieu thereof "1972".
5. Page 82, line 6: delete "1972" and insert in lieu thereof "1973".
6. Page 87, lines 24 and 28: delete "1972" from these lines and insert in lieu thereof "1973".
7. Page 87, line 32: delete "1971" and insert in lieu thereof "1972".
8. Page 88, lines 1 and 4: delete "1971" from these lines and insert in lieu thereof "1972".
9. Page 88, lines 6, 13, 20, and 24: delete "1972" from these lines and insert in lieu thereof "1973".

On motion of Senator Harward, the Senate voted to amend or correct any other areas of S.B. No. 5 where conformity to the effective date is necessary.

S. B. No. 5 was placed on the Third Reading Calendar on the following roll call.

Yeas, 15; Nays, 13; Absent, 0.

Voting in the affirmative were: Senators Barnett, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Ferry, Gardner, Harward, Jensen, Leavitt, Preece, Pugh and Mr. President.

Voting in the negative were: Senators Beck, Bischoff, Clyde, Dean, Evans, Jenkins, Julander, Macfarlane, Mecham, Petterson, Swan, Waddingham and Whitman.

COMMUNICATIONS FROM THE HOUSE

January 21, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, under suspension of the rules H. B. No. 32, by Mr. Reese, SUPPLE-

MENTAL APPROPRIATION ACT, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H. B. No. 32 was read the first time.

On motion of Senator Gardner the rules were suspended and H. B. No. 32 was read the second and third times and placed on its final passage.

H. B. No. 32 then passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting were: Senators Preece and Pugh.

H. B. No. 32 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

CONSIDERATION OF BILLS ON SECOND READING

H.E.R. No. 2 (**TAX EXEMPT PROPERTY SALES**) was read the second time.

On motion of Senator Leavitt, the rules were suspended and the Senate voted to now consider S. B. No. 3.

S. B. No. 3 (**BONDS OF INSTITUTIONS OF HIGHER LEARNING**) was read the second time.

S. B. No. 3 was placed on the Third Reading Calendar on the following roll call:

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

Voting in the affirmative were: Senators Barnett, Bischoff, Buckner, Bullen, Bunnell, Clyde, Dean, Evans, Ferry, Harward, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Pugh, Swan, Waddingham and Mr. President.

Voting in the negative were: Senators Brockbank, Christensen, Jenkins and Whitman.

Absent and not voting were: Senators Beck, Clark, Gardner and Preece.

On motion of Senator Leavitt, the Senate adjourned until Saturday, January 22, 1972 at 9:00 a.m.

THIRTEENTH DAY

MORNING SESSION

January 22, 1972

The Senate was called to order at 9:00 a.m. President Barkow in the chair.

Roll Call – All Senators present except Senator Preece, excused.

Prayer by Senator Reed Bullen.

January 22, 1972

Mr. President:

Your Committee on Revision of the Journal respectfully reports that we have read the Journal for the twelfth day and find it correct with minor amendments noted on the final copy.

Respectfully,

WILMER L. BARNETT, Chairman

Report adopted and filed.

COMMUNICATIONS FROM THE HOUSE

January 21, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, under suspension of the rules H.J.R. No. 4, by Mr. Garr, et al., COMMENDATION OF SUSAN MERRILL, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H.J.R. No. 4 was read the first time.

On motion of Senator Buckner, the rules were suspended and H. J. R. No. 4 was read the second and third times and placed on its final passage.

H.J.R. No. 4 then passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Pugh, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting was: Senator Preece.

H.J.R. No. 4 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

January 21, 1972

Mr. President:

I am directed to inform your Honorable Body that the Speaker of the House has this day signed in open session, in the presence of the House, S.E.R.

No. 10, by Mr. Leavitt, LEGISLATIVE REAPPORTIONMENT RESOLUTION, and the same is transmitted herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S.E.R. No. 10 was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Secretary of State.

January 21, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, as amended by the House, S.B. No. 6, by Mr. Bunnell, et al., GROSS LADEN WEIGHT OF VEHICLES, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

On motion of Senator Buckner, the Senate voted to concur in the House amendments to S. B. No. 6.

S. B. No. 6 then passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators Barnett, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Dean, Evans, Ferry, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Pugh, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting were: Senators Beck, Clyde, Gardner and Preece.

S. B. No. 6 was transmitted to the House for the signature of the Speaker.

RULES COMMITTEE REPORT

January 22, 1972

Mr. President:

Your Rules Committee, to which was referred

S. B. No. 4 (AMENDMENTS TO UNIFORM MUNICIPAL FISCAL PROCEDURES ACT)

reports the same back favorably and recommends the same be printed and under suspension of the rules be placed on the Second Reading Calendar.

Respectfully,

E. LAMAR BUCKNER, Chairman

Committee report read and adopted.

CONSIDERATION OF BILLS ON THIRD READING

On motion of Senator Barnett, S.J.R.-S.E.R. No. 5 having retained its position on the Third Reading Calendar, was before the Senate.

S.J.R.-S.E.R. No. 5 (SCHOOL DISTRICTS AS SUBDIVISIONS) was read the third time and placed on its final passage.

S.J.R.-S.E.R. No. 5 failed to pass on the following roll call:

Yeas, 11; Nays, 14; Absent, 3

Voting in the affirmative were: Senators Barnett, Bischoff, Buckner, Bunnell, Christensen, Clark, Ferry, Harward, Jensen, Mecham and Pugh.

Voting in the negative were: Senators Beck, Brockbank, Bullen, Dean, Evans, Jenkins, Julander, Leavitt, Macfarlane, Petterson, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting were: Senators Clyde, Gardner and Preece.

S.J.R.-S.E.R. No. 5 filed.

S. B. No. 5 (UTAH INDIVIDUAL INCOME TAX ACT OF 1972) was read the third time and placed on its final passage.

On motion of Senator Harward, S. B. No. 5 was tabled.

S. B. No. 3 (BONDS OF INSTITUTIONS OF HIGHER LEARNING) was read the third time and placed on its final passage.

On motion of Senator Leavitt, S. B. No. 3 was amended as follows:

Page 3, line 19, delete the word "and" then insert the following:

"or in lieu thereof to purchase student housing, land, and related appurtenances, with such purchase or purchases being subject to the approval of the State Building Board; and"

On motion of Senator Bischoff, S. B. No. 3 was tabled.

CONSIDERATION OF BILLS ON SECOND READING

H.E.R. No. 2 (TAX EXEMPT PROPERTY SALES RESOLUTION) having been previously read was before the Senate for consideration.

On motion of Senator Buckner the Senate resolved itself into a Committee of the Whole.

Representative John E. Smith, appeared before the Committee of the Whole.

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

On motion of Senator Macfarlane the rules were suspended and H.E.R. No. 2 was read the third time and placed on its final passage.

H.E.R. No. 2 failed to pass on the following roll call:

Yeas, 15; Nays, 8; Absent, 5.

Voting in the affirmative were: Senators Bischoff, Buckner, Bunnell, Christensen, Clark, Dean, Harward, Jensen, Julander, Leavitt, Mecham, Pugh, Swan, Whitman and Mr. President.

Voting in the negative were: Senators Barnett, Brockbank, Clyde, Evans, Ferry, Jenkins, Macfarlane and Pettersson.

Absent and not voting were: Senators Beck, Bullen, Gardner, Preece and Waddingham.

H.E.R. No. 2 was returned to the House.

H.E.R. No. 9 (UNEMPLOYMENT COMPENSATION FOR STATE EMPLOYEES RESOLUTION) was read the second time.

On motion of Senator Leavitt the Senate resolved itself into a Committee of the Whole.

Representatives Lorin N. Pace and C. DeMont Judd, appeared before the Committee of the Whole.

Mr. Robert Brimhall, representing Utah Employees Association, appeared before the Committee of the Whole.

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

On motion of Senator Buckner, H.E.R. No. 9 was tabled.

H.E.R. No. 12 (DEATH BENEFIT FOR PUBLIC SERVICE EMPLOYEES RESOLUTION) was read the second time.

On motion of Senator Buckner the Senate resolved itself into a Committee of the Whole.

Representative C. DeMont Judd, appeared before the Committee of the Whole.

On motion of Senator Buckner the Committee of the Whole was dissolved. H.E.R. No. 12 was placed on the Third Reading Calendar on the following roll call:

Yeas, 20; Nays, 2; Absent, 6.

Voting in the affirmative were: Senators Barnett, Bischoff, Brockbank, Buckner, Bunnell, Christensen, Dean, Evans, Harward, Jenkins, Jensen, Julander, Macfarlane, Mecham, Pettersson, Pugh, Swan, Waddingham, Whitman and Mr. President.

Voting in the negative were: Senators Clyde and Ferry.

Absent and not voting were: Senators Beck, Bullen, Clark, Gardner, Leavitt and Preece.

On motion of Senator Waddingham, H.E.R. No. 9 was lifted from the table.

On motion of Senator Waddingham, H.E.R. No. 9 was made a Special Order of Business for Tuesday, January 25, 1972 at 2:30 p.m.

H.E.R. No. 13 (LOCAL SCHOOL BOARD ELECTION FILING DATE RESOLUTION) was read the second time.

On motion of Senator Bunnell the rules were suspended and H.E.R. No. 13 was read the third time and placed on its final passage.

H.E.R. No. 13 then failed to pass on the following roll call:

Yeas, 18; Nays, 4; Absent, 6.

Voting in the affirmative were: Senators Barnett, Bischoff, Brockbank, Buckner, Bunnell, Christensen, Dean, Harward, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Pugh, Swan, Waddingham, Whitman and Mr. President.

Voting in the negative were: Senators Clyde, Ferry, Jenkins and Jensen.

Absent and not voting were: Senators Beck, Bullen, Clark, Evans, Gardner and Preece.

Senator Jensen, having voted on the prevailing side served notice that on the next legislative day he may ask the Senate to reconsider its action on H.E.R. No. 13.

H.E.R. No. 14 (REAPPORTIONMENT OF STATE BOARD OF EDUCATION RESOLUTION) was read the second time.

On motion of Senator Leavitt the rules were suspended and H.E.R. No. 14 was read the third time and placed on its final passage.

On motion of Senator Leavitt, H.E.R. No. 14 retained its position on the Third Reading Calendar.

CONSIDERATION OF BILLS ON SECOND READING

H.J.R. No. 2 (REPEAL OF MINIMUM VOTING AGE AMENDMENT) was read the second time.

On motion of Senator Leavitt the rules were suspended and H.J.R. No. 2 was read the third time and placed on its final passage.

H.J.R. No. 2 then passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bunnell, Christensen, Clark, Clyde, Dean, Ferry, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Pugh, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting were: Senators Bullen, Evans, Gardner and Preece.

H.J.R. No. 2 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

On motion of Senator Leavitt, the Senate adjourned until Tuesday, January 25, 1972 at 2:00 p.m.

SIXTEENTH DAY

AFTERNOON SESSION

January 25, 1972

The Senate was called to order at 2:00 p.m. President Barlow in the chair.

Roll Call – All Senators present.

Prayer by Senator Ezra T. Clark.

January 25, 1972

Mr. President:

Your Committee on Revision of the Journal respectfully reports that we have read the Journal for the thirteenth day and find it correct with minor amendments noted on the final copy.

Respectfully,

WILMER L. BARNETT, Chairman

Report adopted and filed.

COMMUNICATIONS FROM THE HOUSE

January 22, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed S.J.R. No. 6, by Mr. Jensen, et al., RESOLUTION OF CONDOLENCE ON DEATH OF RICHARD L. EVANS, which has been signed by the Speaker in open session in the presence of the House, and the same is returned herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S.J.R. No. 6 was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Secretary of State.

January 22, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day rejected S.E.R. No. 7, by Mr. Leavitt, et al., ADMINISTRATIVE RULEMAKING RESOLUTION, and the same is returned herewith.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S.E.R. No. 7 filed.

January 22, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed H.E.R. No. 11, by Mr. Davis, et al., DISTRIBUTION OF LIQUOR PROFITS RESOLUTION, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H.E.R. No. 11 was read the first time and referred to the Committee on Rules.

January 22, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed H.E.R. No. 22, by Mr. Nielson, et al., STATE CLASSIFICATION AND COMPENSATION ADMINISTRATION RESOLUTION, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H.E.R. No. 22 was read the first time and referred to the Committee on Rules.

January 22, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed H.E.R. No. 23, by Mr. Buckner, et al., CAMPER REGISTRATION DECALS RESOLUTION, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H.E.R. No. 23 was read the first time and referred to the Committee on Rules.

INTRODUCTION OF BILLS

(LEGISLATIVE DISTRICTS)

S. B. No. 11

By Messrs. Beck and Bunnell

AN ACT AMENDING SECTIONS 36-1-6, 36-1-8, AND 36-1-9, UTAH CODE ANNOTATED 1953, AS ENACTED BY CHAPTER 72, LAWS OF UTAH 1965, AND SECTION 36-1.7, UTAH CODE ANNOTATED 1953, AS ENACTED BY CHAPTER 72, LAWS OF UTAH 1965, AS AMENDED BY CHAPTER 5, LAWS OF UTAH 1966, FIRST SPECIAL SESSION; APPORTIONING MEMBERS OF THE STATE SENATE AND HOUSE OF REPRESENTATIVES BY NUMBERS AND BY DISTRICTS; PROVIDING TERMS OF ELECTION AND APPORTIONMENT COMMITTEES, was read the first time and referred to the Committee on Rules.

(ADJUSTMENT OF RETIRED FIREMEN'S ALLOWANCES)

S. B. No. 12

By Messrs. Barnett and Dean

AN ACT ENACTING SECTION 59-6a-30.5, UTAH CODE ANNOTATED 1953, RELATING TO THE UTAH FIREMEN'S RETIREMENT ALLOWANCES FOR FIREMEN WHO RETIRED PRIOR TO JULY 1, 1971, AND THEIR WIDOWS; PROVIDING THE BASIS FOR SUCH ADJUSTMENTS AND FOR THE FUNDING OF THE COSTS OF THEM; AND

PROVIDING AN EFFECTIVE DATE, was read the first time and referred to the Committee on Rules.

CONSIDERATION OF BILLS ON THIRD READING

H.E.R. No. 12 (DEATH BENEFIT FOR PUBLIC SERVICE EMPLOYEES) was read the third time and placed on its final passage.

H.E.R. No. 12 failed to pass on the following roll call:

Yeas, 14; Nays, 10; Absent, 4.

Voting in the affirmative were: Senators Beck, Bunnell, Clark, Dean, Evans, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Pettersson, Swan Whitman and Mr. President.

Voting in the negative were: Senators Bischoff, Brockbank, Bullen, Christensen, Ferry, Gardner, Mecham, Preece, Pugh and Waddingham.

Absent and not voting were: Senators Barnett, Buckner, Clyde and Harward.

Senator Waddingham, having voted on the prevailing side served notice that on the next legislative day he may ask the Senate to reconsider its action on H.E.R. No. 12.

SPECIAL ORDER

H.E.R. No. 9 (UNEMPLOYMENT COMPENSATION FOR STATE EMPLOYEES) being a Special Order of Business, was before the Senate.

On motion of Senator Leavitt the Senate resolved itself into a Committee of the Whole.

Mr. Curt Harding, Director, Employment Security Division of the State of Utah, appeared before the Committee of the Whole.

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

Senator Dean, with the aid of five Senators, requested a Call of the Senate.

On motion of Senator Leavitt, the Call of the Senate was lifted.

H.E.R. No. 9 was placed on the Third Reading Calendar on the following Roll Call.

Yeas, 15; Nays, 12; Absent, 1.

Voting in the affirmative were: Senators Beck, Brockbank, Buckner, Bunnell, Evans, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Pettersson, Swan, Waddingham, Whitman and Mr. President.

Voting in the negative were: Senators Barnett, Bischoff, Bullen, Christensen, Clark, Clyde, Dean, Ferry, Gardner, Mecham, Preece and Pugh.

Absent and not voting was: Senator Harward.

CONSIDERATION OF BILLS ON THIRD READING

H.E.R. No. 14 (REAPPORTIONMENT OF STATE BOARD) having been previously read was before the Senate.

On motion of Senator Buckner, H.E.R. No. 14 was tabled.

Senator Jensen, having voted on the prevailing side moved that the Senate do reconsider its final action on H.E.R. No. 13.

Motion carried.

H.E.R. No. 13 was before the Senate for reconsideration.

H.E.R. No. 13 upon reconsideration then passed on the following roll call:

Yeas, 21; Nays, 4; Absent, 3.

Voting in the affirmative were: Senators Barnett, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Dean, Evans, Gardner, Jenkins, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Pugh, Swan, Whitman and Mr. President.

Voting in the negative were: Senators Clyde, Ferry, Jensen and Preece.

Absent and not voting were: Senators Beck, Harward and Waddingham.

H.E.R. No. 13 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

CONSIDERATION OF BILLS ON SECOND READING

H.E.R. No. 16 (STATE EMPLOYEE HEALTH INSURANCE ACT RESOLUTION) was read the second time.

On motion of Senator Buckner the rules were suspended and H.E.R. No. 16 was read the third time and placed on its final passage.

H.E.R. No. 16 then passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators Barnett, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Macham, Pettersson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting were: Senators Beck and Harward.

H.E.R. No. 16 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

H.E.R. No. 17 (STATE EMPLOYEE RETIREMENT CONTRIBUTIONS RESOLUTION) was read the second time.

On motion of Senator Christensen the rules were suspended and H.E.R. No. 17 was read the third time and placed on its final passage.

H.E.R. No. 17 then passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators Barnett, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Macfarlane, Mecham, Pettersson, Pugh, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting were: Senators Beck, Clyde, Leavitt and Preece.

H.E.R. No. 17 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

H.E.R. No. 18 (CONTRIBUTION TO PUBLIC SAFETY RETIREMENT RESOLUTION) was read the second time.

On motion of Senator Buckner the rules were suspended and H.E.R. No. 18 was read the third time and placed on its final passage.

H.E.R. No. 18 then passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators Bischoff, Buckner, Bullen, Bunnell, Christensen, Clark, Dean, Evans, Ferry, Gardner, Harward, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Pugh, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting were: Senators Barnett, Beck, Brockbank, Clyde, Jenkins and Preece.

H.E.R. No. 18 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

S. B. No. 4 (AMENDMENTS TO UNIFORM MUNICIPAL FISCAL PROCEDURES ACT RESOLUTION) was read the second time.

On motion of Senator Brockbank, S. B. No. 4 was amended as follows:

1. Page 6, lines 10 through 14: Remove brackets and deletion marks from these lines.
2. Page 9, Line 18: After "times." insert "A copy of the cash budget shall also be filed with the state auditor."
3. Page 10, Line 7: After "recorder" insert "and the office of the state auditor".
4. Page 10, Line 14: After "year." insert "A copy of the summary statement and proof of its publication shall be filed with the state auditor."

On motion of Senator Brockbank, the title of S.B. No. 4 was amended as follows:

Formal title, Line 8: delete "AND".

Formal Title, Line 9: After "FUNDS" delete the period insert "; AND PROVIDING FOR FILING OF CERTAIN BUDGETS, REPORTS, OR STATEMENTS ISSUED BY MUNICIPALITIES WITH THE STATE AUDITOR"

S. B. No. 4 was placed on the Third Reading Calendar on the following Roll Call:

Yeas, 24; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators Barnett, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Macfarlane, Mecham, Pettersson, Preece, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting were: Senators Beck, Dean, Leavitt and Pugh.

On motion of Senator Buckner the Senate recessed.

The Senate re-assembled.

COMMUNICATIONS FROM THE HOUSE

January 25, 1972

Honorable Haven J. Barlow
President of the Senate
BUILDING

Mr. President:

I am directed to inform your Honorable Body that the Governor did on the 24th day of January, 1972, approve and transmit to the Secretary of State, H. B. No. 32, SUPPLEMENTAL APPROPRIATION LAW.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

January 25, 1972

Mr. President:

I am directed to inform your Honorable Body that the Speaker of the House has this day signed in open session, in the presence of the House, S. B. No. 6, by Mr. Bunnell, et al., GROSS LADEN WEIGHT OF VEHICLES, and the same is transmitted herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S. B. No. 6 was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Governor.

RULES COMMITTEE REPORT

January 25, 1972

Mr. President:

Your Rules Committee, to which were referred

S. B. No. 11 (LEGISLATIVE DISTRICTS)

S. B. No. 10 (STATE SENATE REAPPORTIONMENT)

reports the same back favorably and recommends the same be printed and under suspension of the rules be placed on the Second Reading Calendar.

H.E.R. No. 11 (DISTRIBUTION OF LIQUOR PROFITS RESOLUTION)

reports it was determined to be budgetary by the Senate; however, the House has determined it non-budgetary, we recommend the same back favorably, and under suspension of the rules, placed on the Second Reading Calendar.

H.E.R. No. 22 (STATE CLASSIFICATION AND COMPENSATION ADMINISTRATION RESOLUTION)

reports the same to be declared non-budgetary and further reports the same back favorably and recommends under suspension of the rules be placed on the Second Reading Calendar.

Respectfully,

E. LAMAR BUCKNER, Chairman

Committee report read and adopted.

On motion of Senator Bullen the Senate resolved itself into a Committee of the Whole.

Miss Lisa Tew, Dairy Princess from Cache Valley and Miss Annette Chambers, attendant, appeared before and were introduced to members of the Senate, in the Committee of the Whole.

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

CONSIDERATION OF BILLS ON SECOND READING

S. B. No. 11 (LEGISLATIVE DISTRICTS) was read the second time.

S. B. No. 11 failed to pass to the Third Reading Calendar on the following Roll Call:

Yeas, 12; Nays, 15; Absent, 1.

Voting in the affirmative were: Senators Beck, Bunnell, Dean, Evans, Jenkins, Jensen, Julander, Macfarlane, Pettersson, Swan, Waddingham and Whiteman.

Voting in the affirmative were: Senators Bischoff, Brockbank, Buckner, Bullen, Christensen, Clark, Clyde, Ferry, Gardner, Harward, Leavitt, Mecham, Preece, Pugh and Mr. President.

Absent and not voting was: Senator Barnett.

S. B. No. 11 filed.

S. B. No. 10 (STATE SENATE REAPPORTIONMENT) was read the second time.

On motion of Senator Harward, the rules were suspended and the Senate voted to amend S. B. No. 10 by deleting all the body and the title thereof and then inserting in lieu thereof the following substitute S. B. No. 10.

(STATE SENATE REAPPORTIONMENT)

Substitute

S. B. No. 10 By Messrs. Barnett, Bischoff, Brockbank, Clark and Mecham

1 AN ACT RELATING TO APPORTIONMENT OF THE SENATE AND THE HOUSE OF REPRESENT-
 2 ATIVES OF THE STATE OF UTAH; PROVIDING FOR APPORTIONMENT OF THEIR
 3 MEMBERS BY NUMBERS AND BY DISTRICTS AND FOR 29 SENATORS AND 69
 4 REPRESENTATIVES; PROVIDING A SCHEDULE FOR THE ELECTION OF THE STATE
 5 SENATORS AND FOR THEIR TERMS OF OFFICE; PROVIDING FOR APPORTIONMENT
 6 COMMITTEES IN CERTAIN COUNTIES; THEIR APPOINTMENT AND DUTIES; AND
 7 REPEALING SECTIONS 1, 2, 3 AND 4, OF CHAPTER 5, LAWS OF UTAH 1971,
 8 FIRST SPECIAL SESSION; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Utah:

1 Section 1. The senate of this state shall consist of 29 members,
 2 with one member to be elected from each senatorial district, except as
 3 otherwise provided in this section. The numbers, boundaries and repre-
 4 sentation of the senatorial districts are designated and established as
 5 follows:

6 District 1 through 12: Salt Lake County, not including that
 7 portion of the county contiguous to Tooele County containing approximately
 8 15,400 inhabitants and assigned to district 13 -- twelve senators;

9 District 13: Tooele County, and that portion of Salt Lake County
 10 contiguous to Tooele County containing approximately 15,400 inhabitants
 11 and not assigned to districts 1 through 12 -- one senator;

- 1 Districts 14 through 17: Utah County – four senators;
 2 Districts 18 through 20: Weber County, not including that portion
 3 of the county contiguous to Davis County containing approximately
 4 13,500 inhabitants and assigned to district 21 – three senators;
 5 District 21: That portion of Weber County contiguous to Davis
 6 County containing approximately 13,500 inhabitants and not assigned to
 7 Districts 18 through 20 and that portion of Davis County containing
 8 approximately 24,000 inhabitants not assigned to districts 22 and 23
 9 but contiguous to the portion of Weber County included in this district
 10 21 – one senator;
 11 Districts 22 and 23: Davis County, not including that portion of
 12 the county contiguous to Weber County containing approximately 24,000
 13 inhabitants and assigned to district 21 – two senators;
 14 District 24: Box Elder County and a contiguous portion of Cache
 15 County containing approximately 7,462 inhabitants – one senator;
 16 District 25: Cache County, not including that portion of the county
 17 containing approximately 7,462 inhabitants and assigned to district 24,
 18 and Rich County – one senator;
 19 District 26: Morgan, Summit, Wasatch, Duchesne, Uintah and
 20 Dagggett Counties – one senator;
 21 District 27: Carbon, Emery, Grand and San Juan Counties – one senator
 22 District 28: Juab, Millard, Piute, Sanpete, Sevier and Wayne
 23 Counties – one senator;
 24 District 29: Beaver, Iron, Washington, Kane, and Garfield Counties –
 25 one senator.
 26 Each senatorial district shall contain as nearly as practicable an

– 3 –

- 1 equal number of inhabitants.
 2 Section 2. At the general election to be held in 1972, senators
 3 shall be elected from senatorial districts 3, 5, 6, 7, 8, 9, 13, 15, 18,
 4 20, 22, 23, 27, and 29 and also one of the senators from districts 24
 5 and 25 the initial term of office of each senator to be for four years.
 6 Also at the general election to be held in 1972, senators shall be
 7 elected from senatorial districts 1, 2, 4, 10, 11, 12, 14, 16, 17, 19,
 8 21, 26, and 28 and also the other senator from districts 24 and 25.,
 9 the initial term of office of each senator to be for two years. Terms
 10 of office of each senator after the initial term of office shall be for
 11 four years each.
 12 Section 3. The house of representatives of this state shall consist
 13 of 69 members, with one member to be elected from each representative
 14 district. The numbers, boundaries and representation of the representative
 15 districts are designated and established as follows:
 16 Districts 1 through 30: Salt Lake County – thirty representatives;
 17 Districts 31 through 39: Utah County – nine representatives;
 18 Districts 40 through 47: Weber County – eight representatives;
 19 Districts 48 through 54: Davis County – seven representatives;
 20 Districts 55 and 56: Box Elder County – two representatives;
 21 District 57: Tooele County, not including that portion of the
 22 county containing approximately 5,000 inhabitants contiguous to Junb

23 County and assigned to District 58 – one representative;
 24 District 58: Juab and Millard Counties and that portion of Tooele
 25 County containing approximately 5,000 inhabitants not assigned to
 26 district 57 – one representative;

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1 District 59: Summit, Wasatch, and Duchesne Counties, not including
 2 that portion of Duchesne County containing approximately 2,800 inhab-
 3 itants contiguous to Uintah County and assigned to District 60 – one
 4 representative;

5 District 60: Daggett and Uintah Counties, and that portion of
 6 Duchesne County containing approximately 2,800 inhabitants and not
 7 assigned to District 59 – one representative;

8 Districts 61 and 62: Cache County, not including that portion of
 9 the county containing approximately 10,000 inhabitants contiguous to
 10 Rich County and assigned to District 63 – two representatives;

11 District 63: Morgan and Rich Counties, and that portion of Cache
 12 County containing approximately 10,000 inhabitants and not assigned to
 13 Districts 61 and 62 – one representative;

14 District 64 – Sanpete and Emery Counties – one representative;

15 District 65 – Grand and San Juan Counties – one representative;

16 District 66 – Carbon County – one representative;

17 District 67: Kane and Washington Counties – one representative;

18 District 68: Iron and Beaver Counties – one representative;

19 District 69: Garfield, Sevier, Piute and Wayne Counties – one
 20 representative.

21 Each representative district shall contain as nearly as practicable
 22 an equal number of inhabitants.

23 Section 4. (1) An apportionment committee shall be appointed in
 24 each county which is entitled to more than one senator as provided in
 25 section 1 of this act and/or which is entitled to more than one repre-
 26 sentative as provided in section 3 of this act and in each county where

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1 a division is made by attaching a part or parts of the county to part or
 2 parts of another county or counties as provided in either section 1 or
 3 section 3 of this act. The committee shall consist of five electors of
 4 the county who are not elected or appointed officers or employees of the
 5 state, city, county, school district, or other political subdivision,
 6 except that members of the state legislature may serve on the committee.
 7 Two members of the committee shall be appointed by the Speaker of the
 8 State House of Representatives, one of whom shall be a member of the state
 9 legislature and a resident of the county; two members of the committee
 10 shall be appointed by the President of the State Senate, one of whom shall
 11 be a member of the state legislature and a resident of the county; and
 12 one member shall be elected by a majority vote of the other four members.
 13 In the event a member of the state legislature is not available by res-
 14 idence, the committee appointment shall be made from other county electors.
 15 The appointment of the apportionment committee members shall be made

16 upon the effective date of this act, and the county clerks in the respec-
17 tive counties shall be notified of these appointments. The county clerk
18 shall immediately call a meeting of the appointed members of the com-
19 mittee, at which meeting the fifth member shall be elected. If appoint-
20 ment of members authorized is not made by February 29, 1972, the board
21 of county commissioners shall appoint four county members to serve as
22 members of the committee; but if either the Speaker of the House or
23 President of the Senate shall have appointed his prescribed two com-
24 mittee members, the board shall appoint only two members.

25 (2) If the four committee members have not been able to agree
26 upon the fifth member within 10 days after their appointment, the board

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1 of county commissioners shall immediately call the four committee mem-
2 bers into a meeting; and the two members appointed by the Speaker of
3 the House shall select a person and the two members appointed by the
4 President of the Senate shall select a person and the board of county
5 commissioners shall draw lots to determine which of the persons thus
6 selected shall be the fifth member of the committee. Within 10 days
7 after the election or selection of the fifth member of the committee,
8 the county clerk shall call a meeting of the committee for the purpose
9 of electing a chairman, and the committee shall then proceed as expedi-
10 tiously as possible to discharge its duties. The committee shall deter-
11 mine and designate which voting districts shall make up the senatorial
12 and/or representative districts in the county. Where a division of a
13 county is required in the formation of a senatorial or representative
14 district, the committee shall determine and designate which voting
15 districts shall make up the senatorial and/or representative district
16 portion of that part of the county which shall be attached to or coun-
17 bined with parts of another county or counties to form the districts
18 provided for in sections 1 or 3 of this act. This determination shall
19 be based as nearly as practicable upon the actual population in each
20 voting district to insure that the senatorial districts are as nearly
21 equal as practicable in population and that the representative districts
22 are as nearly equal as practicable in population. Representative
23 districts may be divided in the formation of senatorial districts.
24 All voting districts in a senatorial or representative district shall
25 be contiguous. The committee shall use the last available official
26 federal census to determine the population and may use voter registration

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1 lists, school census data, and other data which will help to determine
2 actual population in each voting district. The committee shall be pro-
3 vided with any information it may request from the office of the county
4 clerk and shall have access to any public records or documents which
5 may be helpful to it in determining population figures. When the com-
6 mittee has completed the designation of senatorial and representative
7 districts, it shall furnish a copy of the same to the board of county
8 commissioners. The clerk of the board shall then prepare and certify

9 a map of the senatorial and representative districts and file it with
10 the secretary of state on or before April 30, 1972; and upon the filing
11 of this map the senatorial and representative districts shown on it
12 shall constitute the districts from which senators and representative
13 shall be elected.

14 (3) The clerk of the board shall file a duplicate copy of the map
15 with the president of the senate and the speaker of the house immediately
16 upon the convening of the legislative session held subsequent to the
17 effective date of this act.

18 Section 5. Sections 1, 2, 3 and 4 of Chapter 5, Laws of Utah 1971,
19 First Special Session, are repealed.

20 Section 6. This act shall take effect upon approval.

On motion of Senator Leavitt, the Senate voted to extend a special vote of thanks to Senator Christensen, acting in behalf of the B.Y.U. for the excellent evening that members of the Utah State Senate enjoyed on Saturday, January 23, 1972.

On motion of Senator Jensen, the Senate adjourned until Wednesday, January 26, 1972 at 9:00 a.m.

SEVENTEENTH DAY

MORNING SESSION

January 26, 1972

The Senate was called to order at 9:00 a.m. President Barlow in the chair.

Roll Call -- All Senators present.

Prayer by Senator E. LaMar Buckner.

January 26, 1972

Mr. President:

Your Committee on Revision of the Journal respectfully reports that we have read the Journal for the sixteenth day and find it correct with minor amendments noted on the final copy.

Respectfully,

WILMER L. BARNETT, Chairman

Report adopted and filed.

COMMUNICATIONS FROM THE HOUSE

January 25, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed S.J.R.-S.E.R. No. 4, by Mr. Clyde, et al., RESOLUTION AUTHORIZING INTRODUCTION OF CONTROL AND SUPERVISION OF SCHOOLS RESOLUTION, which has been signed by the Speaker in open session in the presence of the House, and the same is returned herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S.J.R.-S.E.R. No. 4 was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Secretary of State.

January 25, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed H.E.R. No. 31, by Mr. Judd, et al., DEPARTMENT OF NATURAL RESOURCES PROJECTS RESOLUTION, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H.E.R. No. 31 was read the first time and referred to the Committee on Rules.

INTRODUCTION OF BILLS

(DRUGS FOR JUVENILES)

S. B. No. 13

By Mr. Mecham

AN ACT AMENDING SECTION 58-33-6.2, UTAH CODE ANNOTATED 1953, AS ENACTED BY CHAPTER 177, LAWS OF UTAH 1969; CHANGING A CROSS-REFERENCE IN THE DRUG ABUSE CONTROL LAW CONCERNING DEFINITION OF "CHILD", was read the first time and referred to the Committee on Rules.

(SENTENCING UNDER UTAH CONTROLLED SUBSTANCES ACT)

S. B. No. 14

By Mr. Mecham

AN ACT AMENDING THE UTAH CONTROLLED SUBSTANCES ACT BY AMENDING SECTION 58-37-8, UTAH CODE ANNOTATED 1953, AS ENACTED BY CHAPTER 145, LAWS OF UTAH 1971; CORRECTING THE REFERENCE UNDER PENALTIES FOR VIOLATION OF THIS ACT TO GENERAL SENTENCING FOR CRIMES, was read the first time and referred to the Committee on Rules.

(UTAH RELOCATION ASSISTANCE ACT)

S. B. No. 15

By Messrs. Bunnell, Mecham and Whitman

AN ACT RELATING TO RELOCATION ASSISTANCE; PROVIDING FOR A PROGRAM OF RELOCATION ASSISTANCE INVOLVING ALL AGENCIES OF THE STATE AND ITS POLITICAL SUBDIVISIONS; ABOLISHING THE SEPARATE RELOCATION ASSISTANCE PROGRAM OF UTAH STATE ROAD COMMISSION; PRESCRIBING THE POWERS AND DUTIES OF THESE AGENCIES IN RELOCATION PROCEDURES; PROVIDING FOR RELOCATION ASSISTANCE TO DISPLACED PERSONS AND BUSINESSES; PROVIDING FOR PAYMENT OF CERTAIN AMOUNTS OF ASSISTANCE AND FOR USAGE OF AVAILABLE FEDERAL FUNDS; PRESCRIBING PROCEDURES AND PROVIDING FOR PROMULGATION OF RULES AND REGULATIONS; AND REPEALING SECTIONS 27-12-12, 27-12-12.1, 27-12-12.5, 27-12-12.7, 27-12-12.9, AND 27-12-12.10, UTAH CODE ANNOTATED 1953, AS ENACTED BY CHAP-

TER 66, LAWS OF UTAH 1969, AND SECTIONS 27-12-12.2, 27-12-12.3, 27-12-12.4, AND 27-12-12.6, UTAH CODE ANNOTATED 1953, AS ENACTED BY CHAPTER 66, LAWS OF UTAH 1969, AS AMENDED BY CHAPTER 57, LAWS OF UTAH 1971, was read the first time and referred to the Committee on Rules.

UNFINISHED BUSINESS

S. B. No. 10 (STATE SENATE REAPPORTIONMENT) being Unfinished Business, was before the Senate.

On motion of Senator Leavitt, S. B. No. 10 was made a Special Order of Business for today at 10:30 a.m.

CONSIDERATION OF BILLS ON THIRD READING

H.E.R. No. 9 (UNEMPLOYMENT COMPENSATION FOR STATE EMPLOYEES) was read the third time and placed on its final passage.

H.E.R. No. 9 then passed on the following roll call:

Yeas, 23; Nays, 3; Absent, 2.

Voting in the affirmative were: Senators Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Dean, Evans, Gardner, Harward, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Pugh, Swan, Waddingham, Whitman and Mr. President.

Voting in the negative were: Senators Clyde, Ferry and Preece.

Absent and not voting were: Senators Barnett and Jenkins.

H.E.R. No. 9 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

S. B. No. 4 (AMENDMENTS TO UNIFORM MUNICIPAL FISCAL PROCEDURES ACT) was read the third time and placed on its final passage.

S. B. No. 4 then passed on the following roll call:

Yeas, 23; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bunnell, Christensen, Clark, Clyde, Dean, Ferry, Gardner, Harward, Jensen, Julander, Leavitt, Mecham, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

Voting in the negative were: Senators Macfarlane and Pettersson.

Absent and not voting were: Senators Bullen, Evans and Jenkins.

S. B. No. 4 was transmitted to the House.

CONSIDERATION OF BILLS ON SECOND READING

H.E.R. No. 11 (DISTRIBUTION OF LIQUOR PROFITS RESOLUTION) was read the second time.

On motion of Senator Leavitt the Senate resolved itself into a Committee of the Whole.

Representative Ted M. Davis, appeared before the Committee of the Whole to explain H.E.R. No. 11.

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

H.E.R. No. 11 was placed on the Third Reading Calendar on the following Roll Call.

Yeas, 23; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators Bischoff, Brockbank, Buckner, Bullen, Christensen, Clark, Clyde, Dean, Ferry, Gardner, Harward, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

Voting in the negative were: Senators Beck and Evans.

Absent and not voting were: Senators Barnett, Bunnell and Jenkins.

H.E.R. No. 22 (STATE CLASSIFICATION AND COMPENSATION ADMINISTRATION RESOLUTION) was read the second time.

H.E.R. No. 22 was placed on the Third Reading Calendar on the following Roll Call.

Yeas, 26; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jensen, Julander, Leavitt, Mecham, Petterson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting were: Senators Jenkins and Macfarlane.

Senator Waddingham, having voted on the prevailing side moved that the Senate do reconsider its final action on H. E. R. No. 12 (DEATH BENEFIT FOR PUBLIC SERVICE EMPLOYEES).

Motion carried.

H.E.R. No. 12 was before the Senate for reconsideration.

H.E.R. No. 12 upon reconsideration failed to pass on the following roll call:

Yeas, 18; Nays, 8; Absent, 2.

Voting in the affirmative were: Senators Beck, Buckner, Bunnell, Clark, Dean, Evans, Harward, Jensen, Julander, Leavitt, Macfarlane, Mecham, Petterson, Pugh, Swan, Waddingham, Whitman and Mr. President.

Voting in the negative were: Senators Barnett, Bischoff, Brockbank, Christensen, Clyde, Ferry, Gardner and Preece.

Absent and not voting were: Senators Bullen and Jenkins.

H.E.R. No. 12 was returned to the House.

On motion of Senator Pugh, S. B. No. 3 was lifted from the table and placed at the head of the Third Reading Calendar.

On motion of Senator Pugh, the rules were suspended and the Senate voted to now consider bills on the Third Reading Calendar.

CONSIDERATION OF BILLS ON THIRD READING

On motion of Senator Leavitt, S. B. No. 3 was amended as follows:

Page 3, line 17, following "March 1, 1972 for" insert the word "up to"

On motion of Senator Leavitt, S. B. No. 3 was amended as follows:

With the adoption of the Leavitt amendment January 22, 1972 and another in addition this date affecting Page 3, line 19, said bill will now read amended as follows: "or in lieu thereof to purchase student housing, land, and related appurtenances, with such purchase or purchases being subject to the approval of the State Building Board; and".

On motion of Senator Leavitt, S. B. No. 3 retained its position on the Third Reading Calendar.

On motion of Senator Leavitt the Senate recessed.

The Senate re-assembled.

SPECIAL ORDER

S. B. No. 10 being a Special Order of Business, was before the Senate.

On motion of Senator Harward, S. B. No. 10 was amended as follows:

Delete Section 3 in its entirety. Page 3, beginning with line 12 down to and including line 22 page 4 then renumber the remaining sections accordingly.

On motion of Senator Dean, S. B. No. 10 was amended as follows:

Page 3, delete Section 2 – lines 2 to 11 inclusive.

On motion of Senator Barnett, S. B. No. 10 was amended as follows:

Beginning on page 4, line 23 delete all of Section 4 to include remainder of page – all of page 5 – page 6 and part of page 7 down to include line 17.

Page 7, delete Section 6 – line 20.

S. B. No. 10 was placed on the Third Reading Calendar on the following roll call:

Yeas, 15; Nays, 11; Absent, 2.

Voting in the affirmative were: Senators Barnett, Bischoff, Buckner, Bullen, Christensen, Clark, Clyde, Ferry, Gardner, Harward, Leavitt, Mecham, Preece, Pugh and Mr. President.

Voting in the negative were: Senators Beck, Bunnell, Dean, Evans, Jensen, Julander, Macfarlane, Pettersson, Swan, Waddingham and Whitman.

Absent and not voting were: Senators Brockbank and Jenkins.

RULES COMMITTEE REPORT

January 26, 1972

Mr. President:

Your Rules Committee, to which was referred S.J.R. No. 1 (LEGISLATIVE ARTICLE REVISION) reports the same back favorably and recommends the same be printed and under suspension of the rules be placed on the Second Reading Calendar.

Respectfully,

E. LAMAR BUCKNER, Chairman

Committee report read and adopted.

CONSIDERATION OF BILLS ON SECOND READING

S.J.R. No. 1 (LEGISLATIVE ARTICLE REVISION) was read the second time.

On motion of Senator Christensen the Senate resolved itself into a Committee of the Whole.

Mr. Gregg Killips, member "Utahns For the Preservation of Constitutional Freedom", appeared before the Committee of the Whole, to discuss S.J.R. No. 1.

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

S.J.R. No. 1 was placed on the Third Reading Calendar on the following Roll Call.

Yeas, 20; Nays, 1; Absent, 7.

Voting in the affirmative were: Senators Barnett, Bischoff, Buckner, Bullen, Bunnell, Clark, Clyde, Dean, Ferry, Harvard, Jensen, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Swan, Whitman and Mr. President.

Voting in the negative was: Senator Christensen.

Absent and not voting were: Senators Beck, Brockbank, Evans, Gardner, Jenkins, Julander and Waddingham.

On motion of Senator Leavitt, the rules were suspended and the Senate voted to now consider bills on the Third Reading Calendar.

CONSIDERATION OF BILLS ON THIRD READING

H.E.R. No. 11 (DISTRIBUTION OF LIQUOR PROFITS RESOLUTION) was read the third time and placed on its final passage.

H.E.R. No. 11 then passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators Barnett, Bischoff, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Ferry, Harward, Jensen, Julander, Leavitt, Macfarlane, Mecham, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting were: Senators Beck, Brockbank, Evans, Gardner, Jenkins and Pettersson.

H.E.R. No. 11 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

H.E.R. No. 22 (STATE CLASSIFICATION AND COMPENSATION ADMINISTRATION RESOLUTION) was read the third time and placed on its final passage.

H.E.R. No. 22 then passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators Barnett, Bischoff, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Ferry, Harward, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Pugh, Swan, Whitman and Mr. President.

Absent and not voting were: Senators Beck, Brockbank, Evans, Gardner, Jenkins and Waddingham.

H.E.R. No. 22 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

RULES COMMITTEE REPORT

January 26, 1972

Mr. President:

Your Rules Committee, to which were referred:

S. B. No. 13 (DRUGS FOR JUVENILES)

S. B. No. 14 (SENTENCING UNDER UTAH CONTROLLED SUBSTANCES ACT)

S. B. No. 15 (UTAH RELOCATION ASSISTANCE ACT)

reports the same to be declared non-budgetary and that a Senate Enabling Resolution (S.E.R.) be introduced for further consideration by both bodies, and that the bills be held in the Rules Committee until that action is taken.

Respectfully,

E. LAMAR BUCKNER, Chairman
Committee report read and adopted.

**PRESENTATION OF RESOLUTIONS
(DRUGS FOR JUVENILES RESOLUTION)**

S.E.R. No. 13

By Mr. Mecham

AN ENABLING RESOLUTION OF THE BUDGET SESSION OF THE 39TH LEGISLATURE OF THE STATE OF UTAH, PERMITTING INTRODUCTION AND CONSIDERATION OF A BILL ENTITLED "DRUGS FOR JUVENILES", was read the first time.

On motion of Senator Buckner, the rules were suspended and S.E.R. No. 13 was placed on the Second Reading Calendar.

**(SENTENCING UNDER UTAH CONTROLLED SUBSTANCES
ACT RESOLUTION)**

S.E.R. No. 14

By Mr. Mecham

AN ENABLING RESOLUTION OF THE BUDGET SESSION OF THE 39TH LEGISLATURE OF THE STATE OF UTAH, PERMITTING INTRODUCTION AND CONSIDERATION OF A BILL ENTITLED "SENTENCING UNDER UTAH CONTROLLED SUBSTANCES ACT", was read the first time.

On motion of Senator Buckner, the rules were suspended and S.E.R. No. 14 was placed on the Second Reading Calendar.

(UTAH RELOCATION ASSISTANCE ACT RESOLUTION)

S.E.R. No. 15

By Messrs. Bunnell, Mecham and Whitman

AN ENABLING RESOLUTION OF THE BUDGET SESSION OF THE 39TH LEGISLATURE OF THE STATE OF UTAH, PERMITTING INTRO-

DUCTION AND CONSIDERATION OF A BILL ENTITLED "UTAH RELOCATION ASSISTANCE ACT", was read the first time.

On motion of Senator Buckner, the rules were suspended and S.E.R. No. 15 was placed on the Second Reading Calendar.

On motion of Senator Leavitt, the Senate adjourned until Thursday, January 27, 1972 at 9:00 a.m.

EIGHTEENTH DAY

MORNING SESSION

January 27, 1972

The Senate was called to order at 9:00 a.m. President Barlow in the chair.

Roll Call – All Senators present.

Prayer by Senator Ernest H. Dean.

January 27, 1972

Mr. President:

Your Committee on Revision of the Journal respectfully reports that we have read the Journal for the seventeenth day and find it correct with minor amendments noted on the final copy.

Respectfully,

WILMER L. BARNETT, Chairman

Report adopted and filed.

COMMUNICATIONS FROM THE HOUSE

January 26, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed H.E.R. No. 33, by Mr. Dmitrich, et al., MARRIAGE SOLEMNIZATION RESOLUTION, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H.E.R. No. 33 was read the first time and referred to the Committee on Rules.

January 26, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, as amended by the Senate and House, S. B. No. 1, by Mr. Brockbank, et al., STATE BOARD OF EDUCATION REAPPORTIONMENT, and the same is transmitted herewith for further action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

On motion of Senator Brockbank, the Senate refused to concur in the House amendments on S. B. No. 1 and ask the House to recede from its amendments.

January 27, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, under suspension of the rules H. B. No. 13, by Mr. Pace, et al., LOCAL SCHOOL BOARD ELECTION FILING DATE, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H. B. No. 13 was read the first time and referred to the Committee on Rules.

RULES COMMITTEE REPORT

January 27, 1972

Mr. President:

The following bills are referred out of rules with the recommendation that they be filed:

S. B. No. 2 (S.E.R. No. 2 failed on 2nd Reading January 11, 1972)

S. B. No. 7 (S.E.R. No. 7 – rejected by the House January 22, 1972)

S.J.R. No. 5 (SJR-SER No. 5 – failed on Third Reading – January 22, 1972)

Respectfully submitted,

E. LAMAR BUCKNER, Chairman

Committee report read and adopted.

CONSIDERATION OF BILLS ON THIRD READING

On motion of Senator Buckner, S. B. No. 10 retained its position on the Third Reading Calendar.

S.J.R. No. 1 was read the third time and placed on its final passage.

S.J.R. No. 1 then passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Pugh, Swan, Whitman and Mr. President.

Absent and not voting were: Senators Barnett, Beck, Jenkins and Waddingham.

S.J.R. No. 1 was transmitted to the House.

CONSIDERATION OF BILLS ON SECOND READING

S.E.R. No. 13 (DRUGS FOR JUVENILES RESOLUTION) was read the second time.

On motion of Senator Mecham the rules were suspended and S.E.R. No. 13 was read the third time and placed on its final passage.

S.E.R. No. 13 then passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Pugh, Swan, Whitman and Mr. President.

Absent and not voting were: Senators Barnett, Beck, Preece and Waddingham.

S.E.R. No. 13 was transmitted to the House.

S.E.R. No. 14 (SENTENCING UNDER UTAH CONTROLLED SUBSTANCES ACT) was read the second time.

On motion of Senator Mecham the rules were suspended and S.E.R. No. 14 was read the third time and placed on its final passage.

S.E.R. No. 14 then passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators Beck, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Har-

ward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Petterson, Preece, Swan, Whitman and Mr. President.

Absent and not voting were: Senators Barnett, Bischoff, Pugh and Waddingham.

S.E.R. No. 14 was transmitted to the House.

S.E.R. No. 15 (UTAH RELOCATION ASSISTANCE ACT) was read the second time.

On motion of Senator Leavitt, S.E.R. No. 15 retained its position on the Second Reading Calendar.

On motion of Senator Leavitt the Senate recessed.

The Senate re-assembled.

COMMUNICATIONS FROM THE HOUSE

January 26, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed S.E.R. No. 8, by Mr. Gardner, et al., PUBLIC ASSISTANCE AND MEDICAL CARE CLAIM LIMITATIONS RESOLUTION, which has been signed by the Speaker in open session in the presence of the House, and the same is returned herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S.E.R. No. 8 was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Secretary of State.

January 26, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed S.E.R. No. 9, by Mr. Pugh, et al., PHYSICIANS PRESCRIBING DRUGS AT HOSPITALS RESOLUTION, which has been signed by the Speaker in open session in the presence of the House, and the same is returned herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S.E.R. No. 9 was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Secretary of State.

RULES COMMITTEE REPORT

January 27, 1972

Mr. President:

Your Rules Committee, to which was referred:

S. B. 8 (PUBLIC ASSISTANCE AND MEDICAL CARE CLAIM LIMITATIONS)

S. B. 9 (PHYSICIANS PRESCRIBING DRUGS AT HOSPITALS)

reports the same back favorably and recommends the same be printed and under suspension of the rules be placed on the Second Reading Calendar.

H.E.R. 1 (TAX EXEMPTIONS FOR LOW INCOME PERSONS RESOLUTION)

H.E.R. 23 (CAMPER REGISTRATION DECALS RESOLUTION)

H.E.R. 31 (DEPARTMENT OF NATURAL RESOURCES PROJECTS RESOLUTION)

H.E.R. 33 (MARRIAGE SOLEMNIZATION RESOLUTION)

reports the same to be declared non-budgetary and further reports the same

back favorably and recommends under suspension of the rules be placed on the Second Reading Calendar.

Respectfully,

E. LAMAR BUCKNER, Chairman

Committee report read and adopted.

INTRODUCTION OF BILLS

(STATE CAPITAL POLICE DEPARTMENT)

S. B. No. 16

By Messrs. Leavitt and Dean

AN ACT AMENDING SECTION 63-9-8, UTAH CODE ANNOTATED 1953, RELATING TO THE STATE CAPITOL BUILDINGS AND GROUNDS; PROVIDING FOR THE ESTABLISHMENT AND MAINTENANCE OF A POLICE OR SECURITY DEPARTMENT FOR THE STATE CAPITOL GROUNDS; PROVIDING FOR THEIR APPOINTMENT, AND PROVIDING THAT THE MEMBERS OF THE DEPARTMENT SHALL HAVE THE POWERS OF PEACE OFFICERS, was read the first time and referred to the Committee on Rules.

(APPROPRIATION TO STATE BOARD OF EDUCATION FOR BALLET WEST)

S. B. No. 17

By Messrs. Pugh and Jenkins

AN ACT APPROPRIATING THE SUM OF \$50,000 TO THE STATE BOARD OF EDUCATION FROM THE UNIFORM SCHOOL FUND FOR BALLET CONCERTS TO BE GIVEN BY BALLET WEST IN THE PUBLIC SCHOOLS, was read the first time and referred to the Committee on Rules.

CONSIDERATION OF BILLS ON SECOND READING

On motion of Senator Leavitt, S.E.R. No. 15 (UTAH RELOCATION ASSISTANCE ACT) having retained its position on the Second Reading Calendar, was before the Senate.

On motion of Senator Leavitt the rules were suspended and S.E.R. No. 15 was read the third time and placed on its final passage.

S.E.R. No. 15 then passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators Barnett, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Swan, Whitman and Mr. President.

Absent and not voting were: Senators Beck, Evans, Pugh and Waddingham.

S.E.R. No. 15 was transmitted to the House.

S. B. No. 8 (PUBLIC ASSISTANCE AND MEDICAL CARE CLAIM LIMITATIONS) was read the second time.

On motion of Senator Gardner the rules were suspended and S.B. No. 8 was read the third time and placed on its final passage.

S. B. No. 8 then passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators Beck, Brockbank, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting were: Senators Barnett, Bischoff and Buckner.

S. B. No. 8 was transmitted to the House.

S. B. No. 9 (PHYSICIANS PRESCRIBING DRUGS AT HOSPITALS) was read the second time.

On motion of Senator Pugh the rules were suspended and S. B. No. 9 was read the third time and placed on its final passage.

S. B. No. 9 then passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Pugh, Swan, Whitman and Mr. President.

Absent and not voting were: Senators Barnett and Waddingham.

S. B. No. 9 was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

January 27, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, under suspension of the rules H.J.R. No. 6, by Mr. Warren, et al., **COMMENDATION OF MARSHA BOWEN**, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H.J.R. No. 6 was read the first time.

On motion of Senator Gardner the Senate resolved itself into a Committee of the Whole.

Miss Marsha Bowen, first national president of the Future Homemakers of America from Utah, appeared before the Committee of the Whole.

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

On motion of Senator Gardner the rules were suspended and H.J.R. No. 6 was read the second and third times and placed on its final passage.

H.J.R. No. 6 then passed on the following roll call:

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

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

H.J.R. No. 6 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

CONSIDERATION OF BILLS ON SECOND READING

H.E.R. No. 1 (TAX EXEMPTIONS FOR LOW INCOME PERSONS RESOLUTION) was read the second time.

On motion of Senator Leavitt the Senate resolved itself into a Committee of the Whole.

Representative Beatrice Marchant, appeared before the Committee of the Whole.

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

On motion of Senator Bischoff the rules were suspended and H.E.R. No. 1 was read the third time and placed on its final passage.

Yeas, 19; Nays, 7; Absent, 2.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Buckner, Bunnell, Christensen, Dean, Evans, Jenkins, Jensen, Julander, Macfarlane, Mecham, Pettersson, Pugh, Swan, Waddingham, Whitman and Mr. President.

Voting in the negative were: Senators Brockbank, Bullen, Clark, Clyde, Ferry, Gardner and Preece.

Absent and not voting were: Senators Harward and Leavitt.

H.E.R. No. 1 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

H.E.R. No. 23 (CAMPER REGISTRATION DECALS RESOLUTION) was read the second time.

On motion of Senator Buckner the rules were suspended and H.E.R. No. 23 was read the third time and placed on its final passage.

Senator Buckner, with the aid of five Senators, requested a Call of the Senate.

On motion of Senator Buckner, the Call of the Senate was lifted.

H.E.R. No. 23 then passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Jenkins, Jensen, Julander, Macfarlane, Mecham, Pettersson, Preece, Pugh, Swan, Whitman and Mr. President.

Absent and not voting were: Senators Harward, Leavitt and Waddingham.

H.E.R. No. 23 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

H.E.R. No. 31 (DEPARTMENT OF NATURAL RESOURCES PROJECTS RESOLUTION) was read the second time.

On motion of Senator Leavitt, H.E.R. No. 31 retained its position on the Second Reading Calendar.

On motion of Senator Pugh, the rules were suspended and the Senate voted to now consider bills on the Third Reading Calendar.

CONSIDERATION OF BILLS ON THIRD READING

On motion of Senator Pugh, S. B. No. 3 (BONDS OF INSTITUTIONS OF HIGHER LEARNING) having retained its position on the Third Reading Calendar, was before the Senate.

On motion of Senator Brockbank, S. B. No. 3 was amended as follows:

1. Page 5, between lines 33 and 34 insert the following: "Section 5. No bonds shall be authorized or issued by the state board of higher education, or any successor board, or the board of any institution under this chapter after the effective date of this act, except for the bonds described in section 53-38-1.8 on the effective date of this act, without the prior approval of the legislature."

2. Page 5, line 34: Delete "5" and insert in lieu thereof "6".

On motion of Senator Brockbank the title of S. B. No. 3 was amended as follows:

Formal Title, line 14: After "DELIVERED;" insert the following: "PROVIDING FOR PRIOR APPROVAL OF THE LEGISLATURE BEFORE FURTHER AUTHORIZATION OR ISSUANCE OF SUCH BONDS;"

Page 5, line 13, after the word "Legislature", delete remainder of line, then all of lines 14 through 28 inclusive.

S. B. No. 3 then passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Petterson, Preece, Pugh, Swan, Whitman and Mr. President.

Absent and not voting was: Senator Gardner.

S. B. No. 3 was transmitted to the House.

On motion of Senator Leavitt, the rules were suspended and the Senate voted to now consider bills on the Second Reading Calendar.

On motion of Senator Evans, H.E.R. No. 31 having retained its position on the Second Reading Calendar, was before the Senate.

On motion of Senator Leavitt the Senate recessed.

AFTERNOON SESSION

The Senate re-assembled. President Barlow in the chair.

UNFINISHED BUSINESS

H.E.R. No. 31 (DEPARTMENT OF NATURAL RESOURCES PROJECTS RESOLUTION) being Unfinished Business, was before the Senate.

On motion of Senator Leavitt, H.E.R. No. 31 retained its position on the Second Reading Calendar.

CONSIDERATION OF BILLS ON SECOND READING

H.E.R. No. 33 (MARRIAGE SOLEMNIZATION RESOLUTION) was read the second time.

On motion of Senator Bischoff the rules were suspended and H.E.R. No. 33 was read the third time and placed on its final passage.

H.E.R. No. 33 then passed on the following roll call:

Yeas, 19; Nays, 7; Absent, 2.

Voting in the affirmative were: Senators Barnett, Beck, Brockbank, Buckner, Bullen, Christensen, Clark, Dean, Evans, Harward, Jensen, Julander, Leavitt, Macfarlane, Pugh, Swan, Waddingham and Whitman.

Voting in the negative were: Senators Clyde, Ferry, Gardner, Jenkins, Mecham, Petterson and Preece.

Absent and not voting were: Senators Bischoff and Bunnell.

H.E.R. No. 33 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

RULES COMMITTEE REPORT

January 27, 1972

Mr. President:

Your Rules Committee, to which was referred

S.J.R. No. 4 (CONTROL AND SUPERVISION OF SCHOOLS)

reports the same back favorably and recommends the same be printed and under suspension of the rules be placed on the Second Reading Calendar.

Respectfully,

E. LAMAR BUCKNER, Chairman

Committee report read and adopted.

RULES COMMITTEE REPORT

January 27, 1972

Mr. President:

Your Rules Committee, to which were referred

S. B. 17 (APPROPRIATION TO STATE BOARD OF EDUCATION FOR BALLET WEST)

reports the same back favorably as a budgetary item and recommends the same be printed and under suspension of the rules be referred directly to the Second Reading Calendar.

H. B. No. 13 (LOCAL SCHOOL BOARD ELECTION FILING DATE) reports the same to be declared non-budgetary and further reports the same back favorably and recommends under suspension of the rules be placed on the Second Reading Calendar.

Respectfully,

E. LAMAR BUCKNER, Chairman

Committee report read and adopted.

On motion of Senator Leavitt, the Senate recessed in order to meet with the House in Joint Convention. In further compliance with the Leavitt motion the Senate voted to then re-assemble immediately with the understanding that the Senate would work as long as possible this afternoon.

The Senate re-assembled.

SPECIAL COMMUNICATION

January 24, 1972

To: President Haven J. Barlow and Members of the Senate

Senate Joint Resolution No. 11, passed February 11, 1971 proposes changes in our State Constitution Article VI regarding the Legislative Branch of State Government.

I am interested and concerned in the wording of Section 33, Article VI which grants authority to the Legislature to appoint

“a legislative auditor to serve at its pleasure. The Legislative auditor shall have authority to conduct audits of any funds, functions, and accounts in any branch, department, agency or political subdivisions of this state and shall perform such other related duties as may be prescribed by the Legislature. He shall report to and be answerable only to the Legislature.”

My concern is that the present wording of this section appears to be in conflict with the present Article VII, Section 17, which states that: “the Auditor shall be Auditor of public accounts”.

I think now is the time to clarify any misunderstanding and let the citizens of this State KNOW NOW EXACTLY what is the intent and extent the Leg-

islature intends to go to implement this addition to the Constitution, Article 6, Section 33, if approved by the citizens in its present form.

The present statute, Section 67-3-1 (11), requires the State Auditor: "to examine and audit at least once a year the books and accounts of all persons, departments, commissions, and institutions charged with receipt, safekeeping or disbursement of public moneys."

Does this new proposed section: Article 6, Section 33, mean to duplicate these requirements by the legislative auditor or to later eliminate them from the duties of the State Auditor as now required by both the State Constitution and State Statutes?

I am very much in favor of the Legislature and its committees having authority, facilities and manpower to gather and secure any information and facts which will help them to intelligently carry out their duties as legislators in passing laws which affect every segment of our State; that is, citizens, counties, higher education, public schools, cities, towns and other taxing units.

In doing this, however, each division of government: Legislative, Executive and Judicial, should not infringe on the duties and rights of other branches of government as provided in our State Constitution.

I repeat, the Legislature with its committees and staff should have all the information and facts needed to help them intelligently pass laws and appropriate funds.

This information can still be secured by them and not infringe on the duties of the Executive Department by limiting the duties of the proposed legislative auditor to research, fact finding and investigation and not the possible taking over of the entire auditing functions of the Constitutionally elected State Auditor.

Respectfully,

SHERMAN J. PREECE, State Auditor

Communication filed.

January 27, 1972

President Haven J. Barlow
Members of the Utah Legislature
Senate Chambers
State Capitol
Salt Lake City, Utah

Dear Senators:

I am writing in response to the request that I clarify the intent of the Constitutional Revision Commission regarding the duties of the legislative auditor included in Senate Joint Resolution 11 of the general session of the 39th Legislature. The question is asked if the duties of the proposed legislative

auditor would conflict with those of the auditor as contained in Article VII, Sections 17 of the Utah Constitution.

In my opinion the creation of the legislative auditor will not interfere with the present traditional constitutional functions of the State Auditor nor with the additional duties his office has acquired through recent Supreme Court determination. The pre-audit function, consisting of determining the legality and correctness of proposed expenditures, the concurrent audit, and the disbursement of public funds involves a completely different area of concern from the independent post-audit. The two activities are appropriately separated in all business operations and are becoming increasingly so in state government by the creation of a legislative auditor. Twenty-seven states have an auditor appointed by the Legislature, twelve of these also have an elected state auditor performing pre-audit or disbursement. By using the language "shall have authority to conduct audits," it is clear that the proposed legislative auditor does not envision the executive function of keeping extensive ledgers but involves a fact-finding duty.

The recent Utah Supreme Court decision, *Preece v. Rampton*, places added emphasis on the State Auditor as the authority for approving expenditures of state funds. With this emphasis on the Auditor as an increasingly operational member of the Executive Branch, it would seem even more advisable that the Legislature have an officer empowered to conduct independent audit surveys.

Sincerely yours,

NEAL A. MAXWELL, Chairman

Communication filed.

COMMUNICATIONS FROM THE HOUSE

January 27, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, under suspension of the rules, H. B. No. 16, by Mr. Judd, et al., STATE EMPLOYEE HEALTH INSURANCE ACT, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H. B. No. 16 was read the first time and referred to the Committee on Rules.

INTRODUCTION OF BILLS

(REAPPORTIONMENT OF SCHOOL DISTRICT BOARDS
OF EDUCATION)

S. B. No. 18

By Messrs. Buckner, Jensen and Pugh

AN ACT AMENDING SECTION 53-4-3, UTAH CODE ANNOTATED 1953, AS AMENDED BY CHAPTER 90, LAWS OF UTAH 1957, AS AMENDED BY CHAPTER 6, LAWS OF UTAH 1971, FIRST SPECIAL SESSION, AND SECTION 53-4-6, UTAH CODE ANNOTATED 1953, AS AMENDED BY CHAPTER 6, LAWS OF UTAH 1971, FIRST SPECIAL SESSION, RELATING TO BOARDS OF EDUCATION OF SCHOOL DISTRICTS AND THEIR REAPPORTIONMENT; PROVIDING THE REQUISITES OF THE DECENNIAL REAPPORTIONMENT OF PRECINCTS WITHIN CITY AND COUNTY SCHOOL DISTRICTS; AND PROVIDING FOR AN EFFECTIVE DATE, was read the first time and referred to the Committee on Rules.

Senator Dixie Leavitt made a special presentation to President Haven J. Barlow. The presentation being a beautiful plaque, signed by Mr. John W. Gallivan and reading as follows:

LEGISLATURE LEADERSHIP CITATION IN RECOGNITION OF CONTRIBUTION TO THE ADVANCEMENT OF THE STATE LEGISLATURE AS THE KEYSTONE OF THE AMERICAN FEDERAL SYSTEMS.

President Barlow responded graciously and in turn gave the members of the Senate and House of Representatives the credit for the distinguished honor that has come to him.

CONSIDERATION OF BILLS ON SECOND READING

S. B. No. 17 (APPROPRIATION TO STATE BOARD OF EDUCATION FOR BALLETT WEST) was read the second time.

On motion of Senator Pugh the rules were suspended and S. B. No. 17 was read the third time and placed on its final passage.

On motion of Senator Pugh, S. B. No. 17 was amended as follows:

On line 3 of the bill after the word "schools." insert the following; "Concerts shall be scheduled as far as practicable to involve all school districts".

S. B. No. 17 then passed on the following roll call:

Yeas, 22; Nays, 1; Absent, 5.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Buckner, Bullen, Christensen, Clyde, Dean, Ferry, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Petterson, Preece, Pugh, Swan, Whitman and Mr. President.

Voting in the negative was: Senator Evans.

Absent and not voting were: Senators Brockbank, Bunnell, Clark, Gardner and Waddingham.

S. B. No. 17 was transmitted to the House.

H. B. No. 13 (LOCAL SCHOOL BOARD ELECTION FILING DATE RESOLUTION) was read the second time.

H. B. No. 13 was placed on the Third Reading Calendar on the following Roll Call.

Yeas, 22; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators Barnett, Bischoff, Buckner, Christensen, Clark, Clyde, Dean, Evans, Ferry, Harward, Jenkins, Jensen, Leavitt, Macfarlane, Mecham, Petterson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting were: Senators Beck, Brockbank, Bullen, Bunnell, Gardner and Julander.

S.J.R. No. 4 (CONTROL AND SUPERVISION OF SCHOOLS) was read the second time.

On motion of Senator Leavitt the Senate recessed.

The Senate re-assembled.

UNFINISHED BUSINESS

S.J.R. No. 4 being Unfinished Business, was before the Senate.

On motion of Senator Leavitt, S.J.R. No. 4 again retained its position on the Second Reading Calendar.

On motion of Senator Harward, the rules were suspended and the Senate voted to now consider bills on the Third Reading Calendar.

CONSIDERATION OF BILLS ON THIRD READING

S. B. No. 10 (STATE SENATE REAPPORTIONMENT) was read the third time and placed on its final passage.

On motion of Senator Buckner, S. B. No. 10 retained its position on the Second Reading Calendar.

PRESENTATION OF RESOLUTIONS

SENATOR CHARLES WELCH, JR. – IN MEMORIUM

S.C.R. No. 1

By All Members of the Utah State Senate

A CONCURRENT RESOLUTION OF THE BUDGET SESSION OF THE 39TH LEGISLATURE OF THE STATE OF UTAH, THE GOVERNOR CONCURRING THEREIN, PRAISING THE MEMORY OF SENATOR CHARLES WELCH, JR. FOR HIS UNSELFISH AND DEVOTED SERVICE TO THE STATE OF UTAH AND TO HIS COUNTRY, AND ACKNOWLEDGING HIS PASSING AS A GREAT LOSS TO HIS FAMILY, HIS FRIENDS, AND THE LEGISLATURE OF THE STATE OF UTAH, was read the first time.

On motion of Senator Leavitt the rules were suspended and S.C.R. No. 1 was read the second and third times and placed on its final passage.

S.C.R. No. 1 then passed on the following roll call:

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

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Petterson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

S.C.R. No. 1 was transmitted to the House.

RULES COMMITTEE REPORT

January 27, 1972

Mr. President:

Your Rules Committee, to which were referred

S. B. No. 16 (STATE CAPITOL POLICE DEPARTMENT)

S. B. No. 12 (ADJUSTMENT OF RETIRED FIREMEN'S ALLOWANCES)

reports the same to be declared non-budgetary and that a Senate Enabling Resolution (S.E.R.) be introduced for further consideration by both bodies, and that the bill be held in the Rules Committee until that action is taken.

H. B. No. 16 (STATE EMPLOYEE HEALTH INSURANCE ACT) reports the same to be declared non-budgetary and further reports the same back favorably and recommends under suspension of the rules be placed on the Second Reading Calendar.

Respectfully,

E. LAMAR BUCKNER, Chairman

Committee report read and adopted.

PRESENTATION OF RESOLUTIONS

(STATE CAPITOL POLICE DEPARTMENT RESOLUTION)

S.E.R. No. 16

By Messrs. Leavitt and Dean

AN ENABLING RESOLUTION OF THE BUDGET SESSION OF THE 39TH LEGISLATURE OF THE STATE OF UTAH, PERMITTING INTRO-

DUCTION AND CONSIDERATION OF A BILL ENTITLED "STATE CAPITOL POLICE DEPARTMENT", was read the first time.

On motion of Senator Buckner, the rules were suspended and S.E.R. No. 16 was placed on the Second Reading Calendar.

(ADJUSTMENT OF RETIRED FIREMEN'S ALLOWANCES
RESOLUTION)

S.E.R. No. 12

By Messrs. Barnett and Dean

AN ENABLING RESOLUTION OF THE BUDGET SESSION OF THE 39TH LEGISLATURE OF THE STATE OF UTAH, PERMITTING INTRODUCTION AND CONSIDERATION OF A BILL ENTITLED "ADJUSTMENT OF RETIRED FIREMEN'S ALLOWANCES", was read the first time.

On motion of Senator Buckner, the rules were suspended and S.E.R. No. 12 was placed on the Second Reading Calendar.

CONSIDERATION OF BILLS ON SECOND READING

S.J.R. No. 4 (CONTROL AND SUPERVISION OF SCHOOLS) having been previously read was before the senate for consideration.

S.J.R. No. 4 was placed on the Third Reading Calendar on the following Roll Call.

Yeas, 17; Nays, 9; Absent, 2.

Voting in the affirmative were: Senators Beck, Bischoff, Buckner, Bullen, Bunnell, Clyde, Evans, Harward, Jenkins, Julander, Leavitt, Mecham, Pugh, Swan, Waddingham, Whitman and Mr. President.

Voting in the negative were: Senators Barnett, Brockbank, Christensen, Clark, Dean, Jensen, Macfarlane, Pettersson and Preece.

Absent and not voting were: Senators Ferry and Gardner.

COMMUNICATIONS FROM THE HOUSE

January 27, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day refused to recede from its amendments to Substitute S. B. No. 1, by Mr. Brockbank, et al., REAPPORTIONMENT OF STATE BOARD OF EDUCATION, and has appointed a Conference Committee consisting of Representatives Bennett, Grundfossen and Nielson, to act with a like Committee from the Senate on this bill.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

On motion of Senator Pugh, President Barlow appointed a Conference Committee consisting of Senators Brockbank, Pugh and Dean to act with a like committee from the House to confer on S. B. No. 1.

January 27, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, as amended, under suspension of the rules, H. B. No. 17, by Mr. Judd, et al., STATE EMPLOYEE RETIREMENT CONTRIBUTIONS, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H. B. No. 17 was read the first time.

On motion of Senator Buckner, the rules were suspended and the Senate voted to place H. B. No. 17 on the Second Reading Calendar.

January 27, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, as amended, under suspension of the rules, H. B. No. 18, by Mr. Judd,

et al., CONTRIBUTIONS TO PUBLIC SAFETY RETIREMENT, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H. B. No. 18 was read the first time.

On motion of Senator Buckner, the rules were suspended and the Senate voted to place H. B. No. 18 on the Second Reading Calendar.

On motion of Senator Leavitt, the Senate adjourned until Friday, January 28, 1972 at 9:00 a.m.

NINETEENTH DAY

MORNING SESSION

January 28, 1972

The Senate was called to order at 9:00 a.m. President Barlow in the chair.

Roll Call – All Senators present.

Reading and Approval of the Journal for the preceding day.

Prayer by Senator Dixie Leavitt.

January 28, 1972

Mr. President:

Your Committee on Revision of the Journal respectfully reports that we have read the Journal for the eighteenth day and find it correct with minor amendments noted on the final copy.

Respectfully,

WILMER L. BARNETT, Chairman

Report adopted and filed.

COMMUNICATIONS FROM THE HOUSE

January 27, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, as amended by the Senate, S. B. No. 4, by Mr. Brockbank, et al., AMENDMENTS TO UNIFORM MUNICIPAL FISCAL PROCEDURES ACT, which has been signed by the Speaker in open session in the presence of the House, and the same is returned herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S. B. No. 4 was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Governor.

January 27, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, under suspension of the rules H.E.R.-H.J.R. No. 5, by Mr. Woodmansee, et al., RESOLUTION AUTHORIZING INTRODUCTION OF MASS TRANSIT STUDY RESOLUTION, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

On motion of Senator Leavitt, the rules were suspended and H.E.R.-H.J.R. No. 5 was placed on the Second Reading Calendar.

January 27, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, as amended, under suspension of the rules, Substitute H. B. No. 11, by Mr. Davis, et al., DISTRIBUTION OF LIQUOR PROFITS, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

On motion of Senator Leavitt, the rules were suspended and H. B. No. 11 was placed on the Second Reading Calendar.

CONSIDERATION OF BILLS ON THIRD READING

H. B. No. 13 (LOCAL SCHOOL BOARD ELECTION FILING DATE) was read the third time and placed on its final passage.

On motion of Senator Buckner, H. B. No. 13 was amended as follows:

- 1 1. Page 2, after line 3, insert the following:
- 2 Section 2. Section 53-4-3, Utah Code Annotated 1953, as amended by Chapter 90, Laws of Utah
- 3 1957, as amended by Chapter 6, Laws of Utah 1971, First Special Session, is amended to read:
- 4 53-4-3. The board of education of each county school district shall consist of five members,
- 5 one member to be elected from each of the precincts. The board of county commissioners in which
- 6 the county school district is located shall reapportion the precincts at least once every ten
- 7 years beginning January 1, 1972, to achieve as nearly as may be possible of equal population and
- 8 in compact form, except that in those districts where reapportionment has occurred within a four-
- 9 year period preceding the beginning of 1972 and a further reapportionment made in 1972 would not
- 10 change the precincts, the reapportionment required by this section during the first ten-year
- 11 period beginning January 1, 1972, shall be deemed to be fulfilled. Thereafter members of the
- 12 board of education shall be elected in accordance with this redistricting. If by reason of redi-
- 13 stricting the boundary lines of any representative precinct are so changed that any member of the
- 14 board from the precinct becomes a non-resident of the precinct, then the member shall be permitted
- 15 to retain his membership during the term for which he was elected.
- 16 Section 3. Section 53-4-6, Utah Code Annotated 1953, as amended by Chapter 6, Laws of Utah
- 17 1971, First Special Session, is amended to read:

18 53-4-6. The board of education of cities of the first class shall consist of seven members
 19 and cities of the second class shall consist of five members. Cities of the first class shall be
 20 divided into seven precincts, and cities of the second class shall be divided into five precincts.
 21 The precincts shall be reapportioned by the city commission at least once every ten years beginning
 22 January 1, 1972, to achieve as nearly as may be possible of equal population and in compact form
 23 | - | ; except that in those districts in cities of the first and second class where reapportionment
 24 has occurred within a four-year period preceding the beginning of 1972 and a further reapportionment
 25 made in 1972 would not change the precincts, the reapportionment required by this section during
 26 the first ten-year period beginning January 1, 1972, shall be deemed to be fulfilled.

27 Section 4. This act shall take effect upon approval.

28 2. Short title: delete "BOARD ELECTION FILING DATE" and insert in lieu thereof "DISTRICT
 29 BOARDS OF EDUCATION".

30 3. Formal title, line 4: before "; CHANGING" insert "SECTION 53-4-3, UTAH CODE ANNOTATED
 31 1953, AS AMENDED BY CHAPTER 90, LAWS OF UTAH 1957, AS AMENDED BY CHAPTER 6, LAWS OF UTAH
 1971,

1 FIRST SPECIAL SESSION, AND SECTION 53-4-6, UTAH CODE ANNOTATED 1953, AS AMENDED BY CHAPTER 6,
 2 LAWS OF UTAH 1971, FIRST SPECIAL SESSION, RELATING TO BOARDS OF EDUCATION OF SCHOOL
 DISTRICTS;

3 PROVIDING THE REQUISITES OF THE DECENNIAL REAPPORTIONMENT OF PRECINCTS WITHIN COUNTY
 AND CITY

4 SCHOOL DISTRICTS SO AS TO ESTABLISH SUCH BOARDS;".

5 4. Formal title, line 5: delete all language after "CANDIDATES" and insert in lieu thereof:

6 "TO SUCH BOARDS; AND PROVIDING AN EFFECTIVE DATE."

H. B. No. 13 then passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators Barnett, Bischoff, Buckner, Bul-
 len, Bunnell, Christensen, Clark, Clyde, Gardner, Harward, Jenkins, Jensen,
 Julander, Leavitt, Macfarlane, Mecham, Petterson, Preece, Swan, Wadding-
 ham, Whitman and Mr. President.

Absent and not voting were: Senators Beck, Brockbank, Dean, Evans, Ferry
 and Pugh.

H. B. No. 13 was returned to the House.

S.J.R. No. 4 (CONTROL AND SUPERVISION OF SCHOOLS) was read
 the third time and placed on its final passage.

Dr. Neil Maxwell, appeared before the Committee of the Whole to explain
 S.J.R. No. 4.

On motion of Senator Leavitt the Committee of the Whole was dissolved. S.J.R. No. 4 then passed on the following roll call:

Yeas, 19; Nays, 8; Absent, 1.

Voting in the affirmative were: Senators Bischoff, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Ferry, Gardner, Harward, Jenkins, Julander, Leavitt, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

Voting in the negative were: Senators Barnett, Beck, Brockbank, Dean, Evans, Jensen, Macfarlane and Pettersson.

Absent and not voting was: Senator Mecham.

S.J.R. No. 4 was transmitted to the House.

CONSIDERATION OF BILLS ON SECOND READING

On motion of Senator Leavitt, the rules were suspended and the Senate voted to now consider H. B. No. 11.

Substitute H. B. No. 11 (DISTRIBUTION OF LIQUOR PROFITS) was read the second time.

On motion of Senator Brockbank the rules were suspended and H. B. No. 11 was read the third time and placed on its final passage.

Substitute H. B. No. 11 then passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Ferry, Gardner, Harward, Jensen, Julander, Leavitt, Macfarlane, Pettersson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

Voting in the negative was: Senator Evans.

Absent and not voting were: Senators Jenkins and Mecham.

Substitute H. B. No. 11 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

S.E.R. No. 16 (STATE CAPITOL POLICE DEPARTMENT RESOLUTION) was read the second time.

On motion of Senator Leavitt the Senate resolved itself into a Committee of the Whole.

Mr. Harvard Hinton, appeared before the Committee of the Whole to explain S.E.R. No. 16.

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

On motion of Senator Leavitt, S.E.R. No. 16 retained its position on the Second Reading Calendar.

On motion of Senator Leavitt, the rules were suspended and the Senate voted to now consider H. B. 16.

On motion of Senator Leavitt, H. B. No. 16 was tabled.

On motion of Senator Leavitt, the rules were suspended and the Senate voted to now consider H. B. 17.

H. B. No. 17 (STATE EMPLOYEE RETIREMENT CONTRIBUTIONS) was read the second time.

On motion of Senator Leavitt, the Senate sauntered for five minutes.

H. B. No. 17 was placed on the Third Reading Calendar on the following Roll Call.

Yeas, 26; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators Barnett, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harvard, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting were: Senators Beck and Christensen.

On motion of Senator Leavitt, the rules were suspended and the Senate voted to now consider H. B. 18.

H. B. No. 18 (CONTRIBUTIONS TO PUBLIC SAFETY RETIREMENT) was read the second time.

On motion of Senator Leavitt, H. B. No. 18 was tabled.

On motion of Senator Leavitt, the rules were suspended and the Senate voted to now consider bills on Third Reading Calendar.

CONSIDERATION OF BILLS ON THIRD READING

On motion of Senator Leavitt, H. B. No. 17 was tabled.

CONSIDERATION OF BILLS ON SECOND READING

On motion of Senator Leavitt, H.E.R. No. 31 having retained its position on the Second Reading Calendar, was before the Senate.

On motion of Senator Leavitt, H.E.R. No. 31 was tabled.

On motion of Senator Leavitt the Senate recessed.

AFTERNOON SESSION

The Senate re-assembled. President Barlow in the chair.

COMMUNICATIONS FROM THE HOUSE

January 28, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, under suspension of the rules, S.C.R. No. 1, SENATOR CHARLES

WELCH, JR., IN MEMORIAM, which has been signed by the Speaker in open session, in the presence of the House, and the same is transmitted herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S.C.R. No. 1 was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Governor.

January 28, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, under suspension of the rules, H.E.R. No. 35, by Mr. Judd, et al., DISTRICT ATTORNEYS' EXPENSES RESOLUTION, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H.E.R. No. 35 was read the first time and referred to the Committee on Rules.

January 28, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, as amended, H.B. No. 15, by Mr. Redd, et al., SCHOOL BUILDING AID, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H. B. No. 15 was read for the first time.

On motion of Senator Pugh the rules were suspended and H. B. No. 15 was placed on the Second Reading Calendar.

INTRODUCTION OF BILLS

(STATE BUILDING PROGRAM)

S. B. No. 19

By Messrs. Bischoff, Buckner and Julander

AN ACT RELATING TO STATE GROUNDS AND BUILDINGS; PROVIDING FOR THE ACQUISITION, CONSTRUCTION, ALTERATION, AND REPAIR OF STATE GROUNDS, BUILDINGS, AND FACILITIES; PROVIDING FOR PRIORITIES IN STATE GROUNDS, BUILDINGS, AND FACILITIES; PROVIDING FOR THE PLANNING AND PROGRAMMING OF STATE BUILDINGS AND FACILITIES; AND APPROPRIATING TO THE UTAH STATE BUILDING BOARD THE SURPLUS FUNDS IN THE GENERAL FUND AS OF JUNE 30, 1972, FOR CARRYING OUT THE PURPOSES OF THIS ACT, S. B. 19 was read for the first time.

On motion of Senator Pugh, the rules were suspended and S. B. No. 19 was placed on the Second Reading Calendar.

CONSIDERATION OF BILLS ON SECOND READING

On motion of Senator Pugh, the rules were suspended and the Senate voted to now consider H. B. No. 15.

H. B. No. 15 was read the second time.

On motion of Senator Pugh the Senate resolved itself into a Committee of the Whole.

Representative M. Byron Fisher, appeared before the Committee of the Whole to explain H. B. No. 15.

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

On motion of Senator Brockbank, H. B. No. 15 was amended as follows:

Page 5, line 11 delete "53-11-11" insert in lieu thereof "53-11-42".

On motion of Senator Buckner the rules were suspended and H. B. No. 15 was read the third time and placed on its final passage.

H. B. No. 15 then passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators Barnett, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Pettersson, Preece, Pugh, Swan, Waddingham and Mr. President.

Voting in the negative was: Senator Whitman.

Absent and not voting were: Senators Beck and Mecham.

H. B. No. 15 was returned to the House.

On motion of Senator Leavitt, the rules were suspended and the Senate voted to now consider bills on the Third Reading Calendar.

CONSIDERATION OF BILLS ON THIRD READING

On motion of Senator Leavitt, S. B. No. 10 (STATE SENATE REAPPORTIONMENT) having retained its position on the Third Reading Calendar, was before the Senate.

On motion of Senator Bischoff, S. B. No. 10 retained its position on the Third Reading Calendar.

COMMUNICATIONS FROM THE HOUSE

January 28, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, as amended, Substitute H. B. No. 20, by Mr. Pace, et al., SCHOOL FINANCE PROGRAM, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H. B. No. 20 was read for the first time.

On motion of Senator Leavitt, the rules were suspended and H. B. No. 20 was placed on the Second Reading Calendar for immediate consideration at this time.

CONSIDERATION OF BILLS ON SECOND READING

H. B. No. 20 was read the second time.

On motion of Senator Buckner, H. B. No. 20 retained its position on the Second Reading Calendar.

S.E.R. No. 12 (ADJUSTMENT OF RETIRED FIREMEN'S ALLOWANCE RESOLUTION) was read the second time.

S.E.R. No. 12 was placed on the Third Reading Calendar on the following Roll Call.

Yeas, 28; Nays, 2; Absent, 0.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Petterson, Pugh, Swan, Waddingham, Whitman and Mr. President.

Voting in the negative were: Senators Brockbank and Preece.

COMMUNICATIONS FROM THE HOUSE

January 28, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, under suspension of the rules, H. B. No. 9, by Mr. Judd, et al., UNEMPLOYMENT COMPENSATION FOR STATE EMPLOYEES, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H. B. No. 9 was read for the first time.

On motion of Senator Leavitt, the rules were suspended and H. B. No. 9 was placed on the Second Reading Calendar.

On motion of Senator Leavitt, H. B. No. 20 (SCHOOL FINANCE PROGRAM) having retained its position on the Second Reading Calendar, was before the Senate.

On motion of Senator Mecham the Senate resolved itself into a Committee of the Whole.

Mr. Dan Bushnell, member Salt Lake City School Board, appeared before the Committee of the Whole.

Supt. of Public Instruction, Walter D. Talbot, appeared before the Committee of the Whole, to explain H. B. No. 20.

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

On motion of Senator Pugh, H. B. No. 20 was amended as follows:

Page 9, line 2, delete "90%" insert in lieu thereof "85%".

Page 9, line 3, delete "10%" insert in lieu thereof "15%".

On motion of Senator Leavitt, the rules were suspended and H. B. No. 20 was read the third time and placed on its final passage.

H. B. No. 20 then passed on the following roll call:

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

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Petterson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

H. B. No. 20 was returned to the House.

On motion of Senator Leavitt, the rules were suspended and the Senate voted to now consider S. B. No. 19.

S. B. No. 19 (STATE BUILDING PROGRAM) was read the second time.

On motion of Senator Bischoff, S. B. No. 19 was amended as follows:

1. Page 3, between lines 11 and 12, insert the following:

| | <u>"Planning Authorization"</u> |
|---|-------------------------------------|
| "Utah Technical College – Salt Lake Construction Trades & Maintenance Building | \$1,811,000 |
| Weber State College – Technical Education Lab and Classroom Building | 3,300,000 |
| Southern Utah State College – Trades and Industries Building | 540,000" |

On motion of Senator Buckner the rules were suspended and S. B. No. 19 was read the third time and placed on its final passage.

S. B. No. 19 then passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting was: Senator Jenkins.

S. B. No. 19 was transmitted to the House.

On motion of Senator Leavitt, the rules were suspended and the Senate voted to now consider bills on Third Reading Calendar.

CONSIDERATION OF BILLS ON THIRD READING

On motion of Senator Leavitt, S. B. No. 10 having retained its position on the Third Reading Calendar, was before the Senate.

On motion of Senator Bischoff, S. B. No. 10 was amended as follows:

Delete Sections 1 and 2 of S. B. No. 10 then substitute the following new Sections 1 and 2.

- 1 Section 1. The senate of this state shall consist of 29 members,
- 2 with one member to be elected from each senatorial district, except as
- 3 otherwise provided in this section. The numbers, boundaries and repre-
- 4 sentation of the senatorial districts are designated and established as
- 5 follows:
- 6 Districts 1 through 12: Salt Lake County, not including that
- 7 portion of the county contiguous to Tooele County containing approximately
- 8 15,400 inhabitants and not assigned to district 13 - twelve senators;
- 9 Districts 1 through 12 shall be comprised of the following voting
- 10 districts shown on the Salt Lake County Election District Map dated
- 11 January 14, 1970, and any subsequent subdivisions, or renumbering, if any, of said
- 12 voting districts within each senatorial district as herein enumerated:

- 1 District 1: 23, 24, 24A, 32, 32A, 173, 174, 217, 218, 219, 223, 224,
 2 225, 225A, 226, 227, 228, 229, 230, 232, 233, 234, 235, 236, 248, 253,
 3 254, 255, 256, 258, 259, 261, 262, 262A, 263, 236A, 264, 264A, 265, 266,
 4 267, 269;
 5 District 2: 1, 12, 125, 142, 143, 143A, 144, 145, 171, 175, 176,
 6 177, 178, 179, 180, 182, 183, 185, 186, 186A, 187, 188, 189, 190, 191,
 7 191A, 192, 193, 196, 197, 199, 201, 203, 211, 212, 213, 214, 215, 216, 221,
 8 222, 241, 243, 244, 245, 246, 247, 250, 251, 252;
 9 District 3: 49, 49A, 51, 52, 53, 55, 56, 56A, 58, 71, 72, 75, 76,
 10 81, 82, 84, 89, 90, 98, 99, 100, 101, 102, 103, 104, 105, 109, 110, 111,
 11 112, 113, 114, 114A, 115, 116, 117, 275, 276, 277, 277A, 279, 279A, 280,
 12 330, 381, 382;
 13 District 4: 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 25,
 14 25A, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43,
 15 44, 45, 46, 47, 48, 48A, 69, 70, 77, 78, 79, 80, 91, 92, 92A, 93, 94, 95,
 16 96, 97, 107, 108;
 17 District 5: 3, 4, 5, 6, 7, 8, 65, 66, 67, 68, 127, 128, 129, 131,
 18 131A, 133, 134, 138, 139, 140, 146, 148, 149, 150, 152, 153, 154, 335,
 19 338, 338A, 339, 340, 341, 342, 343, 344, 344A, 345, 345A, 350, 352, 354;
 20 356, 356A;
 21 District 6: 73, 85, 86, 87, 87A, 88, 88A, 357, 359, 360, 361, 363,
 22 364, 366, 367, 367A, 368, 369, 371, 372, 373, 374, 379, 380, 473, 474.
 23 475, 475A, 476, 479, 481, 484, 485, 494A;
 24 District 7: 281, 282, 282A, 283, 284, 285, 286, 286A, 287, 287A,
 25 288, 289, 290, 290A, 291, 292, 293, 294, 294A, 295, 297, 298, 300, 300A,
 26 304, 304A, 305, 305A, 305B, 324, 324A, 325, 326, 327, 327A, 328, 332, 332A,
 27 384, 385, 386, 387;

— 2 —

- 1 District 8: 309, 309A, 311, 311A, 311B, 312, 312A, 312B, 317, 320,
 2 392, 394A, 400, 400A, 401, 401A, 404, 406, 407, 408, 409, 409A, 410, 419, 425,
 3 425A, 483, 483A, 486, 488, 489, 489A, 490, 492, 492A, 493, 493A, 494,
 4 District 9: 301, 301A, 302, 302A, 303, 306, 306A, 307, 307A, 308,
 5 309B, 310, 310A, 313, 314, 315, 316, 316A, 318, 319, 319A, 321, 323, 369,
 6 375, 376, 376A, 376B, 377, 377A, 378, 378A, 383, 425B, 425C, 427, 429, 430,
 7 431, 432, 434;
 8 District 10: 394, 396, 397, 398, 398A, 399, 399A, 399B, 402, 415,
 9 417, 419, 419A, 419C, 420, 420A, 420B, 420C, 421, 421A, 421B, 422, 423,
 10 424, 426, 426A, 426B, 436, 438, 438A, 440, 441, 442, 444, 446, 458, 459,
 11 465, 471;
 12 District 11: 452, 453, 455, 455A, 513A, 513B, 513C, 513D, 513E,
 13 513F, 523, 524, 525, 526, 528, 529, 530, 531, 533, 535, 537, 539,
 14 District 12: 156, 160, 194, 498, 499, 499A, 499B, 500, 501, 501A,
 15 501B, 502, 502A, 502B, 503, 503A, 504, 505, 506, 507, 507A, 508, 508A,
 16 508B, 509, 510, 511, 512, 513, 514, 514A, 515, 515A, 516, 516A, 516B, 517,
 17 518, 518A, 570;

- 3 -

- 1 District 13: Tooele County, and that contiguous portion of Salt
 2 Lake County containing approximately 15,400 inhabitants, and not assigned
 3 to districts 1 through 12 - one senator;
 4 The following voting districts shown on the Salt Lake County election
 5 districts map dated January 14, 1970, and any subsequent subdivisions, or renum-
 6 bering,
 7 if any, of said voting districts within such senatorial district as herein
 8 enumerated shall be included in senatorial district 13:
 9 519, 519A, 521, 521A, 522, 545, 546, 547, 548, 549, 551, 552, 553,
 10 555 557;
 11 District 14 through 17: Utah County - four senators;
 12 District 14 through 17 shall be comprised of the following Utah
 13 County voting districts, and any subsequent subdivision, or renumbering, if any,
 14 of said
 15 voting districts within each senatorial district as herein enumerated:
 16 District 14: Fairfield, Cedar Fort, Lehi 1-7, American Fork 1-11,
 17 Alpine, Highland, Pleasant Grove 1-10, Orem 1-6, 18, 20, 24;
 18 District 15: Orem 7-17, 19, 21-23, 25, 26, Vineyard, Lake View,
 19 Provo 10, 13, 19, 20, 28-34, 45, 46, 52-54;
 20 District 16: Pleasant View 1, 2, Provo 4-9, 11, 12 and 14 through 18, 21-28, 35-
 21 44,
 22 47-51, 55;
 23 District 17: Provo 1-3, 42, Springville 1-12, Mapleton 1, 2, Lake
 24 Shore, Benjamin, Elberta, Goshen, Genola, Santaquin 1, 2, Spring Lake,
 25 Payson 1-7, Salem 1, 2, Spanish Fork 1-12, Birdseye, Thistle, Colton;

- 4 -

- 1 Districts 18 through 20: Weber County, not including that portion
 2 of the county contiguous to Davis County containing approximately
 3 13,500 inhabitants and assigned to district 21 - three senators;
 4 Districts 18 through 20 shall be comprised of the following Weber
 5 County voting districts and any subsequent subdivisions, or renumbering, if any,
 6 of said
 7 voting districts within each senatorial district as herein enumerated:
 8 District 18: Ogden districts 51, 52, 53, 54, 55, 56, 60, 61, 62,
 9 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80,
 10 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 96, 99, 100, 103, 104, 105, 107,
 11 108, 110, South Ogden districts 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14,
 12 Burch Creek Uintah;
 13 District 19: Ogden districts 25, 26, 27, 28, 29, 30, 31, 32, 33,
 14 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 91,
 15 92, 93, 94, 95, 96, 97, 101, 102, 106, 109, Pleasant View 1, 2, North
 16 Ogden 1, 2, 3, 4, 5, 6, 7, Huntsville 1, 2, Liberty, Eden;
 17 District 20: Ogden districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,
 18 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 57, 58, 59, So. O. 1, 6, River-
 19 dale 2, 3, 4, Wash. Terrace 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, Roy 6,
 20 10, 13, 16, 17, Warren, West Weber, Slaterville, Marriott, Plain City 1,
 21 2, Farr West, Taylor, Kaneshville, Wilson, Harrisonville, West Warren, Fairmont;

21 District 21: That portion of Weber County contiguous to Davis
 22 County containing approximately 13,500 inhabitants and not assigned to
 23 Districts 18 through 20 and that portion of Davis County containing
 24 approximately 24,000 inhabitants not assigned to districts 22 and 23
 25 but contiguous to the portion of Weber County included in this district
 26 21 — one senator;

— 5 —

1 District 21 shall be comprised of the following Weber County and
 2 Davis County voting districts and any subsequent subdivisions, or renumbering,
 if any,
 3 of said voting districts within each senatorial district as herein
 4 enumerated:
 5 Davis 13, 15, 19, 21, 31, 32, 33, 37, 40, 45, 57, 59, 60, 61, 62,
 6 69, Hooper 1, 2, Roy 1, 2, 3, 4, 5, 7, 8, 9, 11, 12, 14, 15, Riverdale
 7 1, 5;
 8 Districts 22 and 23: Davis County, not including that portion of
 9 the county contiguous to Weber County containing approximately 24,000
 10 inhabitants and not assigned to District 21 — two senators.
 11 Districts 22 and 23 shall be comprised of the following Davis County
 12 voting districts and any subsequent subdivision, or renumbering, if any, of said
 voting
 13 districts within each senatorial district as herein enumerated:
 14 District 22: Central Davis 2, 6, 7, 8, 9, 10, 11, 12, 14, 16, 17,
 15 18, 27, 29, 30, 35, 36, 39, 46, 48, 54, 55, 56, 58, 63, 64, 65, 66, 67,
 16 68, 70, 75, 76, 79, 88, 90, 91, 92, 93;
 17 District 23: South Davis 1, 3, 4, 5, 20, 22, 23, 24, 25, 26, 28,
 18 34, 38, 41, 42, 43, 44, 47, 49, 50, 51, 52, 53, 71, 72, 73, 74, 77, 78,
 19 80, 81, 82, 83, 84, 85, 86, 87, 89;
 20 District 24: Box Elder County and a contiguous part of Cache County
 21 containing approximately 7,462 inhabitants — one senator;
 22 The district shall be comprised of Box Elder County and the following
 23 Cache County voting districts, and any subsequent subdivision, or renumbering,
 if any,
 24 of said voting districts as herein enumerated:
 25 District 24: Hyrum 1, 2, 3, Nibley, Paradise, Wellsville 1, 2,
 26 Mendon, Providence 1, 2, Millville, Young Ward;

— 6 —

1 District 25: Cache County, not including that portion of the county
 2 containing approximately 7,462 inhabitants and assigned to district 24,
 3 and Rich County — one senator;
 4 District 26: Morgan, Summit, Wasatch, Duchesne, Uintah and Daggett
 5 Counties — one senator;
 6 District 27: Carbon, Emery, Grand and San Juan Counties — one senator;
 7 District 28: Juab, Millard, Piute, Sanpete, Sevier and Wayne
 8 Counties — one senator;
 9 District 29: Beaver, Iron, Washington, Kane, and Garfield Counties —

10 one senator.

11 Each senatorial district shall contain as nearly as practicable an
12 equal number of inhabitants.

13 Section 2. At the general election to be held in 1972, senators
14 shall be elected from senatorial districts 1, 2, 5, 6, 7, 8, 16, 17, 19,
15 20, 23, 25, 27, 28 and 29 the initial term of office of each senator
16 to be for four years. Also at the general election to be held in 1972,
17 senators shall be elected from senatorial districts 3, 4, 9, 10, 11, 12, 13,
18 14, 15, 18, 21, 22, 24 and 26, and the initial term of office of each
19 senator to be for two years. Terms of office of each senator after the
20 initial term of office shall be for four years each.

- 7 -

S. B. No. 10 was further amended as follows:

Immediately following Section 2 then re insert the following to read:

"Section 3. Sections 1, 2, 3 and 4 of Chapter 5, Laws of Utah 1971, First Special Session, are repealed".

On motion of Senator Jenkins, the Senate adjourned until Saturday, January 29, 1972 at 9:00 a.m.

TWENTIETH DAY

MORNING SESSION

January 29, 1972

The Senate was called to order at 9:00 a.m. President Barlow in the chair.

Roll Call - All Senators present.

Prayer by Senator Thorpe Waddingham.

January 29, 1972

Mr. President:

Your Committee on Revision of the Journal respectfully reports that we have read the Journal for the nineteenth day and find it correct with minor amendments noted on the final copy.

Respectfully,

WILMER L. BARNETT, Chairman

Report adopted and filed.

COMMUNICATIONS FROM THE GOVERNOR

January 27, 1972

Honorable Haven J. Barlow
President of the Senate
and
Members of the Utah State Senate

Gentlemen:

In accordance with Section 67-1-1, Utah Code Annotated 1953, I propose to make the following appointments which I submit to you for your approval:

1. Eugene S. Lambert, Summit Park, Utah, appointed as Public Service Commissioner, for a term expiring March 1, 1975. Said term beginning March 1, 1972. 54-1-1.5, UCA 1953.
2. Gerald E. Hulbert, Salt Lake City, Utah, appointed as a Liquor Control Commissioner, for a term expiring May 13, 1977. Said term beginning March 1, 1972. 32-1-5, UCA 1953.
3. Mary B. Firmage, Provo, Utah, appointed as a member of the Board of Mental Health, for a term expiring March 1, 1975. 28-17-1.1, UCA 1953.

Respectfully submitted

CALVIN L. RAMPTON, Governor

Communication filed.

Senator Christensen moved that the Senate do advise and consent to the above listed appointments.

Motion carried.

COMMUNICATIONS FROM THE HOUSE

January 28, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, under suspension of the rules, H. B. No. 41, by Mr. Reese, SUPPLEMENTAL APPROPRIATION ACT, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H. B. No. 41 was read for the first time.

On motion of Senator Gardner the rules were suspended and H. B. No. 41 was read the second and third times and placed on its final passage.

H. B. No. 41 then passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators Barnett, Bischoff, Buckner, Bullen, Christensen, Clark, Clyde, Dean, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Swan, Wacklingham, Whitman and Mr. President.

Absent and not voting were: Senators Beck, Brockbank, Bunnell, Evans, Ferry and Pugh.

H. B. No. 41 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

COMMUNICATIONS FROM THE HOUSE

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day concurred in the Senate amendments, and passed H. B. No. 15, by Mr. Reckl,

et al., SCHOOL BUILDING AID, and the same is transmitted herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H. B. No. 15 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

On motion of Senator Leavitt the Senate resolved itself into a Committee of the Whole.

Prof. Paul C. Fawley, Education Administration U. of U., introduced foreign exchange students to members of the Committee of the Whole as follows:

Kimiko Kato, Japan – Viewmont H.S.

Eo Mantsiou, Greece – Highland H.S.

Elizabeth Willumsen, Norway – Bountiful H. S.

Ana Morales – (speaker) Brazil – Olympus H.S.

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

COMMUNICATIONS FROM THE HOUSE

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day concurred in the Senate amendments and passed Substitute H. B. No. 20, by Mr. Pace, et al., SCHOOL FINANCE PROGRAM, and the same is transmitted herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H.B. No. 20 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

CONSIDERATION OF BILLS ON THIRD READING

On motion of Senator Leavitt, H. B. No. 17 (STATE EMPLOYEE RETIREMENT CONTRIBUTIONS) was lifted from the table and placed at the head of the Third Reading Calendar.

H. B. No. 17 was read the third time and placed on its final passage.

H. B. No. 17 then passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Christensen, Clark, Clyde, Dean, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting were: Senators Bunnell and Evans.

H. B. No. 17 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

CONSIDERATION OF BILLS ON SECOND READING

On motion of Senator Leavitt, H. B. No. 18 (CONTRIBUTIONS TO PUBLIC SAFETY RETIREMENT) was lifted from the table and placed at the head of the Second Reading Calendar.

On motion of Senator Barnett, H. B. No. 18 was amended as follows:

Page 2, line 14: after "section", insert ", but not in excess of five percent of the employee's compensation,".

On motion of Senator Gardner, H. B. No. 18 retained its position on the Second Reading Calendar.

On motion of Senator Leavitt, the rules were suspended and the Senate voted to now consider H. B. No. 9.

H. B. No. 9 (UNEMPLOYMENT COMPENSATION FOR STATE EMPLOYEES) was read the second time.

On motion of Senator Leavitt the rules were suspended and H. B. No. 9 was read the third time and placed on its final passage.

H. B. No. 9 then passed on the following roll call:

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

Voting in the affirmative were: Senators Barnett, Beck, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Pettersson, Preece, Pugh, Swan, Wadingham, Whitman and Mr. President.

Voting in the negative were: Senators Bischoff and Ferry.

Absent and not voting were: Senators Brockbank and Mecham.

H. B. No. 9 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

H.E.R.-H.J.R. No. 5 (RESOLUTION AUTHORIZING INTRODUCTION OF MASS TRANSIT STUDY) was read the second time.

On motion of Senator Leavitt the Senate resolved itself into a Committee of the Whole.

Representative Gerald L. Woodmansee, appeared before the Committee of the Whole.

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

On motion of Senator Jenkins, H.E.R.-H.J.R. No. 5 was tabled.

UNFINISHED BUSINESS

S. B. No. 10 (STATE SENATE REAPPORTIONMENT) being Unfinished Business, was before the Senate.

On motion of Senator Leavitt the Senate recessed.

The Senate re-assembled.

On motion of Senator Bischoff, S. B. No. 10 was amended as follows:

Page 3, line 2, amend "419" to read "419B,"

Page 3, line 5 amend "369" to read "369A,"

1. Page 7, line 12, after the word inhabitants add the following: "If any voting district is misnumbered or omitted from the enumeration herein, it shall be assigned to a contiguous senatorial district within its county by the county clerk of said county."

On motion of Senator Bischoff, the Senate voted to direct the Secretary of the Senate to correct the title of S. B. No. 10 to conform with the body of the bill.

On motion of Senator Julander, S. B. No. 10 was amended as follows:

1. On page 5, line 13, delete "42"
2. On page 5, line 15, delete the semi-colon and insert ", Harrisville;"
3. On page 5, line 17, after 24, insert "42"

S. B. No. 10 then passed on the following roll call:

Yeas, 16; Nays, 12; Absent, 0.

Voting in the affirmative were: Senators Barnett, Bischoff, Brockbank, Buckner, Bullen, Christensen, Clark, Clyde, Ferry, Gardner, Harward, Leavitt, Mecham, Preece, Pugh and Mr. President.

Voting in the negative were: Senators Beck, Bunnell, Dean, Evans, Jenkins, Jensen, Julander, Macfarlane, Pettersson, Swan, Waddingham and Whitman.

S. B. No. 10 was transmitted to the House.

CONSIDERATION OF BILLS ON SECOND READING

On motion of Senator Leavitt, H. B. No. 18 having retained its position on the Second Reading Calendar, was before the Senate.

On motion of Senator Brockbank, H. B. No. 18 was amended as follows:

1. Page 2, line 18: after "board." insert "The provisions of this subsection (3) shall not be applicable to the employees covered by subsections (2) (a), (2) (b), (2) (c), and (2) (d) of this section or any other policemen or peace officers of cities or towns who have become subject to this retirement act."

On motion of Senator Brockbank the rules were suspended and H. B. No. 18 was read the third time and placed on its final passage.

H. B. No. 18 then passed on the following roll call:

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

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Evans, Ferry, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

Voting in the negative was: Senator Dean.

Absent and not voting was: Senator Gardner.

H. B. No. 18 was returned to the House.

COMMUNICATIONS FROM THE HOUSE

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day refused to concur in the Senate Amendments to H. B. No. 13, by Mr. Pace, et al., LOCAL SCHOOL DISTRICT BOARDS OF EDUCATION, and requests the Senate to recede from its amendments.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

On motion of Senator Buckner, the rules were suspended and the Senate voted to recall H. B. No. 13 for reconsideration.

On motion of Senator Leavitt the Senate recessed.

AFTERNOON SESSION

The Senate re-assembled. President Barlow in the chair.

Senator Petterson, with the aid of five Senators, requested a Call of the Senate.

On motion of Senator Leavitt, the Call of the Senate was lifted.

COMMUNICATIONS FROM THE HOUSE

January 29, 1972

Mr. President:

Pursuant to your request, we are returning H. B. No. 13 (LOCAL SCHOOL DISTRICT BOARDS OF EDUCATION) for further reconsideration by members of the Senate.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H. B. No. 13 was before the Senate for reconsideration.

On motion of Senator Buckner, H. B. No. 13 was amended as follows:

1. Page 3, between lines 13 and 14, before the present Section 4, insert the following:

“Section 4. Section 53-5-7, Utah Code Annotated 1953, as enacted by Chapter 16, Laws of Utah 1953, First Special Session, as amended by Chapter 130, Laws of Utah 1969, as amended by Chapter 6, Laws of Utah 1971, First Special Session is amended to read:

53-5-7. Primary elections to fill vacancies occurring on local boards of education shall be held on the second Tuesday of September of the years as hereinafter provided. General elections to fill vacancies occurring on local boards of education shall be held on the first Tuesday after the first Monday of November of the years as hereinafter provided. The elections shall be conducted as a part of general elections, including municipal elections, held on the same day, and with the same qualifications, procedures, judges, and polling places, and shall be included on the single ballot with a nonpartisan designation. When no other election is to be held in a particular precinct, the board of county commissioners may consolidate polling places provided there must be at least one voting place in each school representative precinct.

On the first Tuesday after the first Monday of November of the year hereinafter designated there shall be elected in all county school districts, and districts in cities of the second class, members of the board of education from school representative precincts in the years and for the terms designated in the following schedule:

| Representative Precinct Number | | Year | |
|--------------------------------|--------------------------------|--------|-------------------------|
| <u>Cities of Second Class</u> | <u>County School Districts</u> | | |
| <u>3</u> | 2 | [1954] | <u>1970</u> 4 years |
| <u>4</u> | 3 | [1955] | <u>1970</u> [3] 4 years |
| <u>5</u> | 4 | [1956] | <u>1972</u> 4 years |
| <u>1</u> | 5 | [1957] | <u>1972</u> [3] 4 years |
| <u>2</u> | 1 | [1958] | <u>1970</u> 4 years |

[On the first Tuesday after the first Monday of November, next preceding the expiration of each of the above mentioned terms and each four year term thereafter, there shall be elected for a term of four years, one member of the board of education from each school representative precinct in which the term of a member expires.]

On the first Tuesday after the first Monday of November, 1972, there shall be elected in cities of the first class, members of the board of education from representative precincts for the following terms:

| Representative Precinct Number | Term |
|--------------------------------|---------|
| 1 | 4 terms |
| 2 | 2 years |

| | |
|---|---------|
| 3 | 4 years |
| 4 | 2 years |
| 5 | 4 years |
| 6 | 2 years |
| 7 | 4 years |

[On the first Tuesday after the first Monday of November, 1972, there shall be elected in cities of the second class, members of the board of education from representative precincts for the following terms:

| Representative Precinct Number | Year | Term |
|--------------------------------|------|----------|
| 3 | 1972 | 4 years |
| 4 | 1972 | 2 years |
| 5 | 1972 | 4 years |
| 1 | 1972 | 3 years |
| 2 | 1972 | 4 years] |

On the first Tuesday after the first Monday in November, next preceding the expiration of each of the terms and each four-year term thereafter, there shall be elected for a term of four years, one member of the board of education from each school representative precinct in which the term of a member expires."

- 2. Page 3, line 14, delete "4" and insert in lieu thereof "5".
- 3. Formal title, line 1, after the word "AMENDING" insert "SECTION 53-5-7, UTAH CODE ANNOTATED 1953, AS ENACTED BY CHAPTER 16, LAWS OF UTAH 1953, FIRST SPECIAL SESSION, AS AMENDED BY CHAPTER 130, LAWS OF UTAH 1969, AS AMENDED BY CHAPTER 6, LAWS OF UTAH 1971."
- 4. Formal title, line 9: before "CHANGING" insert the following: "PROVIDING A SCHOOL BOARD ELECTION SCHEDULE TO IMPLEMENT CHANGES;"

H. B. No. 13 upon reconsideration, then passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Buckner, Bullen, Bunnell, Clark, Clyde, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Petterson, Preece, Swan, Wadlingham, Whitman and Mr. President.

Absent and not voting were: Senators Brockbank, Christensen, Dean and Pugh.

H. B. No. 13 was returned to the House.

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, as amended, H. B. No. 22, by Mr. Nielson, et al., STATE CLASSIFICATION AND COMPENSATION ADMINISTRATION, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H. B. No. 22 was read the first time.

On motion of Senator Leavitt, the rules were suspended and H. B. No. 22 was placed on the Second Reading Calendar.

On motion of Senator Leavitt the rules were suspended and H. B. No. 22 was read the second and third times and placed on its final passage.

H. B. No. 22 then passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting was: Senator Buckner.

H. B. No. 22 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, as amended under suspension of the rules, H. B. No. 42, by Mr. Reese, APPROPRIATIONS ACT, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H. B. No. 42 was read the first time.

On motion of Senator Leavitt the rules were suspended and H. B. No. 42 was placed on the Second Reading Calendar.

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, as amended, H. B. No. 33, by Mr. Dmitrich, et al., MARRIAGE SOL-EMNIZATION, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H. B. No. 33 was read the first time.

On motion of Senator Leavitt, the rules were suspended and H. B. No. 33 was placed on the Second Reading Calendar.

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, under suspension of the rules H.E.R.-H.J.R. No. 9, by Mr. Pace, et al.,

RESOLUTION AUTHORIZING INTRODUCTION OF SCHOOL FINANCE RESOLUTION, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H.E.R.-H.J.R. No. 9 was read the first time and referred to the Committee on Rules.

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed H.E.R. No. 26, by Mr. Garr, et al., PUBLIC ASSISTANCE REFUNDS RESOLUTION, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H.E.R. No. 26 was read the first time and referred to the Committee on Rules.

COMMUNICATIONS FROM THE HOUSE

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, as amended, H. B. No. 23, by Mr. Buckner, et al., CAMPER REGISTRATION DECALS, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H. B. No. 23 was read the first time.

On motion of Senator Leavitt, the rules were suspended and H. B. No. 23 was placed on the Second Reading Calendar.

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed S.E.R. No. 15, by Mr. Bunnell, et al., UTAH RELOCATION ASSISTANCE ACT RESOLUTION, which has been signed by the Speaker in open session in the presence of the House, and the same is returned herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S.E.R. No. 15 was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Secretary of State.

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, as amended by the Senate, S.B. No. 17, by Mr. Pugh, et al., APPROPRIATION TO STATE BOARD OF EDUCATION FOR BALLET WEST, which has been signed by the Speaker in open session in the presence of the House, and the same is returned herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S. B. No. 17 was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Governor.

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day concurred in the Senate amendments and passed H. B. No. 18, by Mr. Judd,

et al., CONTRIBUTIONS TO PUBLIC SAFETY RETIREMENT, and the same is transmitted herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H. B. No. 18 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

CONSIDERATION OF BILLS ON SECOND READING

H. B. No. 42 (APPROPRIATIONS ACT 1972 BUDGET SESSION) was before the Senate for consideration at this time.

On motion of Senator Gardner the rules were suspended and H. B. No. 42 was read the second and third times and placed on its final passage.

B. B. No. 42 then passed on the following roll call:

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

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

H. B. No. 42 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

On motion of Senator Leavitt, the rules were suspended and the Senate voted to lift S. B. No. 15 from the Rules Committee and place it on the Second Reading Calendar for immediate consideration.

CONSIDERATION OF BILLS ON SECOND READING

S. B. No. 15 (UTAH RELOCATION ASSISTANCE ACT) was read the second time.

On motion of Senator Mecham, S. B. No. 15 was amended as follows:

Page 6, line 26, after the words "less than thee" insert the word "lowest".

Page 7, line 4, after the words "paid or" insert the words "there is".

Page 7, line 6, after the words "less than the" insert the word "lowest"

Page 7, line 7 after the word "property" delete the comma

On motion of Senator Brockbank, S. B. No. 15 was amended as follows:

Page 7, line 28 following "27-12-12.7," insert "27-12-12.8,".

On motion of Senator Brockbank, the title of S. B. No. 15 was amended as follows:

Line 8 of the title after "27-12-12.7," insert "27-12-12.8,"

On motion of Senator Leavitt the rules were suspended and S. B. No. 15 was read the third time and placed on its final passage.

S. B. No. 15 then passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Petterson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting were: Senators Buckner and Ferry.

S. B. No. 15 was transmitted to the House.

H. B. No. 33 (MARRIAGE SOLEMNIZATION) was read the second time.

On motion of Senator Bunnell the rules were suspended and H. B. No. 33 was read the third time and placed on its final passage.

H. B. No. 33 then passed on the following roll call:

Yeas 24; Nays, 3; Absent, 1.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Preece, Swan, Waddingham and Mr. President.

Voting in the negative were: Senators Dean, Petterson and Whitman.

Absent and not voting was: Senator Pugh.

H. B. No. 33 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

H. B. No. 23 (CAMPER REGISTRATION DECALS) was read the second time.

On motion of Senator Leavitt the rules were suspended and H. B. No. 23 was read the third time and placed on its final passage.

H. B. No. 23 then passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Petterson, Preece, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting was: Senator Pugh.

H. B. No. 23 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

On motion of Senator Leavitt, S.E.R. No. 16 (STATE CAPITOL POLICE DEPARTMENT RESOLUTION) having retained its position on the Second Reading Calendar, was before the Senate.

Senator Leavitt, with the aid of five Senators, requested a Call of the Senate.

On motion of Senator Leavitt, the Call of the Senate was lifted.

On motion of Senator Pugh the rules were suspended and S.E.R. No. 16 was read the third time and placed on its final passage.

S.E.R. No. 16 failed to pass on the following roll call:

Yeas, 13; Nays, 15; Absent, 0.

Voting in the affirmative were: Senators Beck, Bullen, Bunnell, Dean, Julander, Leavitt, Macfarlane, Pettersson, Preece, Swan, Waddingham, Whitman and Mr. President.

Voting in the negative were: Senators Barnett, Bischoff, Brockbank, Buckner, Christensen, Clark, Clyde, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Mecham and Pugh.

S. E. R. No. 16 filed.

On motion of Senator Leavitt, the rules were suspended and the Senate voted to now consider bills on the Third Reading Calendar.

CONSIDERATION OF BILLS ON THIRD READING

S.E.R. No. 12 was read the third time and placed on its final passage.

S.E.R. No. 12 failed to pass on the following roll call:

Yeas, 11; Nays, 14; Absent, 3.

Voting in the affirmative were: Senators Barnett, Beck, Bunnell, Dean, Evans, Jensen, Julander, Macfarlane, Pettersson, Swan, and Waddingham.

Voting in the negative were: Senators Bischoff, Brockbank, Bullen, Christensen, Clark, Clyde, Ferry, Gardner, Harward, Jenkins, Leavitt, Preece, Pugh and Mr. President.

Absent and not voting were: Senators Buckner, Mecham and Whitman.

S.E.R. No. 12 filed.

On motion of Senator Leavitt the Senate recessed.

The Senate re-assembled.

COMMUNICATIONS FROM THE HOUSE

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, as amended by the Senate, S. B. No. 3, by Mr. Pugh, et al., BONDS OF INSTITUTIONS OF HIGHER LEARNING, which has been signed by the Speaker in open session in the presence of the House, and the same is returned herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S. B. No. 3 was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Governor.

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day rejected S.J.R. No. 4, by Mr. Clyde, et al., CONTROL AND SUPERVISION OF SCHOOLS, and the same is returned herewith.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S.J.R. No. 4 filed.

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, as amended by the Senate and House, S. B. No. 19, by Mr. Bischoff, et al., STATE BUILDING PROGRAM, and the same is transmitted herewith for further action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

On motion of Senator Gardner, the Senate voted to concur in the House amendments to S. B. No. 19.

S. B. No. 19 then passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators Barnett, Beck, Brockbank, Buckner, Bunnell, Christensen, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

Voting in the negative was: Senator Clark.

Absent and not voting were: Senators Bischoff, Bullen and Clyde.

S. B. No. 19 was transmitted to the House for the signature of the Speaker.

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day rejected S.J.R.-S.E.R. No. 3, by Mr. Leavitt, RESOLUTION AUTHORIZING INTRODUCTION OF STATE SUPPORT TO LOCAL GOVERNMENT UNITS RESOLUTIONS, and the same is returned herewith.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S.J.R.-S.E.R. No. 3 filed.

On motion of Senator Leavitt, H.E.R.-H.J.R. No. 5 was lifted from the table and placed at the head of the Second Reading Calendar.

CONSIDERATION OF BILLS ON SECOND READING

On motion of Senator Leavitt, H.E.R.-H.J.R. No. 5 was amended as follows:

It is proposed to amend H.J.R.-H.E.R. 5 as follows:

Short title is deleted, "Mass Transit Study" and insert "Continuation of Legislative Council Studies."

Line 3 of title delete, "Mass Transit Study" and insert "Continuation of Legislative Council Studies."

Line 3 delete, "Mass Transit Study" and insert "Continuation of Legislative Council Studies."

The purpose of this is to permit the substitution of Legislative Council Studies Resolution for H.J.R. 5, Mass Transit Study Resolution.

On motion of Senator Leavitt the rules were suspended and H.E.R.-H.J.R. No. 5 was read the third time and placed on its final passage.

H.E.R.-H.J.R. No. 5 then passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators Beck, Bischoff, Brockbank, Buckner, Bullen, Christensen, Clark, Clyde, Dean, Evans, Ferry, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting were: Senators Barnett, Bunnell and Gardner.

H.E.R.-H.J.R. No. 5 was returned to the House.

COMMUNICATIONS FROM THE HOUSE

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, under suspension of the rules H.E.R. No. 38, by Mr. Atkin, LICENSING OF ELECTRICIANS RESOLUTION), and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H.E.R. No. 38 was read the first time and referred to the Committee on Rules.

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed S.E.R. No. 14, by Mr. Mecham, SENTENCING UNDER UTAH CONTROLLED SUBSTANCES ACT RESOLUTION, which has been signed by the Speaker in open session in the presence of the House, and the same is returned herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S.E.R. No. 14 was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Secretary of State.

On motion of Senator Buckner, the rules were suspended and the Senate voted to now lift S. B. No. 14 from the Rules Committee and place it at the head of the Second Reading Calendar.

CONSIDERATION OF BILLS ON SECOND READING

S. B. No. 14 (SENTENCING UNDER UTAH CONTROLLED SUBSTANCES ACT) was read the second time.

On motion of Senator Buckner the rules were suspended and S. B. No. 14 was read the third time and placed on its final passage.

S. B. No. 14 then passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Buckner, Bullen, Christensen, Clark, Clyde, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Swan, Waddingham, Whitman and Mr. President.

Absent and not voting were: Senators Brockbank, Bunnell, Dean and Pugh.

S. B. No. 14 was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day adopted the Joint Conference Committee Report as of January 29, 1972, and passed S. B. No. 1, by Messrs. Brockbank, et al., STATE BOARD OF EDUCA-

TION REAPPORTIONMENT, and the same is transmitted herewith for your further action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

JOINT CONFERENCE COMMITTEE REPORT

January 29, 1972

Mr. President and Mr. Speaker:

Your Conference Committee, consisting of Senators W. Hughes Brockbank, Warren E. Pugh and Ernest H. Dean and Representatives Charles E. Bennett, Peter D. Grundfossen and Howard C. Nielson have met as directed on S. B. No. 1, by Messrs. Brockbank, et al., STATE BOARD OF EDUCATION REAPPORTIONMENT,

Your Conference Committee recommends:

Taking into consideration that the unit of apportionment should be by school districts; that the population deviation should be as low as possible; that districts should be made up where there was the greatest common community of interest; recognizing certain combinations of units of government were already organized; that accessibility and ease of electioneering was a factor; recognizing highways, mountain ranges and river basin systems; we recommend to you apportionment of the State Board of Education into an eleven member board with four multimeter districts as attached.

Respectfully,

W. HUGHES BROCKBANK, Chairman, Senate Committee
CHARLES E. BENNETT, Chairman, House Committee

Report filed.

(STATE BOARD OF EDUCATION REAPPORTIONMENT)

Conference Committee

Substitute S.B. No. 1 By Messrs. Brockbank, Pugh, Clark, Bunnell and Dean

- 1 AN ACT AMENDING SECTIONS 53-2-1 AND 53-2-6, UTAH CODE ANNOTATED 1953, AS AMENDED BY CHAPTER 25,
- 2 LAWS OF UTAH 1953, FIRST SPECIAL SESSION, AND SECTION 53-2-3, UTAH CODE ANNOTATED 1953, AS
- 3 AMENDED BY CHAPTER 25, LAWS OF UTAH 1953, FIRST SPECIAL SESSION, AS AMENDED BY CHAPTER 87,
- 4 LAWS OF UTAH 1965, AS AMENDED BY CHAPTER 36, LAWS OF UTAH 1967, AS AMENDED BY CHAPTER 130,

- 5 LAWS OF UTAH 1969, AND REPEALING AND REENACTING SECTION 53-2-2, UTAH CODE ANNOTATED 1953;
 6 RELATING TO THE STATE BOARD OF EDUCATION; INCREASING THE MEMBERSHIP OF THE BOARD TO 11
 7 PERSONS; PROVIDING FOR THE ESTABLISHMENT OF NEW DISTRICTS TO CONFORM MORE CLOSELY WITH
 THE
 8 POPULATION IN EACH DISTRICT; PROVIDING FOR TERMS OF OFFICE FOR MEMBERS; AND PROVIDING
 CERTAIN
 9 ELECTION PROCEDURES; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the Senate of Utah:

1 Section 1. Section 53-2-1, Utah Code Annotated 1953, as amended by Chapter 25, Laws of Utah
 2 1953, First Special Session, is amended to read:

3 53-2-1. The state board of education shall consist of [nine] eleven persons elected by
 4 qualified registered electors according to election districts, as hereinafter provided, or
 5 appointed to fill an unexpired term [by regional conventions of members of district school boards]
 6 as hereinafter provided. Each member of the state board of education shall be and remain a
 7 resident, and a qualified and registered elector, of the election district from which he is
 8 elected or appointed. Except for those members taking office initially for terms of office of two
 9 years each under section 53-2-6, the [The] term of office of a regularly elected member shall be
 10 for four years, beginning January first following his election, or until his successor is legally
 11 elected and qualified. Before entering upon the discharge of his duties, each member shall
 12 qualify by taking the constitutional oath of office.

13 Section 2. Section 53-2-2, Utah Code Annotated 1953, is repealed and reenacted to read:

14 53-2-2. The election districts for the state board of education and the number of members
 15 to be elected per district is as follows:

- 1 (1) District 1: Salt Lake City school district—two members elected at large.
 2 (2) District 2: Granite school district—two members elected at large.
 3 (3) District 3: Murray City and Jordan school districts—one member.
 4 (4) District 4: Box Elder County, Cache County, Logan City, Morgan County, Rich. County,
 4 Weber County, and Ogden City school districts—two members elected at large.
 6 (5) District 5: Davis County school district—one member.
 7 (6) District 6: Carbon County, Daggett County, Duchesne County, Emery County, Grand County, San
 8 County, North Summit, South Summitt, Park City, Uintah County, Wasatch County, and Nebo school
 9 districts—one member.
 10 (7) District 7: Beaver County, Garfield County, Iron County, Juab County, Tintic, Kane County, Millard
 11 County, Piute County, North Sanpete, South Sanpete, Sevier County, Tooele County, Washington
 12 County, Wayne County, Provo City, and Alpine school districts—two members elected at large.
 13 Section 3. Section 53-2-3, Utah Code Annotated 1953, as amended by Chapter 25, Laws of Utah
 14 1953, First Special Session, as amended by Chapter 87, Laws of Utah 1965, as amended by Chapter 38,
 15 Laws of Utah 1967, as amended by Chapter 130, Laws of Utah 1969, is amended to read:
 16 53-2-3. [On the first Wednesday of March, 1954, and every four years thereafter the secretary
 17 of state shall call regional conventions in regional school districts numbers 4, 6, and 1. On the
 18 first Wednesday of March, 1956, and every four years thereafter the secretary of state shall call
 19 a regional convention in regional school districts numbers 5, 2, and 7. On the first Wednesday
 20 of March, 1958, and every two years thereafter the secretary of state shall call a regional con-
 21 vention in regional school district number 3. He shall fix the hour and place of each of said
 22 conventions, which shall be not less than thirty days nor more than ninety days from the time the
 23 said convention is called. He shall appoint a temporary chairman for each convention and at the
 24 conclusion of each convention shall certify the name of each and every candidate for the state
 25 board of education as may be nominated at said convention.

26 Each regional district convention shall nominate at least two candidates for each membership
 27 in the state board of education to which the particular regional school district is entitled as
 28 hereinafter specified. In making such nominations the convention shall give consideration only
 29 to the merits and fitness and such nomination shall be made irrespective of occupation, party
 30 affiliation, religion, race or sex.]
 31 On or before the last Wednesday of [July] June of the year in which [a member or] members of the
 32 state board of education are to be elected as hereinafter provided, any qualified person residing

— 2 —

The original motion — On motion of Senator Brockbank, the Senate voted to concur in the Joint Conference Committee Report.

The Substitute Motion was placed —

On motion of Senator Waddingham, the Senate voted not to concur in the Joint Conference Committee Report with the recommendation that it be referred back to the Conference Committee.

S. B. No. 1 was referred back to the Conference Committee by voice vote.

RULES COMMITTEE REPORT

January 29, 1972

Mr. President:

The following bills are referred out of rules with the recommendation that they be filed:

- S. B. No. 12 (S.E.R. No. 12 Adjustment of Retired Firemen's Allowances — failed January 29, 1972)
- S. B. No. 16 (S.E.R. No. 16 State Capitol Police Department — failed January 29, 1972)
- S.J.R. No. 3 (S.J.R.-S.E.R. No. 3 Resolution authorizing Introduction of State Support to Local Government Units Resolutions — rejected in House January 29, 1972)

Respectfully,

E. LAMAR BUCKNER, Chairman

Committee report read and adopted.

COMMUNICATIONS FROM THE HOUSE

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed S. B. No. 8, by Mr. Gardner, et al., PUBLIC ASSISTANCE AND MEDICAL CARE CLAIM LIMITATIONS, which has been signed by the Speaker in open session in the presence of the House, and the same is returned herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S. B. No. 8 was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Governor.

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed S.E.R. No. 13, by Mr. Mecham, DRUGS FOR JUVENILES RESOLUTION, which has been signed by the Speaker in open session in the presence of the House, and the same is returned herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S.E.R. No. 13 was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Secretary of State.

On motion of Senator Buckner, the rules were suspended and the Senate voted to lift S. B. No. 13 from the Rules Committee and place it at the head of the Second Reading Calendar for immediate consideration.

CONSIDERATION OF BILLS ON SECOND READING

S. B. No. 13 (DRUGS FOR JUVENILES) was read the second time.

On motion of Senator Mecham the rules were suspended and S. B. No. 13 was read the third time and placed on its final passage.

S. B. No. 13 then passed on the following roll call:

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

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Petterson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

S. B. No. 13 was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day concurred in the Senate amendments and passed H.J.R.-H.E.R. No. 5, by Mr. Woodmansee, et al., RESOLUTION AUTHORIZING INTRODUCTION OF CONTINUATION OF LEGISLATIVE COUNCIL STUDIES, and the same is transmitted herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H.J.R.-H.E.R. No. 5 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day concurred in the Senate amendments and passed H. B. No. 13, by Mr. Pace, et

al., LOCAL SCHOOL DISTRICT BOARDS OF EDUCATION, and the same is transmitted herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H. B. No. 13 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the Speaker of the House has this day signed in open session, in the presence of the House, S. B. No. 19, by Mr. Bischoff, et al., STATE BUILDING PROGRAM, and the same is transmitted herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S. B. No. 19 was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Governor.

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed S. B. No. 15, by Mr. Bunnell, et al., UTAH RELOCATION ASSISTANCE ACT, which has been signed by the Speaker in open session in the presence of the House, and the same is returned herewith for the signature of the President.

Respectfully,

Communication filed.

J. LAMBERT GIBSON, Chief Clerk

S. B. No. 15 was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Secretary of State.

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed S.J.R. No. 1, by Mr. Barlow, et al., LEGISLATIVE ARTICLE REVISION, which has been signed by the Speaker in open session in the presence of the House, and the same is returned herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S.J.R. No. 1 was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Secretary of State.

On motion of Senator Buckner, the rules were suspended and the Senate voted to lift H.E.R. No. 38 from the Rules Committee and place it at the head of the Second Reading Calendar for immediate consideration.

CONSIDERATION OF BILLS ON SECOND READING

H.E.R. No. 38 (LICENSING OF ELECTRICIANS RESOLUTION) was read the second time.

On motion of Senator Leavitt the rules were suspended and H.E.R. No. 38 was read the third time and placed on its final passage.

H.E.R. No. 38 failed to pass on the following roll call:

Yeas, 15; Nays, 13; Absent, 0.

Voting in the affirmative were: Senators Barnett, Beck, Buckner, Bullen,

Dean, Gardner, Harward, Julander, Leavitt, Pettersson, Pugh, Swan, Waddingham, Whitman and Mr. President.

Voting in the negative were: Senators Bischoff, Brockbank, Bunnell, Christensen, Clark, Clyde, Evans, Ferry, Jenkins, Jensen, Macfarlane, Mecham and Preece.

H.E.R. No. 38 was returned to the House.

On motion of Senator Leavitt the Senate sauntered.

COMMUNICATIONS FROM THE HOUSE

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, as amended by the Second Joint Conference Committee Report as of January 29, 1972, Substitute S. B. No. 1, by Mr. Brockbank, et al., REAPPOR-TIONMENT OF STATE BOARD OF EDUCATION, and the same is trans-mitted herewith for your further action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

JOINT CONFERENCE COMMITTEE REPORT

January 29, 1972

Mr. President and Mr. Speaker:

Your Conference Committee, consisting of Senators W. Hughes Brockbank, Warren E. Pugh and Ernest H. Dean and Representatives Charles E. Bennett, Peter D. Grundfossen and Howard C. Nielson have met as directed on Sub-stitute S. B. No. 1, by Messrs. Brockbank, et al., STATE BOARD OF EDUCA-TION REAPPOR-TIONMENT.

Your Conference Committee further recommends: that the previous con-ference committee report be amended as follows:

1. Page 2, line 5, after "large" delete period insert ", but with not more than one member elected from any one county".

2. Page 2, line 12, after "large" delete period insert ", but with not more than one member elected from any one county".

Respectfully,

W. HUGHES BROCKBANK, Chairman, Senate Committee
CHARLES E. BENNETT, Chairman, House Committee

Report filed.

On motion of Senator Brockbank, the Senate voted to concur in the Conference Committee report.

S. B. No. 1 then passed on the following roll call:

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

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Petterson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

S. B. No. 1 was transmitted to the House for further action.

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, as amended by the Senate and House, Substitute S. B. No. 10, by Mr. Barnett, et al., STATE SENATE REAPPORTIONMENT, and the same is transmitted herewith for further action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

On motion of Senator Brockbank, the Senate refused to concur in the House amendments to S. B. No. 10 and ask the House to recede from its amendments.

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed S. B. No. 9, by Mr. Pugh, PHYSICIANS PRESCRIBING DRUGS AT HOSPITALS, which has been signed by the Speaker in open session in the presence of the House, and the same is returned herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S. B. No. 9 was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Governor.

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed S. B. No. 13, by Mr. Mecham, DRUGS FOR JUVENILES, which has been signed by the Speaker in open session in the presence of the House, and the same is returned herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S. B. No. 13 was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Governor.

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed S. B. No. 14, by Mr. Mecham, SENTENCING UNDER UTAH CONTROLLED SUBSTANCES ACT, which has been signed by the Speaker in

open session in the presence of the House, and the same is returned herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S. B. No. 14 was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Governor.

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, under suspension of the rules H.E.R. No. 45, by Mr. Smith, et al., SEWAGE DISPOSAL FACILITIES RESOLUTION, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H.E.R. No. 45 was read for the first time.

On motion of Senator Leavitt, the rules were suspended and the Senate voted to now place H.E.R. No. 45 on the Second Reading Calendar for immediate consideration.

CONSIDERATION OF BILLS ON SECOND READING

H.E.R. No. 45 (SEWAGE DISPOSAL FACILITIES RESOLUTION) was read the second time.

On motion of Senator Leavitt the Senate resolved itself into a Committee of the Whole.

Representative John E. Smith, appeared before the Committee of the Whole to explain H.E.R. No. 45.

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

On motion of Senator Leavitt the rules were suspended and H.E.R. No. 45 was read the third time and placed on its final passage.

H.E.R. No. 45 failed to pass on the following roll call:

Yeas 16, Nays 12, Absent 0.

Voting in the affirmative were: Senators Barnett, Beck, Bunnell, Clark, Dean, Evans, Harward, Jensen, Macfarlane, Petterson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

Voting in the negative were: Senators Bischoff, Brockbank, Buckner, Bullen, Christensen, Clyde, Ferry, Gardner, Jenkins, Julander, Leavitt and Meham.

H.E.R. No. 45 was returned to the House.

COMMUNICATIONS FROM THE HOUSE

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the Speaker of the House has this day signed in open session, in the presence of the House, Substitute S. B. No. 1, by Mr. Brockbank, et al., REAPPORTIONMENT OF STATE BOARD OF EDUCATION, and the same is transmitted herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S. B. No. 1 was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Governor.

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, under suspension of the rules H.J.R. No. 5, by Mr. Woodmansee, et al., CONTINUATION OF LEGISLATIVE COUNCIL STUDIES, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H.J.R. No. 5 was read for the first time.

On motion of Senator Buckner, the rules were suspended and H.J.R. No. 5 was placed on the Second Reading Calendar for immediate consideration at this time.

CONSIDERATION OF BILLS ON SECOND READING

H.J.R. No. 5 (CONTINUATION OF LEGISLATIVE COUNCIL STUDIES) was read the second time.

On motion of Senator Buckner, H.J.R. No. 5 was amended as follows:

Substitute the following H.J.R. No. 5 for the original.

(CONTINUATION OF LEGISLATIVE COUNCIL STUDIES)

H.J.R. No. 5

By Mr. Woodmansee

- 1 A JOINT RESOLUTION OF THE BUDGET SESSION OF THE 39TH LEGISLATURE DIRECTING THE UTAH LEGISLATIVE
- 2 COUNCIL TO MAKE STUDIES OF DEVELOPMENT OF RECREATIONAL FACILITIES AND WILDLIFE RESOURCES
- 3 AND OF MASS TRANSIT SYSTEMS IN UTAH AND TO CONTINUE STUDIES ON SCHOOL FINANCE AND THE
- 4 ADOPTION OF FEDERAL TAX LAWS INTO THE TAX SYSTEM OF THE STATE AND TO SUBMIT ITS RECOMMEN-
- 5 DATIONS IN THESE AREAS TO THE GENERAL SESSION OF THE 40TH LEGISLATURE.

1 WHEREAS, the recreational facilities and wildlife resources of Utah, as those of other
Be it resolved by the Legislature of the State of Utah:

2 states, are being subjected to ever-increasing usage, there being an apparent need for these
3 facilities and resources to be further expanded and developed and this being the subject
4 of H.B. No. 31 introduced at this Budget Session but not passed;

5 WHEREAS, many areas within the States of Utah, especially those with the highest density
6 of population, have been having extreme difficulties in providing an efficient system of mass
7 transit for their residents, and there is an apparent need for expanding and making such
8 systems more adequate, this being the subject of H.J.R. No. 5 introduced at this Budget
9 Session but not passed;

10 WHEREAS, by Item 24 of S.J.R. No. 24 passed at the General Session of the 39th Legislature,
11 the Utah legislative council was directed to make a study concerning the philosophy, administra-
12 tion, and distribution of tax resources and permanent funding of public education in the state,
13 and recent Federal court decisions have cast certain doubts on the current finance formula of
14 the state, the Education Subcommittee of the Joint Appropriations committee of the 39th
15 Legislature expressing the urgent need for continuation of studies in this area, this being
16 the subject of H.J.R. No. 9 introduced at this Budget Session but not passed;

17 WHEREAS, by Item 25 of S.J.R. No. 24 passed by the General Session of the 39th Legislature,
18 the Utah legislative council was directed to make a further study of adoption of provisions
1 of federal tax laws into the state tax system, this being the subject of S.B. No. 5 introduced
2 at this Budget Session but not passed;

3 NOW, THEREFORE, BE IT RESOLVED, that the Budget Session of the 39th Legislature of the
4 State of Utah directs the Utah legislative council to make thorough studies of the following:

- 5 (1) The problems of development of recreational facilities and wildlife resources in the
6 State of Utah and the manner of financing such development, including both state and federal
7 sources (H.B. No. 31);
 - 8 (2) The availability, feasibility, and methods of financing mass transit systems within
9 the State (H.J.R. No. 5);
 - 10 (3) The school finance program within the state and especially its relationship to the
11 problems created by recent Federal court decisions concerning school finance formulae (H.J.R. No. 9);
12 and
 - 13 (4) The adoption of provisions of the Federal tax laws into the tax system of the State
14 of Utah (S.B. No. 5);
- 15 with the legislative council to report its findings and recommendations regarding the above areas
16 to the General Session of the 40th Legislature.
- 17 BE IT FURTHER RESOLVED that all of the agencies and institutions of the State of Utah cooper-
18 ate with and aid the legislative council in connection with these studies.

On motion of Senator Leavitt, substitute H.J.R. No. 5 was amended as follows:

Page 2, line 12, after the word "and" insert "a study of school building needs and particularly the replacement of obsolescent plants or facilities."

On motion of Senator Leavitt the rules were suspended and H.J.R. No. 5 was read the third time and placed on its final passage.

H.J.R. No. 5 then passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators Barnett, Beck, Brockbank, Buckner, Bullen, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Jenkins, Jensen, Julander, Leavitt, Mecham, Preece, Pugh, Swan, Whitman and Mr. President.

Absent and not voting were: Senators Bischoff, Bunnell, Harward, Macfarlane, Pettersson and Waddingham.

H.J.R. No. 5 was returned to the House.

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day refused to recede from its amendments to Substitute S. B. No. 10, by Mr. Barnett, et al., STATE SENATE REAPPORTIONMENT, and has appointed a Conference Committee consisting of Representatives Oberhansley, Rencher and Nielson, to act with a like Committee from the Senate on this bill.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

President Barlow appointed a Conference Committee consisting of Senators Harward, Bischoff and Macfarlane to act with a like committee from the House to confer on S. B. No. 10.

RULES COMMITTEE REPORT

January 29, 1972

Mr. President:

Your Rules Committee reports out the following House Resolutions:
H.E.R. No. 35 (District Attorneys' Expenses Resolution)
HER-HJR No. 9 (School Finance Study)
H.E.R. No. 26 (Public Assistance Refunds Resolution)

Respectfully,

E. LAMAR BUCKNER, Chairman

Report adopted and filed.

On motion of Senator Leavitt, the enacting clause was struck on the above listed House Resolutions and returned to the House.

RULES COMMITTEE REPORT

January 29, 1972

Mr. President:

Your Rules Committee reports out the following Senate Bill and Senate Resolution:

S. B. No. 18 (Reapportionment of School District Boards of Education)

S.J.R. No. 2 (Lake Powell Resolution)

Respectfully,

E. LAMAR BUCKNER, Chairman

Report adopted and filed.

On motion of Senator Leavitt, the enacting clause was struck on the above listed Senate Bill and Resolution and were filed.

On motion of Senator Leavitt, S.J.R.-S.E.R. No. 2 H. B. No. 16 and H.E.R. No. 31 were lifted from the table and placed on the Second Reading Calendar.

CONSIDERATION OF BILLS ON SECOND READING

On motion of Senator Leavitt, the enacting clause on S.J.R.-S.E.R. No. 2-H. B. No. 16 and H.E.R. No. 31 were struck.

On motion of Senator Leavitt, the rules were suspended and the Senate voted to now consider bills on the Third Reading Calendar.

CONSIDERATION OF BILLS ON THIRD READING

On motion of Senator Leavitt, S. B. No. 5 and H.E.R. No. 14 were lifted from the table and placed on the Third Reading Calendar.

On motion of Senator Leavitt, the enacting clause of S. B. No. 5 and H.E.R. No. 14 were struck.

H. B. No. 16-H.E.R. No. 31 and H.E.R. No. 14 were returned to the House.

On motion of Senator Leavitt the Senate sauntered.

JOINT RULES COMMITTEE REPORT

January 29, 1972

Mr. Speaker-Mr. President:

Your Joint Committee on Rules recommend that the cost of revising the House and Senate Journal and records of the 1972 Budget Session of the 39th Legislature be as follows:

| | |
|--|----------|
| Quayle Cannon, Jr.—Secretary of Senate | \$500.00 |
| Sophia C. Buckmiller—Asst. Sec. of Senate (Minute Clerk).... | \$500.00 |
| J. Lambert Gibson—Chief Clerk of the House | \$500.00 |
| George Frodsham—Minute Clerk of the House | \$500.00 |

In addition, authority is given for the employment of such help as is required.

We wish to commend the officers and employees of the Legislature for the manner in which they have carried on their respective duties.

Respectfully,

E. LAMAR BUCKNER, Senate Chairman
HAROLD T. NEWMAN, House Chairman

Committee report read and adopted.

On motion of Senator Buckner, the Senate extended a vote of appreciation to the officers and employees of the Senate for their courteous services.

On motion of Senator Buckner, the Senate voted to record in the Journal an entry of commendation to the Legislative Council, Joint Budget Audit Committee, Legal Services Committee, Joint Operations Committee for their fine work concerning all legislative matters referred thereto.

On motion of Senator Harward, the Senate expressed its appreciation to the newspapers published in Utah, and to the radio and television stations throughout the state.

On motion of Senator Christensen, the Senate extended a vote of appreciation to the President and leadership of the Senate for their excellent work in presiding over and conducting the 1972 Budget Session of the 39th Legislature.

On motion of Senator Leavitt, the President appointed Senators Julander, Brockbank and Waddingham to notify the House that the Senate has concluded its business and is now ready to adjourn sine die.

On motion of Senator Buckner, the President appointed Senators Bischoff, Dean and Clyde to act with a like committee from the House to wait upon the Governor to ascertain whether he has any further business to bring before the Legislature.

A committee from the House, Representatives Lee, Hansen and Washburn, notified the Senate that the House had concluded its business and was ready to adjourn sine die.

Senator Julander reported that the Senate Committee had notified the House.

On motion of Senator Buckner the Senate resolved itself into a Committee of the Whole.

Mr. Lewis H. Lloyd, Director, Legislative Council, appeared before the Committee of the Whole.

Mr. Leo L. Memmott, Legislature-Joint Budget Audit Committee, appeared before the Committee of the Whole.

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

On motion of Senator Buckner the Senate voted to authorize two days extra pay for the employees of the Utah State Senate for their courteous and diligent services.

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day concurred in the Senate amendments and passed Substitute H.J.R. No. 5, by

Mr. Woodmansee, CONTINUATION OF LEGISLATIVE COUNCIL STUDIES, and the same is transmitted herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

H.J.R. No. 5 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

January 29, 1972

Mr. President:

I am directed to inform your Honorable Body that the House did this day strike the enacting clause to Substitute S. B. No. 10, LEGISLATIVE AP-PORTIONMENT. The bill is returned herewith for filing.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S. B. No. 10 filed.

Senator Bischoff and his committee returned escorting the Governor to the podium.

Governor Calvin L. Rampton addressed members of the Senate very briefly and acknowledged and thanked them for the affairs of state that had been accomplished but indicated that it would be necessary to call a special session to further consider the reapportionment of the Legislature. By his proclamation he indicated that it would be called for Monday, January 31, 1972 at 1:00 p.m.

President Barlow thanked the Committee to notify the House and the Committee to wait upon the Governor for their reports and discharge of their duties.

January 31, 1972

Mr. President:

Your Committee on Revision of the Journal respectfully reports that we

have read the Journal for the twentieth day and find it correct with minor amendments noted on the final copy.

Respectfully,

WILMER L. BARNETT, Chairman

Report adopted and filed.

Benediction was given by Senator Carl E. Petterson.

On motion of Senator Mecham, the 1972 Budget Session of the 39th Legislature of the Utah State Senate adjourned sine die.

CORRESPONDENCE FROM GOVERNOR'S OFFICE
AND THE ATTORNEY GENERAL'S OFFICE
RE: H. B. NO. 13

February 3, 1972

Honorable Calvin L. Rampton
Governor of the State of Utah
BUILDING

Dear Governor Rampton:

Pursuant to your request, this office has reviewed House Bill No. 13, which has been passed by the 1972 Budget Session.

We think there is a serious question as to the constitutionality of this bill. This arises out of the last sentence in Section 53-4-3 on page 2 of the bill, which reads:

"If by reason of redistricting, the boundary lines of any representative precinct are so changed that any member of the board from the precinct becomes a non-resident of the precinct, then the member shall be permitted to retain his membership during the term for which he was elected."

This provision has been in Section 53-4-3 for many years and would appear to be in conflict with Section 53-5-4, which has also been in the Utah Code for many years and which provides:

"Every member of a board of education shall be and remain a resident, and a qualified and registered elector, in the school representative precinct from which he is elected or appointed. The board of education is hereby required to fill any vacancy that may occur through nonresidence or any other cause until the next school election for a member or members of the board in the school representative precinct where the vacancy has occurred. If any board of education fails for a period of 30 days to appoint a person to fill the vacancy, the county commission, or city commission in case of a city district, shall fill the vacancy."

The conflict between these two provisions was the subject of a lawsuit in 1931 in *Olsen v. Merrill*, 5 P(2) 226. In that case, the Provo City School Board was re-districted with the result that two of the board members whose terms had not expired were residing outside of the districts to which they had been elected. The Utah Supreme Court held that these offices were not made vacant by the redistricting, and that they could continue to serve until their terms expired. The basis for this ruling was that their duties were not confined to the municipal wards from which they were elected but instead were related to participation in the management and control of the entire school system of Provo City.

In connection with this problem, your attention is directed to Section 53-5-7 on page 3 of the bill, which provides that school board members from county and second-class city school districts who were elected in 1970 will serve for four years. Thus, if the school representative precincts in which any

of these board members reside are changed so that they no longer reside in their precinct, it will be 1974 before their offices will become vacant and can be filled by persons residing within the precinct.

The problem of the "one-man, one-vote" rule did not enter into the *Olsen v. Merrill* case since that interpretation of the Equal Protection Clause of the Federal Constitution did not come into being until the 1960's. However, it is our belief that the "one-man, one-vote" rule would now govern the situation arising out of House Bill No. 13 and, assuming that some of the board members elected in 1970 would find themselves residing outside of the precinct to which they were elected after the redistricting is accomplished, that the constitutionality of the provision in question is doubtful. A very similar situation was present in the Utah legislative reapportionment case of *Petusky v. Ramp-ton*, 243 F. Supp. 365 (1965). That case dealt with the 1965 reapportionment act in which State Senators elected in 1964 were continued in office until December 31, 1968. After pointing out several instances in which senatorial districts would be represented by Senators no longer residing in the district, the court said:

"It is manifest that this situation is monstrous, in a small way. It is wholly lacking in rationality. The Legislature has set up a scheme that too long will delay constitutional reapportionment and equal representation in the Utah Legislature."

Very truly yours,

H. WRIGHT VOLKER,
Assistant Attorney General

February 8, 1972

Mr. Vernon B. Romney
Attorney General
Building

Dear Mr. Romney:

I have your opinion of February 3, 1972 regarding the constitutionality of H. B. 13 which was passed by the 1972 Budget Session of the Utah State Legislature. You point out that there is a question as to the constitutionality of a portion of Section 53-4-3, which was retained in the bill. This language has been in the law for many years, and is as follows:

If by reason of redistricting, the boundary lines of any representative precinct are so changed that any member of the board from the precinct becomes a non-resident of the precinct, then the member shall be permitted to retain his membership during the term for which he was elected.

The constitutional question arises from the application of the one-man one-vote rule against which this language would seem to offend. I am not going to veto the bill, and I would prefer not to refer it back to the Special Session of the Utah Legislature now in session if in fact the problem can be resolved by interpretation.

I would, therefore, like to ask your answer to several specific questions as guides to me at the present time and as guides to county and city commissions and local district school boards in reconstituting board member areas within individual school districts. The questions which I have are as follows:

1. Is the language above quoted in fact unconstitutional?
2. If it is in fact unconstitutional, is it severable so that the balance of the act may become operational notwithstanding such unconstitutionality?
3. If the answer to question 2 is in the affirmative, what is the law in regard to each of the following situations?
 - (a) Where the present board member areas within a school district are substantially equal under the most recent census, may the present boards continue on uninterruptedly and the board members fill out their elected terms?
 - (b) Where, under the most recent census, some of the board member areas within a school district appear to contain substantially the average population for such areas within such school district and thus need not be changed, but where other board member areas within a school district must be adjusted as to boundary, must all board members in such school district run anew, or may those in the board member areas which do not need adjustment continue to the expiration of the term to which they were elected?

Sincerely,

CALVIN L. RAMPTON, Governor

February 10, 1972

Governor Calvin L. Rampton
Governor of the State of Utah
BUILDING

Dear Governor Rampton:

This is in response to your letter of February 8, 1972, in which you asked several questions concerning House Bill 13. These questions arose out of our opinion of February 3, 1972, wherein we stated that we thought the constitutionality of House Bill 13 was questionable because the following provision in Section 53-4-3 appeared to violate the one-man, one-vote rule:

"If by reason of redistricting, the boundary lines of any representative precinct are so changed that any member of the board from the precinct becomes a non-resident of the precinct, then the member shall be permitted to retain his membership during the term for which he was elected."

Your first question was whether or not the above-quoted provision is in fact unconstitutional. In answering this question, the portion of Section 53-5-7,

which provides that board members shall be elected for the terms designated in the following schedule, should be considered in connection with the provision:

Representative Precinct Number

| Cities of Second Class | County School Districts | Year | |
|------------------------|-------------------------|------|---------|
| 3 | 2 | 1970 | 4 years |
| 4 | 3 | 1970 | 4 years |
| 5 | 4 | 1972 | 4 years |
| 1 | 5 | 1972 | 4 years |
| 2 | 1 | 1970 | 4 years |

As we envision it, these two provisions could give rise to the following situations:

1. There could be some districts that will not be reapportioned because their population will meet the "ideal" population figure. If the board member in such a district were elected in 1970, there would not appear to be any problem with the one-man, one-vote rule, insofar as his remaining in office until his term expires because he would be a resident of the district; would have been elected by the residents of the district and would be representing the proper number of persons.

2. There could be some districts in which the boundary lines would be changed so that the present board member of the district would reside outside of the district. If he were elected in 1970, he would continue to represent the district until 1965. Although he would be representing the proper number of people, there could be instances in which he was not elected by all of the residents of the district because of the change in boundary lines.

3. There could be instances in which a board member elected in 1970 would continue to reside in his district but would not have been elected by all of the residents in the district because of boundary line changes.

The court case most analogous to the instant situation is *Petusky v. Ramp-ton*, 243 F. Supp. 365, from which we quote at length:

"The first sentence of Section 2 of the Act provides that senators shall stand for election in 1966 where there are, in one district, two or more who were elected in 1964.

"The second sentence of Section 2 provides: 'All other senators who were elected in 1964 shall remain in office and represent the senatorial districts in which they reside until the expiration of their respective terms of office.'

"There are provisions in the 1965 Act, however, which do not square with federal constitutional requirements. These provisions are found in Section 2 of the Act and deal fundamentally with problems which arise during the change from the old malapportioned legislature to the new constitutional one.

"In five representative districts which, in each instance, were formed by the combining of two counties, there would be two repre-

sentatives instead of one for each district. These would be districts 60 (Duchesne and Wasatch), 61 (Daggett and Uintah,) 62 (Juab and Millard), 64 (Emery and Grand), and 69 (Kane and Washington). In one new district, 59 (Morgan, Rich and Summit) there would be 3 representatives instead of one, and in new district 67 (Beaver, Garfield, Piute and Wayne), there would be four representatives until December 31, 1966.

"Emery County would be without voter representation in the state senate for four and one-half years, from May 11, 1965 (the effective date of the Act) until the Legislature meets in January 1969.

"Emery County formerly was in old district 10. In 1964 Senator Vernon L. Holman was elected for a 4-year term in that district. Emery County is now in new district 24, which is made up of Emery, Grand, Daggett and Uintah Counties. Senator Holman resides in Garfield County, which is outside of this new district, consequently he would no longer represent the inhabitants of Emery County. Senator Samuel J. Taylor was elected in 1962 from the Counties of Grand and San Juan. His term expires December 31, 1966. He is a resident of the new district, his home being in Grand County. Senator Leland Sowards was elected in 1964 from old district 16, which was made up of Daggett and Uintah Counties, to which Emery and Grand have been added to form new district 24. Under the new Act the inhabitants of Emery County would lose representation by Senator Holman. Until December 31, 1966, they would be represented by Senators Taylor and Sowards, for whom they have had no opportunity to vote. From the end of 1966 until December 31, 1968, they would be represented by Senator Sowards. The inhabitants of Emery County would not be given an opportunity to vote for new senatorial representation at the general election in 1966. So, from May 11, 1965 (the effective date of the Act) until the Legislature meets in January 1969, Emery County residents would not have voter representation in the State Senate.

"Grand County would be without voter representation for two years from 1966 to 1968.

"The inhabitants of Grand County would be represented until December 31, 1966, by Senators Taylor and Sowards, and thereafter until December 31, 1968, by Senator Sowards. The inhabitants of Grand County participated in the election of Senator Taylor in 1962, but upon the expiration of his term at the end of 1966, they would not have an opportunity to vote for senatorial representation until the general election in 1968. By legislative fiat, they would be represented by Senator Sowards, who did not stand for election from Grand County. It should be pointed out that Senator Taylor, who was elected in 1962 from Grand and San Juan Counties, would lose San Juan County from the area he was elected to represent, and

would gain the Counties of Emery, Daggett and Uintah for the balance of his term.

"Morgan, Rich and Summit Counties would be without voter representation for two years from 1966 to 1968.

"Senator John A. Lambert was elected in 1962 to represent the Counties of Morgan, Rich and Summit. His term expires December 31, 1966. In forming new district 22, Morgan, Rich and Summit were added to Duchesne and Wasatch. Senator Gordin E. Harmston, in 1964, was elected to represent Duchesne and Wasatch. Both senators reside in new district 22, and the inhabitants of that district would be represented by them until December 31, 1966. The inhabitants of Morgan, Rich and Summit Counties would not have an opportunity to vote for senatorial representation in the 1966 general election, but would be represented until December 31, 1968, by Senator Harmston.

"It is manifest this situation is monstrous, in a small way. It is wholly lacking in rationality. The Legislature has set up a scheme that too long will delay constitutional reapportionment and equal representation in the Utah Legislature." (Emphasis added.)

Obviously, the situation in the *Petusky v. Rampton* case was far more complicated and contained greater inequities than the one that would be created from the application of House Bill 13. It appears, nevertheless, that the court laid considerable stress on the fact that Emery and Grand Counties would not be represented by senators for whom they had an opportunity to vote. Referring back to the three situations we envisioned probably would arise out of House Bill 13, it appears in situations 2 and 3 that at least part of the people residing in some of those districts would be represented until 1975 by board members for whom they had no opportunity to vote. Consequently, in answer to your first question, it is our opinion that the provisions in House Bill 13 which would permit some board members elected in 1970 to represent until 1975 people who had no chance to vote for them would come within the purview of the court's decision in *Petusky v. Rampton* declaring such a situation to be unconstitutional.

With respect to your second question as to whether or not the provisions of House Bill 13 that would permit certain board members to complete the term for which they were elected in 1970 is severable so that the balance of the act may become operational, it is our conclusion that they are not. The rule as to severability has been stated by the Utah Supreme Court in *Union Trust Company v. Simmons*, 211 P.2d 190, as follows:

"Severability or separability where part of a statute is unconstitutional, is primarily a matter of legislative intent. The test fundamentally is whether the legislature would have passed the statute without the objectionable part, and whether or not the parts are so dependent upon each other that the court should conclude the intention was that the statute be effective only in its entirety. *North Tintic Mining Co. v. Crockett*, 75 Utah 259, 284 P. 328. Frequently the courts are aided in the determination of legislative intent by the inclusion within a statute of a 'saving clause'."

And in Riggins v. District Court of Salt Lake County, 51 P.2d 280, the court said:

"But the general rule is that the unobjectionable part of a statute cannot be held separable unless it appears that, 'standing alone, legal effect can be given to it and that the Legislature intended the provision to stand, in case others included in the act and held bad, should fall.' The question is one of interpretation and of legislative intent, and the legislative declaration 'provides a rule of construction which may sometimes aid in determining that intent. But it is an aid merely; not an inexorable command.'"

The reason for our conclusion that the unconstitutional provisions of House Bill 13 cannot be severed is that it appears that there would not be a law left that could be given legal effect. Evidently, there are two provisions that would have to be severed—the one in Section 53-4-3, which permits a board member who is a non-resident of his district after the boundary lines are changed to fill out the term for which he was elected, and the one in Section 53-5-7, which provides that certain board members elected in 1970 shall serve for four years. In analyzing the situation, we refer again to the three situations we think would be created by House Bill 13:

In the first situation, where the district is not reapportioned, there would be no problem because House Bill 13 provides specifically that such a board member would serve out his term. Furthermore, he would be representing the proper number of people, all of whom had an opportunity to vote for him.

In the second situation, where the board member becomes a nonresident of his district because of a change in the boundary lines, it might be rationalized that Section 53-5-4, which provides that if by reason of redistricting a board member is no longer a resident of his district his office becomes vacant and shall be filled by appointment by the Board of Education, would be applicable. This would probably be all right because the reapportioning should be accomplished in time to permit candidates to run for the vacant office in the 1972 elections.

The third situation is the one that causes the greatest difficulty. We assume in this situation that there will be some districts in which the board member will continue to reside in the reapportioned district, but because of boundary changes, he will be representing until 1975 some voters who never had a chance to vote for or against him. This creates a situation which we think is prohibited by the decision in Petusky v. Rampton. Carrying this situation a little further, if we say that the provision in Section 53-5-7 providing that certain board members elected in 1970 shall serve four years is severable, there would seem to be no provision in the law for the election of a new board member in 1972, nor for the term he would serve.

In arriving at the conclusion that the provisions we think are unconstitutional are not severable, we have made several assumptions as to situations we think would be created by the application of House Bill 13. It is possible, of course, that they would not be created, but we think that this is unlikely.

Very truly yours,

H. WRIGHT VOLKER,
Assistant Attorney General

LETTER OF EXPLANATION
RE: S. B. NO. 1

February 10, 1972

Mr. Clyde L. Miller
Secretary of State
Building

Dear Mr. Miller:

I am approving and transmitting herewith S. B. 1, enacted by the Budget Session of the 39th Legislature of the state of Utah. This bill redistricts the state of Utah for the purpose of electing members of the State Board of Education.

The total deviation between the most under represented and over represented district provided for by this bill is 13.7%. This deviation is somewhat higher than would ordinarily be acceptable under recent federal decisions implementing the one-man one-vote rule. However, I believe it to be as close to equal representation as can be achieved by grouping existing local school board districts into representative districts for the purpose of electing state school board members. It may be that by dividing local school board districts at certain points, a nearer approach to equality could be made. However, except in the case of districts number 6 and 7 where the boundary line at one point is between the Alpine and Provo school districts on the one hand and the Nebo school district on the other, the boundary line follows natural geographic contours which could not be changed except by putting certain areas into districts where they have no economic or sociological ties. Little would be gained by a readjustment of the boundary between the Alpine and Provo school districts and the Nebo school district as state districts 6 and 7 are already in almost exact population proportions.

By including local school districts without division into state school board districts the election machinery for electing state school board members is substantially simplified. While local school district areas generally are contiguous with county areas, the governing bodies of school districts are separate and distinct from the governing bodies of cities and counties, and while school board elections are usually held simultaneously with general elections, the methods of selecting nominees are different. I am of the opinion, therefore, that these special circumstances above enumerated justify the deviation found in this bill.

Sincerely,

CALVIN L. RAMPTON, Governor

REFERENCES

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| Buckner Motion Authorization of two days extra pay for all Senate Employees | 208 |
| Brief Remarks – Governor Calvin L. Rampton Appeared before members of the Senate | 209 |
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SENATE BILLS AND RESOLUTIONS

| S. B. | Title | Final Disposition |
|-------|---|--|
| 12. | Adjustment of Retired Firemen's Allowances | Filed-Jan. 29, 1972 (SER No. 12 failed in Senate Jan. 29, 1972) |
| 7. | Administrative Rulemaking | Filed-Jan. 27, 1972 (SER No. 7 failed in House Jan. 25, 1972) |
| 4. | Amendments to Uniform Municipal Fiscal Procedures Act | * Signed by Gov. Feb. 4 |
| 17. | Appropriation To State Board of Education for Ballet West | * Signed by Gov. Feb. 4 |
| 3. | Bonds of Institutions of Higher Learning | * Signed by Gov. Feb. 4 |
| 13. | Drugs For Juveniles | * Signed by Gov. Feb. 4 |
| 8. | Gross Laden Weight of Vehicles | * Signed by Gov. Jan. 31 |
| 11. | Legislative Districts | Failed in Senate Jan. 25 |
| 9. | Physicians Prescribing Drugs At Hospitals | * Signed by Gov. Feb. 4 |
| 8. | Public Assistance and Medical Care Claim Limitations | * Signed by Gov. Feb. 4 |
| 18. | Reapportionment of School District Boards of Education | S-Struck Enacting Clause Jan. 29 |
| 14. | Sentencing Under Utah Controlled Substances Act | * Signed by Gov. Feb. 4 |
| 1. | State Board of Education Reapportionment | * Signed by Gov. Feb. 10 |
| 19. | State Building Program | * Signed by Gov. Feb. 8 |
| 16. | State Capitol Police Department | Filed Jan. 29, 1972 (SER No. 16 failed in Senate Jan. 29) |
| 10. | State Senate Reapportionment | H-Struck Enacting Clause Jan. 29 |
| 2. | Systems Planning and Computing | Filed Jan. 27, 1972 (SER No. 2 failed in Senate Jan. 11) |
| 5. | Utah Individual Income Tax Act of 1972 | S-Struck Enacting Clause Jan. 29 |
| 15. | Utah Relocation Assistance Act | * Signed by Gov. Feb. 4 |

*Action completed after session

SENATE BILLS AND RESOLUTIONS (Continued)

| S.J.R. | Title | Final Disposition |
|--------|--|---|
| 4. | Control and Supervision of Schools | House rejected-Jan. 29 |
| 2. | Lake Powell Resolution | S-Struck Enacting Clause Jan. 29 |
| 1. | Legislative Article Revision | Transmitted to Sec. of State Jan. 29 |
| 6. | Resolution of Condolence On Death of Richard L. Evans | Transmitted to Sec. of State Jan. 26 |
| 5. | School Districts As Subdivisions | Filed Jan. 27, 1972 (SJR-SER No. 5 failed in Senate Jan. 22) |
| 3. | State Support To Local Government Units Resolution | Filed Jan. 29, 1972 (SJR-SER No. 3 rejected by House Jan. 29) |

| S.C.R. | Title | Final Disposition |
|--------|--------------------------------------|-------------------------|
| 1. | Charles Welch Jr., In Memorium | *Signed by Gov. Jan. 31 |

| SJR-SER | Title | Final Disposition |
|---------|---|---|
| 4. | Control and Supervision of Schools | Transmitted to Sec. of State Jan. 27 |
| 2. | Lake Powell Resolution | S-Struck Enacting Clause Jan. 29 |
| 1. | Legislative Article Revision | Transmitted to Sec. of State Jan. 25 |
| 6. | Resolution - Condolence On Death of Richard L. Evans | Not Introduced SJR No. 6 passed under suspension of Rules |
| 5. | School Districts As Subdivisions | Failed in Senate Jan. 22 |
| 3. | State Support To Local Government Units | Rejected by House Jan. 29 |

*Action completed after session

SENATE BILLS AND RESOLUTIONS (Continued)

| S.E.R. (Senate Enabling Res.) | Title | Final Disposition |
|----------------------------------|---|--|
| 12. | Adjustment of Retired Firemen's Allowances | Failed in Senate Jan. 29 |
| 7. | Administrative Rulemaking | Rejected by House Jan. 22 |
| 4. | Amendments To Uniform Municipal Fiscal Procedures Act | Transmitted to Sec. of State Jan. 25 |
| 17. | Appropriation To State Board of Education For Ballet West | (SER No. 17-not introduced S.B. No. 17 passed under suspension of Rules) |
| 3. | Bonds of Institutions of Higher Learning | Transmitted to Sec. of State Jan. 25 |
| 13. | Drugs For Juveniles | *Transmitted to Sec. of State Feb. 3 |
| 6. | Gross Laden Weight of Vehicles | (Declared Budgetary) |
| 9. | Physicians Prescribing Drugs At Hospitals | Transmitted to Sec. of State Jan. 28 |
| 8. | Public Assistance & Medical Care Claim Limitations | Transmitted to Sec. of State Jan. 27 |
| 18. | Reapportionment of School District Boards of Education | (SER No. 18 not introduced) S-Struck enacting clause S.B. No. 18 Jan. 29 |
| 14. | Sentencing Under Utah Controlled Substances Act | *Transmitted to Sec. of State Jan. 31 |
| 1. | State Board of Education Reapportionment | Transmitted to Sec. of State Jan. 20 |
| 16. | State Capitol Police Department | Failed in Senate Jan. 29 |
| 10. | State Senate Reapportionment | Transmitted to Sec. of State Jan. 25 |
| 2. | Systems Planning and Computing | Failed in Senate Jan. 11 |
| 5. | Utah Individual Income Tax Act of 1972 | (Declared Budgetary) |
| 15. | Utah Relocation Assistance Act | *Transmitted to Sec. of State Jan. 31 |

*Action completed after session

HOUSE BILLS AND RESOLUTIONS

| H. B. | Title | Final Disposition |
|-------|---|-------------------------------------|
| 42. | Appropriations Act | *Signed by Gov. Feb. 3 |
| 23. | Camper Registration Decals | *Signed by Gov. Feb. 4 |
| 18. | Contributions To Public Safety Retirement | *Signed by Gov. Feb. 4 |
| 11. | Distribution Of Liquor Profits | *Signed by Gov. Feb. 4 |
| 13. | District Board of Education | *Signed by Gov. Feb. 10 |
| 33. | Marriage Solemnization | *Signed by Gov. Feb. 4 |
| 15. | School Building Aid | *Signed by Gov. Feb. 4 |
| 20. | School Finance Program | *Signed by Gov. Feb. 8 |
| 22. | State Classification and Compensation Administration | *Signed by Gov. Feb. 8 |
| 16. | State Employee Health Insurance Act | S-Struck Enacting Clause Jan. 29 |
| 17. | State Employee Retirement Contributions | *Signed by Gov. Feb. 4 |
| 32. | Supplemental Appropriation Act | Signed by Gov. Jan. 25 |
| 41. | Supplemental Appropriation Act | *Signed by Gov. Feb. 3 |
| 9. | Unemployment Compensation For State Employees | *Signed by Gov. Feb. 8 |

| H.E.R. (House Enabling Res.) | Title | Final Disposition |
|---------------------------------|--|--|
| 23. | Camper Registration Decals Resolution | Transmitted to Sec. of State Jan. 28 |
| 18. | Contribution To Public Safety Retirement Resolution | Transmitted to Sec. of State Jan. 28 |
| 12. | Death Benefit For Public Service Employees | Failed in Senate- Reconsideration-Jan. 28 |
| 31. | Department of Natural Resources Projects Resolution | S-Struck Enacting Clause Jan. 29 |
| 11. | Distribution of Liquor Profits Resolution | Transmitted to Sec. of State Jan. 28 |
| 35. | District Attorney's Expenses | S-Struck Enacting Clause Jan. 29 |

*Action Completed After Session

HOUSE BILLS AND RESOLUTIONS (Continued)

| H.E.R. (House Enabling Res.) | Title | Final Disposition |
|---------------------------------|---|--|
| 13. | District Board of Education | Transmitted to Sec. of State Jan. 26 |
| 38. | Licensing of Electricians Resolution | Failed to pass 3rd Reading in Senate-Jan. 29 |
| 33. | Marriage Solemnization Resolution | Transmitted to Sec. of State Jan. 28 |
| 26. | Public Assistance Refunds Resolution | S-Struck Enacting Clause Jan. 29 |
| 14. | Reapportionment of State Board of Education Resolution | S-Struck Enacting Clause Jan. 29 |
| 45. | Sewage Disposal Facilities | Failed to Pass in Senate Jan. 29 |
| 22. | State Classification and Compensation Administration Resolution | Transmitted to Sec. of State Jan. 27 |
| 16. | State Employee Health Insurance Act Resolution | Transmitted to Sec. of State Jan. 26 |
| 17. | State Employee Retirement Contributions | Transmitted to Sec. of State Jan. 26 |
| 2. | Tax Exempt Property Sales | Failed in Senate Jan. 22 |
| 1. | Tax Exemptions For Low Income Persons | Transmitted to Sec. of State Jan. 28 |
| 9. | Unemployment Compensation For State Employees | Transmitted to Sec. of State Jan. 27 |

| H.J.R. | Title | Final Disposition |
|--------|---|---------------------------------------|
| 5. | Assignment To Legislative Council | * Transmitted to Sec. of State Feb. 2 |
| 6. | Commendation of Marsha Bowen | Transmitted to Sec. of State Jan. 28 |
| 1. | Commendation of Utah Stars | Transmitted to Sec. of State Jan. 18 |

*Action completed after session

HOUSE BILLS AND RESOLUTIONS (Continued)

| H.J.R. | Title | Final Disposition |
|---------|---|---|
| 4. | Commendation of Susan Merrill | Transmitted to Sec. of State Jan. 25 |
| 2. | Repeal of Minimum Voting Age Amendment Resolution | Transmitted to Sec. of State Jan. 25 |
| | | |
| HER-HJR | Title | |
| 5. | Assignments To Legislative Council | *Transmitted to Sec. of State Feb. 2 |
| 2. | Authorizing Introduction of Repeal of Minimum Voting Age Amendment | Transmitted to Sec. of State Jan. 19 |
| 9. | Authorizing Introduction of School Finance Resolution | S-Struck Enacting Clause Jan. 29 |
| 1. | Commendation of Utah Stars | Transmitted to Sec. of State Jan. 18 |

****Please note -**

Original Titles to H. E. R. No. 13 & H. B. No. 13 (Local School Board Election Filing Date) amended to read (DISTRICT BOARD OF EDUCATION)
 Original title to H. E. R. - HJR No. 5 (Resolution authorizing Introduction of Mass Transit Study) amended to read (CONTINUATION OF LEGISLATIVE COUNCIL STUDIES)

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SENATE BILLS

| | AUTHOR — TITLE (Abrev.) | Introduced and Read First Time | Rules Committee | Standing Committees | Read Second Time | Read Third Time | Transmitted to House | Received from House | Concur, Conference Committee | Signed by President | Signed by Speaker | Signed by Governor | REFERENCES |
|---|--|--------------------------------|-----------------|---------------------|------------------|-----------------|----------------------|--|------------------------------|---------------------|-------------------|--------------------|---|
| 1 | State Board of Education Reapportionment Brockbank, et al. | 9 | 47 60 | | 72 | 76 | 77 100 | 128 140 160 168 190 202 | 199 | 202 | 202 | *2/10/72 | O-72-128-148-183 A-72 |
| 2 | Systems Planning and Computing Leavitt, et al. | 9 | 48 129 | | | | | | | | | | O-129 |
| 3 | Bonds of Institutions of Higher Learning Pugh, et al. | 38 39 | 49 90 | | 93 | 98 | 139 | 186 | | 186 | 186 | *2/4/72 | O-93-122-138 A-98-122-138 T-98 |
| 4 | Amendments to Uniform Municipal Fiscal Procedures Act Brockbank, et al. | 39 | 49 | 97 | 109 | 119 | 180 | 151 | | 151 | 151 | *2/4/72 | A-109 |
| 5 | Utah Individual Income Tax Act of 1973 Harward, et al. | 49 50 | 55 | | 66 | 97 | | | | | | | O-66-86-87-91-206 A-91-92 T-98 F-206 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |

SENATE BILLS (Continued)

| Number | AUTHOR — TITLE (Abrev.) | Introduced and Read First Time | Rules Committee | Standing Committees | Read Second Time | Read Third Time | Transmitted to House | Received from House | Concur; Conference Committee | Signed by President | Signed by Speaker | Signed by Governor | REFERENCES |
|--------|---|-----------------------------------|-----------------|---------------------|------------------|-----------------|-------------------------|---------------------|---------------------------------|---------------------|-------------------|--------------------|---|
| | | | | | | | | | | | | | A — Amended X — Special Order F — Enacting Clause Struck V — Veto Y — Tabled C — Carried U — Unfinished Business S — Sifting Committee O — Other Action • — Action After Session |
| 6 | Gross Laden Weight of Vehicles Bunnell, et al. | 59 | 62 | | 65 | 66 | 66 96 | 96 110 | | 110 | 110 | *1/31/72 | C-96 |
| 7 | Administrative Rulemaking Leavitt, et al. | 70 | 72 129 | | | | | | | | | | O-129 |
| 8 | Public Assistance and Medical Care Claim Limitations Gardner, et al. | 74 | 79 | 132 | 134 | 134 | 134 | 194 | | 194 | 194 | *2/4/72 | |
| 9 | Physicians Prescribing Drugs at Hospitals Pugh, et al. | 74 | 79 | 132 | 134 | 135 | 135 | 200 | | 200 | 200 | *2/4/72 | A-112-113-114-115-116 122-123-163-164-165- 166-167-173 U-119-172 X-119-122 O-129-146-159-163- 199-205 F-209 |
| 10 | State Senate Reapportionment Barnett, et al. | 85 | 110 | | 112 | 146 | 173 | 199 | | | | | |
| 11 | Legislative Districts Beck, et al. | 104 | 110 | | 111 | | | | | | | | O-112 O-193 |
| 12 | Adjustment of Retired Firemen's Allowances Barnett, et al. | 104 105 | 147 | | | | | | | | | | O-193 (SER 12 failed 1-29-72) |

SENATE BILLS (Continued)

1 2 3 4 5 6 7 8 9 10 11 12 13 14

| Number | AUTHOR — TITLE (Abrev.) | Introduced and Read First Time | Rules Committee | Standing Committees | Read Second Time | Read Third Time | Transmitted to House | Received from House | Concur, Conference Committee | Signed by President | Signed by Speaker | Signed by Governor | REFERENCES |
|--------|---|--------------------------------|-----------------|---------------------|------------------|-----------------|----------------------|---------------------|------------------------------|---------------------|-------------------|--------------------|----------------------------------|
| 13 | Drugs for Juveniles Mr. Mechem | 118 | 125 | | 185 | 185 | 185 | 200 | 200 | 200 | 200 | *2/4/72 | O-194 |
| 14 | Sentencing Under Utah Controlled Substances Act Mr. Mechem | 118 | 125 | | 180 | 180 | 180 | 200 | 201 | 200 | 200 | *2/4/72 | O-190 |
| 15 | Utah Relocation Assistance Act Bunnell, et al. | 118 119 | 125 | | 183 | 183 | 183 | 196 | 197 | 196 | *2/4/72 | | O-182 A-183 |
| 16 | State Capitol Police Department Leavitt, et al. | 133 | 147 | | | | | | | | | | O-193 (SER 16 failed 1-29-72) |
| 17 | Appropriation to State Board of Education for Ballet West Pugh, et al. | 133 | 140 | | 144 | 144 | 145 | 181 | 181 | 181 | *2/14/72 | | A-144 145 |
| 18 | Reapportionment of School District Boards of Education Buckner, et al. | 144 | 206 | | | | | | | | | | O-206 F-206 |
| 19 | State Building Program Bischoff, et al. | 158 | | | 162 | 162 | 163 168 | 187 196 | 196 | 196 | *2/8/72 | | O-158-162 A-162 C-187 |

SENATE ENABLING RESOLUTIONS

| Number | AUTHOR — TITLE (Abrev.) | Introduced and Read First Time | Rules Committee | Standing Committee | Read Second Time | Read Third Time | Transmitted to House | Received from House | Concur: Conference Committee | Signed by President | Signed by Speaker | Transmitted to Secretary of State | REFERENCES |
|--------|---|--------------------------------|-----------------|--------------------|------------------|-----------------|----------------------|---------------------|------------------------------|---------------------|-------------------|-----------------------------------|------------------------|
| 1 | State Board of Education Reapportionment Brockbank, et al. | 50 | | | 53 | 53 | 53 | 60 | | 60 | 60 | 1/20/72 | O-50 |
| 2 | Systems Planning and Computing Resolution Leavitt, et al. | 50 | | | 53 | 53 (failed) | | | | | | | O-50-54 |
| 3 | Bonds of Institutions of Higher Learning Resolution Pugh, et al. | 51 | | | 56 | 56 | 71 | 88 89 | | 89 | 89 | 1/25/72 | O-51-60-70 U-60 |
| 4 | Amendments to Uniform Municipal Fiscal Procedures Act Resolution Brockbank, et al. | 51 | | | 60 | 61 | 61 | 87 | | 88 | 87 | 1/25/72 | O-51-60 |
| 7 | Administrative Rulemaking Leavitt, et al. | 76 | | | 76 | 76 | 76 | 103 | | | | | O-76 103 (rejected) |
| 8 | Public Assistance and Medical Care Claim Limitations Gardner, et al. | 79 | | | 79 | 79 | 80 | 131 | | 131 | 131 | 1/27/72 | O-79 |
| 1 | | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |

SENATE ENABLING RESOLUTIONS (Continued)

1 2 3 4 5 6 7 8 9 10 11 12 13 14

| Number | AUTHOR — TITLE (Abrev.) | Introduced and Read First Time | Rules Committee | Standing Committees | Read Second Time | Read Third Time | Transmitted to House | Received from House | Concur: Conference Committee | Signed by President | Signed by Speaker | Transmitted to Secretary of State | REFERENCES |
|--------|--|--------------------------------|-----------------|---------------------|------------------|-----------------|----------------------|---------------------|------------------------------|---------------------|-------------------|-----------------------------------|---------------|
| 9 | Physicians Prescribing Drugs at Hospitals Fugh, et al. | 80 | | | 80 | 80 | 81 | 132 | | 132 | 132 | 1/28/72 | O-80 |
| 10 | State Senate Reapportionment Resolution Leavitt, et al. | 75 | | | 75 | 75 | 75 89 | 89 95 96 | | 96 | 96 | 1/25/72 | O-75 |
| 12 | Adjustment of Retired Firemen's Allowance Resolution Barnett, et al. | 148 | | | 160 | 185 (failed) | | | | | | | C-89 |
| 13 | Drugs for Juveniles Mr. Mechem | 126 | | | 130 | 130 | 130 | 194 | | 194 | 194 | *2/3/72 | O-148-186 |
| 14 | Sensencing Under Controlled Substances Act Mr. Mechem | 126 | | | 130 | 130 | 131 | 189 | | 190 | 189 | *1/31/72 | O-126 |
| 15 | Utah Relocation Assistance Act Bunnell, et al. | 126 127 | | | 131 | 133 | 134 | 181 | | 181 | 181 | *1/31/72 | O-127-131-133 |

REFERENCES
 A — Amended
 X — Special Order
 F — Enacting Clause Struck
 V — Veto
 T — Tabled
 C — Concurrent
 U — Unfinished Business
 S — Sifting Committee
 O — Other Action
 • — Action After Session

SENATE ENABLING RESOLUTIONS (Continued)

| Number | AUTHOR — TITLE (Abrev.) | Introduced and Read First Time | Rules Committee | Standing Committee | Read Second Time | Read Third Time | Transmitted to House | Received from House | Concur; Conference Committee | Signed by President | Signed by Speaker | Transmitted to Secretary of State | REFERENCES |
|--------|---|--------------------------------|-----------------|--------------------|------------------|-----------------|----------------------|---------------------|------------------------------|---------------------|-------------------|-----------------------------------|---|
| 16 | State Capital Police Department Resolution Leavitt, et al. | 147 148 | | | 155 | 185 (failed) | | | | | | O-148-155-185 | A — Amended X — Special Order F — Enacting Clause Struck V — Veto T — Tabled C — Concurred U — Unfinished Business S — Sifting Committee O — Other Action . — Action After Session |

SJR - SER

| Number | AUTHOR — TITLE (Abrev.) | Introduced and Read First Time | Rules Committee | Standing Committees | Read Second Time | Read Third Time | Transmitted to House | Received from House | Concur: Conference Committee | Signed by President | Signed by Speaker | Transmitted to Secretary of State | REFERENCES |
|--------|--|--------------------------------|-----------------|---------------------|------------------|-----------------|----------------------|---------------------|------------------------------|---------------------|-------------------|-----------------------------------|---------------------------|
| 1 | Legislative Article Revision Barlow, et al. | 51 | | | 60 | 60 | 60 | 87 | | 87 | 87 | 1/25/72 | O-51 |
| 2 | LaLoe Powell Resolution Mr. Ferry | 52 | 206 | | 61 | 61 | 61 | 87 | | | | | O-52-206 T-61 F-206 |
| 3 | State Support to Local Government Units Resolution Mr. Leavitt | 52 | | | 61 | 62 | 62 | 186 (rejected) | | | | | O-52-186 |
| 4 | Control and Supervision of Schools Mr. Clyde, et al. | 65 | | | 66 | 66 | 67 | 117 | | 117 | 117 | 1/27/72 | O-65 |
| 5 | School Districts as Subdivisions Barnett, et al. | 65 | | | 67 | 97 (failed) | | | | | | | O-65-71-97 |
| 1 | | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |

SENATE CONCURRENT RESOLUTIONS

1 2 3 4 5 6 7 8 9 10 11 12 13 14

| Number | AUTHOR — TITLE (Abrev.) | Introduced and Read First Time | Rules Committee | Standing Committee | Read Second Time | Read Third Time | Transmitted to House | Received from House | Concur; Conference Committee | Signed by President | Signed by Speaker | Transmitted to Secretary of State | |
|--------|--|--------------------------------|-----------------|--------------------|------------------|-----------------|----------------------|---------------------|------------------------------|---------------------|-------------------|-----------------------------------|--|
| 1 | Charles Welch Jr., in Memoriam All members of Utah State Senate | 146 | | | 146 | 146 | 146 | 156 | | 157 | 157 | • 1/31/72 | |

- REFERENCES
- A — Amended
 - X — Special Order
 - F — Enacting Clause Struck
 - V — Veto
 - Y — Tabled
 - C — Concurred
 - U — Unfinished Business
 - S — Sifting Committee
 - O — Other Action
 - .
 - Action After Session

HOUSE BILLS

| Number | AUTHOR — TITLE (Abbrev.) | Received from House | Introduced and | Standing Committees | Read Second Time | Read Third Time | Returned to House | Signed by President | Signed by Governor | |
|--------|--|---------------------|----------------|---------------------|------------------|-------------------|-------------------|---------------------|--------------------|---|
| | | Read First Time | | | | | | | | |
| 9 | Unemployment Compensation for State Employees Judd, et al. | 161 | 172 | 172 | 172 | 172 | 172 | 172 | *2/8/72 | O-161-171 |
| 11 | Distribution of Liquor Profits Davis, et al. | 152 | 154 | 154 | 154 | 154 | 154 | 154 | *2/4/72 | O-152-154 |
| 13 | District Board of Education Pace, et al. | 128 129 | 145 | 141 | 152 | 153 178 186 | 153 178 186 | 196 | *2/10/72 | A-152-153-175-177 O-174-175-178-177 C-186-186 |
| 15 | School Building Aid Redd, et al. | 157 158 | 158 | 158 | 159 | 159 170 | 159 170 | 170 | *2/4/72 | O-158 A-159 C-169-170 |
| 16 | State Employee Health Insurance Act Judd, et al. | 143 | 147 | 147 | 207 | 207 | 207 | | | O-155-206 T-155 F-206 |
| 17 | State Employee Retirement Contributions Judd, et al. | 149 | 155 | 155 | 171 | 171 | 171 | 171 | *2/4/72 | O-149-155-171 T-156 |

1 2 3 4 5 6 7 8 9 10

HOUSE ENABLING RESOLUTIONS

1 2 3 4 5 6 7 8 9 10

| Number | AUTHOR -- TITLE (Abrev.) | Received from House | Standing Committees | Read Second Time | Read Third Time | Returned to House | Signed by President | Transmitted to Secretary of State | |
|--------|--|---------------------|---------------------|------------------|-----------------|-------------------|---------------------|-----------------------------------|--------------------------------|
| 1 | Tax Exemptions for Low Income Persons Resolution Mrs. Marchant, et al. | 73 74 | 132 | 136 | 136 | 137 | 137 | 1/28/72 | O-55 |
| 2 | Tax Exempt Property Sales Mr. John E. Smith | 64 65 | 84 | 93 | 96 (failed) | 99 | | | O-98 |
| 9 | Unemployment Compensation for State Employees Judd, et al. | 74 | 84 | 99 | 119 | 119 | 119 | 1/27/72 | T-99 O-100 X-100-105 |
| 11 | Distribution of Liquor Profits Resolution Davis, et al. | 103 | 111 | 120 | 124 | 125 | 125 | 1/28/72 | |
| 12 | Death Benefit for Public Service Employees Judd, et al. | 78 | 84 | 99 | 105 (failed) | 122 | | | O-105 121-(reconsideration) |
| 13 | District Board of Education Pace, et al. | 78 | 84 | 100 | 100 (failed) | 107 | 107 | 1/28/72 | O-101 106-(reconsideration) |

A -- Amended
X -- Special Order
F -- Enacting Clause Struck
V -- Veto
Y -- Tabled
C -- Concurred
U -- Unfinished Business
S -- Sitting Committee
O -- Other Action
. -- Action After Session

HOUSE ENABLING RESOLUTIONS (Continued)

10

9

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1

| Number | AUTHOR — TITLE (Abrev.) | Received from House Read First Time | Standing Committees | Read Second Time | Read Third Time | Returned to House | Signed by President | Transmitted to Secretary of State | |
|--------|--|--|---------------------|------------------|-----------------|-------------------|---------------------|--------------------------------------|---------------------------------|
| 14 | Reapportionment of State Board of Education Resolution Nielson, et al. | 78 79 | 84 | 101 | 101 | 207 | | | O-101-106-206 T-106 F-206 |
| 16 | State Employee Health Insurance Act Judd, et al. | 83 | 90 | 107 | 107 | 107 | 107 | 1/26/72 | |
| 17 | State Employee Retirement Contributions Resolution Judd, et al. | 83 84 | 90 | 107 | 106 | 106 | 106 | 1/26/72 | |
| 18 | Contribution to Public Safety Retirement Resolution Judd, et al. | 84 | 90 | 106 | 106 | 106 | 106 | 1/26/72 | |
| 22 | State Classification and Compensation Administration Resolution Nielson, et al. | 103 104 | 111 | 121 | 125 | 125 | 125 | 1/27/72 | |
| 23 | Camper Registration Decals Resolution Buckner, et al. | 104 | 132 | 137 | 137 | 137 | 137 | 1/28/72 | |

- A — Amended
- X — Special Order
- F — Electing Clause Structured
- V — Veto
- T — Tabled
- C — Concurred
- U — Unfinished Business
- S — Sifting Committee
- O — Other Action
- — Action After Session

HOUSE ENABLING RESOLUTIONS (Continued)

| Number | AUTHOR — TITLE (Abrev.) | Received from House | Read First Time | Standing Committees | Read Second Time | Read Third Time | Returned to House | Signed by President | Transmitted to State Secretary | |
|--------|---|---------------------|-----------------|---------------------|------------------|-----------------|-------------------|---------------------|--------------------------------|--|
| 28 | Public Assistance Refunds Resolution Garr, et al. | 180 | | | | | 206 | | | O-180 205 F-206 |
| 31 | Department of Natural Resources Projects Resolution Judd, et al. | 117 118 | 132 | 137 | | 207 | | | | O-138-139-156-206 U-139 T-156 F-206 |
| 33 | Marriage Solemnization Resolution Dmitrich, et al. | 128 | 132 | 139 | 140 | 140 | 140 | 140 | *1/28/72 | |
| 35 | District Attorneys' Expenses Resolution Judd, et al. | 157 | | | 197 | 197 (failed) | 206 | | | O-157-205 F-206 |
| 38 | Licensing of Electricians Resolutions Atkin, et al. | 189 | | 197 | 197 (failed) | 198 | | | | O-189 197 |
| 45 | Sewage Disposal Facilities Resolution H. E. Smith, et al. | 201 | | 201 | 202 (failed) | 202 | 202 | | | O-201 |

HOUSE JOINT RESOLUTIONS

10

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| Number | AUTHOR — TITLE (Abrev.) | Received from House Read First Time | Standing Committees | Read Second Time | Read Third Time | Returned to House | Signed by President | Transmitted to Secretary of State | |
|--------|---|--|---------------------|------------------|-----------------|-------------------|---------------------|--------------------------------------|---------------------------------|
| 1 | Commendation of the Utah Stars Dmitrich, et al. | 68 | | 66 | 68 | 68 | 68 | 1/18/72 | |
| 2 | Repeal of iMinimum Voting Age Amendment Resolution Mr. Woodmansee | 82 83 | 90 | 101 95 | 101 95 | 101 95 | 101 | 1/25/72 | |
| 4 | Commendation of Susan Merrill Garr, et al. | 95 | | 95 | 95 | 95 | 95 | 1/25/72 | |
| 5 | Assignments to Legislative Council Mr. Woodmansee | 203 | | 203 | 204 209 | 205 209 | 209 | *2/2/72 | O-203 A-203-204 C-208-209 |
| 6 | Commendation of Marsha Bowen Warren, et al. | 135 | | 136 | 136 | 136 | 136 | 1/28/72 | |

- A — Amended
- X — Special Order
- F — Exacting Clause Struck
- V — Veto
- T — Tabbed
- C — Concurred
- U — Unfinished Business
- S — Sifting Committee
- O — Other Action
- .
- — Action After Session

HER-HJR

| Number | AUTHOR — TITLE (Abrev.) | Received from House Read First Time | Standing Committees | Read Second Time | Read Third Time | Returned to House | Signed by President | Transmitted to Secretary of State | |
|--------|---|--|---------------------|------------------|-----------------|-------------------|---------------------|--------------------------------------|--------------------------------------|
| 1 | Commendation of the Utah Stars Dmitrich, et al. | 58 | | 58 | 58 | 59 | 59 | 1/18/72 | |
| 2 | Resolution Authorizing Introduction of Repeal of Minimum Voting Age Amendment Mr. Woodmansee | 69 | | 71 | 71 | 71 | 71 | 1/19/72 | O-70-71 |
| 5 | Assignments to Legislative Council Woodmansee, et al. (Orig. title—Res. Authorizing Introduction of Mass Transit Study—title amended) | 151 | | 172 | 188 | 189 | 195 | *2/2/72 | O-152-188 T-172 A-188 C-185 |
| 9 | Resolution Authorizing Introduction of School Finance Pace, et al. | 179 180 | | | | 208 | | | O-180-205 F-206 |

A — Amended
X — Special Order
F — Expiring Clause Struck
V — Veto
T — Tabbed
C — Concurred
U — Unfinished Business
S — Standing Committee
O — Other Action
O — Action After Session

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| Adjustment of Retired Firemen's Allowances | S.B. 12 | Failed |
| Adjustment of Retired Firemen's Allowances | S.E.R. 12 | Failed |
| Administrative Rulemaking | S.B. 7 | Failed |
| Administrative Rulemaking | S.E.R. 7 | Failed |
| Amendments to Uniform Municipal Fiscal Procedures Act | S.B. 4 | Chap. 1 |
| Amendments to Uniform Municipal Fiscal Procedures Act | S.E.R. 4 | S.B. 4 |
| Appropriation to State Board of Education for Ballet West | S.B. 17 | Appropriation |
| Appropriation to State Board of Education for Ballet West | S.E.R. 17 | S.B. 17 |
| Appropriations Act | H.B. 42 | Appropriation |
| Assignment to Legislative Council | H.J.R. 5 | H.J.R. 5 |
| Assignments to Legislative Council | H.E.R.-H.J.R. 5 | H.J.R. 5 |
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| Authorizing Introduction of School Finance Resolution | H.E.R.-H.J.R. 9 | H.J.R. 9 |

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|--|----------|----------|
| Bonds of Institutions of Higher Learning | S.B. 3 | Chap. 14 |
| Bonds of Institutions of Higher Learning | S.E.R. 3 | S.B. 3 |

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| Commendation of Utah Stars | H.J.R. 1 | H.J.R. 1 |
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| Contributions to Public Safety Retirement Resolution | H.E.R. 18 | H.B. 18 |
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| Control and Supervision of Schools | S.J.R.-S.E.R. 4 | S.J.R. 4 |

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|---|-----------|----------|
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| Department of Natural Resources Projects Resolution | H.E.R. 31 | Failed |
| Distribution of Liquor Profits | H.B. 11 | Chap. 3 |
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| Drugs for Juveniles | S.E.R. 13 | S.B. 13 |

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| Lake Powell Resolution | S.J.R.-S.E.R. 2 | Failed |
| Legislative Article Revision | S.J.R. 1 | S.J.R. 1 |
| Legislative Article Revision | S.J.R.-S.E.R. 1 | S.J.R. 1 |
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| Licensing of Electricians Resolution | H.E.R. 38 | Failed |

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| Physicians Prescribing Drugs at Hospitals | S.E.R. 9 | S.B. 9 |
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|---|-----------------|--------------|
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| Reapportionment of School District Boards of Education | S.E.R. 18 | S.B. 18 |
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| Resolution of Condolence on Death of Richard L. Evans | S.J.R.-S.E.R. 6 | S.J.R. 6 |

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|--|----------|----------|
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| Title | Bill Nos. | Session Laws |
|--|-----------------|---------------|
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| Sentencing Under Utah Controlled Substances Act | S.B. 14 | Chap. 17 |
| Sentencing Under Utah Controlled Substances Act | S.E.R. 14 | S.B. 14 |
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| State Employee Health Insurance Act Resolution | H.E.R. 16 | H.B. 16 |
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| State Employee Retirement Contributions | H.E.R. 17 | H.B. 17 |
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SENATE JOURNAL

Second Extraordinary Special Session

of the

THIRTY-NINTH LEGISLATURE

of the

State of Utah

PUBLISHED BY AUTHORITY



Pg. 254

CERTIFICATION

The undersigned, as the duly appointed Committee on Revision of the Senate Journal for the Second Extraordinary Special Session of the Thirty-Ninth Legislature of the State of Utah, do hereby certify that herein contained is a full true and correct record of the proceedings of the session commencing January 31, 1972 and continuing for twelve legislative days ending February 11, 1972.

COMMITTEE ON REVISION
OF THE SENATE JOURNAL.

QUAYLE CANNON, JR.
Secretary of the State

SOPHIA C. BUCKMILLER
Asst. Sec. of Senate
(Minute Clerk)

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**SECOND
EXTRAORDINARY
SPECIAL SESSION**

FIRST DAY

**Senate Chamber
State Capitol
Salt Lake City, Utah, January 31, 1972**

Pursuant to a proclamation by His Excellency, Governor Calvin L. Rampton, the Senate of the Thirty-Ninth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in Extraordinary (Second Special) Session at 1:00 p.m.

The Senate was called to order by President Haven J. Barlow.

Roll Call – All Senators present.

Prayer by Mr. Lewis H. Lloyd, Director of the Legislative Council.

Secretary of the Senate Quayle Cannon Jr., read the following proclamation:

P R O C L A M A T I O N

WHEREAS, I regard it as a matter of utmost importance to the people of the State of Utah that the Legislature reapportion itself as promptly as possible; 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, Calvin L. Rampton, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do, by this Proclamation, call the 39th Legislature of the State of Utah into Extraordinary Session at the State Capitol at Salt Lake City, Utah on the 31st day of January, 1972 at 1:00 p.m. for the purpose of considering legislation reapportioning both houses of the Utah State Legislature.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 30th day of January, 1972.

CALVIN L. RAMPTON, Governor

Proclamation read and filed.

Senator Leavitt moved that the President and officers of the Thirty-Ninth Session of the legislature be the officers for the Second Extraordinary Special Session.

Motion carried.

On motion of Senator Buckner, the Senate Rules of the Regular Session of the Thirty-Ninth Legislature were adopted as the rules for the Second Extraordinary Special Session.

On motion of Senator Buckner, the Joint Rules of the Regular Session of the Thirty-Ninth Legislature were adopted as the Joint Rules for the Second Extraordinary Special Session.

On motion of Senator Leavitt, the President appointed a committee of three consisting of Senators Ferry, Jenkins and Mecham to notify the House that the Senate is duly organized and ready to do business.

President Barlow appointed a committee of three consisting of Senators Gardner, Pugh and Evans to notify the Governor that the Senate is gathered in Extraordinary (Second Special) Session as per his proclamation, is duly organized and ready to receive any message from him.

The President appointed Senators Bullen, Macfarlane and Harward to read and revise the Journal for the (Second) Extraordinary Special Session.

A Committee from the House consisting of Representatives Carlisle, Leatham and L. Hanson appeared and reported that the House is organized and ready to do business.

Senator Gardner reported that his committee with a like committee from the House had notified the Governor that the Senate was organized and ready to do business.

Senator Ferry reported that his committee had notified the House the Senate was organized and ready to do business.

On motion of Senator Leavitt the Senate recessed.

The Senate re-assembled.

On motion of Senator Leavitt, the Senate adjourned until Tuesday, February 1, 1972 at 1:00 p.m.

SECOND DAY

AFTERNOON SESSION

February 1, 1972

The Senate was called to order at 1:00 p.m. President Barlow in the chair.

Roll Call – All Senators present.

Prayer by Senator Miles (Cap) Ferry.

February 1, 1972

Mr. President:

The Committee on Revision of the Journal respectfully reports that we have read the Journal for the first day of the Extraordinary Second Special Session and find it correct with minor amendments noted on the final copy.

Respectfully,

REED BULLEN, Chairman

Report adopted and filed.

On motion of Senator Leavitt the Senate recessed.

The Senate re-assembled.

INTRODUCTION OF BILLS

(STATE SENATE REAPPORTIONMENT)

S. B. No. 1-A

By Mr. Dixie Leavitt

AN ACT RELATING TO APPORTIONMENT OF THE SENATE OF THE STATE OF UTAH; PROVIDING FOR APPORTIONMENT OF THEIR

MEMBERS BY NUMBERS AND BY DISTRICTS AND FOR 29 SENATORS; PROVIDING A SCHEDULE FOR THE ELECTION OF THE STATE SENATORS AND FOR THEIR TERMS OF OFFICE; AND PROVIDING AN EFFECTIVE DATE, was read the first time.

On motion of Senator Leavitt, the rules were suspended and the Senate voted to now place S. B. No. 1-A on the Second Reading Calendar for immediate consideration.

CONSIDERATION OF BILLS ON SECOND READING

S. B. No. 1-A (STATE SENATE REAPPORTIONMENT) was read the second time.

Senator Leavitt moved that an apportionment committee shall be appointed for Salt Lake County. The committee shall consist of 6 Senators with no more than 3 from the same political party. The members of the committee shall be appointed by the President of the State Senate, with the Minority Leader of the Senate concurring therein.

The committee shall determine and designate which voting districts shall make up the twelve senatorial districts in the county. Where a division of the county is required in the formation of a senatorial district, the committee shall determine and designate which voting districts shall make up the senatorial district portion of that part of the county which shall be attached to or combined with parts of another county to form the districts provided for. This determination shall be based as nearly as practicable upon the actual population in each voting district to insure that the senatorial districts are as nearly equal as practicable in population. All voting districts in a senatorial district shall be contiguous. The committee shall use the last available official federal census in each voting district. When the committee has completed the designation of senatorial districts, it shall furnish a copy of the same to the President of the State Senate for further consideration and action by the Senate.

In the event of an impasse by the committee, and if they cannot resolve the impasse, they will be authorized to select a 7th member of the committee to resolve the problem. The results of the committee will be reported back to the Senate for its further action and inclusion in the bill.

Motion carried.

(One nay vote – Evans).

Senator Leavitt moved that an apportionment committee be appointed for Utah County. The committee shall consist of 4 Senators with no more than two from the same political party. The members of the committee shall be appointed by the President of the Senate with the Minority Leader of the Senate concurring therein.

The committee shall determine and designate which voting districts shall make up the 4 senatorial districts in Utah County. All voting districts in a senatorial district shall be contiguous. The committee shall use the last available official federal census and may use voter registration lists, and other data which will help to determine actual population in each voting district. When the committee has completed the designation of senatorial districts, it shall furnish a copy of the same to the President of the State Senate for further consideration and action by the Senate.

In the event of an impasse by the committee, and if they cannot resolve the impasse, they will be authorized to select a fifth member of the committee to resolve the problem. The results of the committee will be reported back to the Senate for its further action and inclusion in the bill.

Motion carried.

(One nay vote – Evans).

On motion of Senator Leavitt, the Senate recessed.

The Senate re-assembled.

S. B. No. 1-A was placed on the Third Reading Calendar on the following roll call:

Yeas, 26; Nays, 2; Absent, 0.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Dean, Ferry, Gardner, Harvard, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Petterson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

Voting in the negative were: Senators Clyde and Evans.

on Motion of Senator Leavitt, S. B. No. 1-A was tabled.

On motion of Senator Leavitt, the Senate adjourned until Wednesday, February 2, 1972 at 9:00 a.m.

THIRD DAY

MORNING SESSION

February 2, 1972

The Senate was called to order at 9:00 a.m. President Barlow in the chair.

Roll Call – All Senators present.

Prayer by Mr. Floyed G. Eyre, Asst. Sgt-at-Arms.

February 2, 1972

Mr. President:

The Committee on Revision of the Journal respectfully reports that we have read the Journal for the second day of the Extraordinary Second Special Session and find it correct with minor amendments noted on the final copy.

Respectfully,

REED BULLEN, Chairman

Report adopted and filed.

On motion of Senator Leavitt the Senate recessed.

The Senate re-assembled.

COMMUNICATION FROM THE HOUSE

February 1, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, as amended by the House, under suspension of the rules, H. B. No. 3,

by Mr. Judd, LEGISLATIVE REAPPORTIONMENT, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H. B. No. 3 was read the first time.

On motion of Senator Leavitt, the rules were suspended and the Senate voted to place H. B. No. 3 on the Second Reading Calendar for immediate consideration.

CONSIDERATION OF BILLS ON SECOND READING

H. B. No. 3 (LEGISLATIVE REAPPORTIONMENT) was read the second time.

On motion of Senator Leavitt, H. B. No. 3 was amended as follows:

1. Page 1, Lines 1 and 2: Delete these lines and insert in lieu thereof:

"Section 1. The senate of this state shall consist of 29 members, with one member to be elected from each senatorial district.

The numbers, boundaries and representation of the senatorial districts are designated and established as follows:

Districts 1 through 12: Salt Lake County, not including that portion of the county contiguous to Tooele County containing approximately 15,400 inhabitants and assigned to district 13 – twelve senators;

Districts 1 through 12 shall be comprised of the following voting districts shown on the Salt Lake County election district map dated January 14, 1970, and any subsequent subdivision, or renumbering, if any, of these voting districts within each senatorial district:

District 1: 23, 24, 24A, 32, 32A, 173, 174, 217, 218, 219, 223, 224, 225, 225A, 226, 227, 228, 229, 230, 232, 233, 234, 235, 236, 248, 253, 254, 255, 256, 258, 259, 261, 262, 262A, 263, 263A, 264, 264A, 265, 266, 267, 269;

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District 8: 309, 309A, 311, 311A, 311B, 312, 312A, 312B, 317, 320, 392, 394A, 400, 400A, 401, 401A, 404, 406, 407, 408, 409, 409A, 410, 419B, 425, 425A, 483, 483A, 486, 488, 489, 489A, 490, 492, 492A, 493, 493A, 494;

District 9: 301, 301A, 302, 302A, 303, 306, 306A, 307, 307A, 308, 309B, 310, 310A, 313, 314, 315, 316, 316A, 318, 319, 319A, 321, 323, 369A, 375, 376, 376A, 376B, 377, 377A, 378, 378A, 383, 425B, 425C, 427, 429, 430, 431, 432, 434;

District 10: 394, 396, 397, 398, 398A, 399, 399A, 399B, 402, 415, 417, 419, 419A, 419C, 420, 420A, 420B, 420C, 421, 421A, 421B, 422, 423, 424, 426, 426A, 426B, 436, 438, 438A, 440, 441, 442, 444, 446, 458, 459, 465, 471;

District 11: 452, 453, 455, 455A, 513A, 513B, 513C, 513D, 513E, 513F, 523, 524, 525, 526, 528, 529, 530, 531, 533, 535, 537, 539;

District 12: 156, 160, 194, 498, 499, 499A, 499B, 500, 501, 501A, 501B, 502, 502A, 502B, 503, 503A, 504, 505, 506, 507, 507A, 508, 508A, 508B, 509, 510, 511, 512, 513, 514, 514A, 515, 515A, 516, 516A, 516B, 517, 518, 518A, 570;

District 13: Tooele County, and that contiguous portion of Salt Lake County containing approximately 15,400 inhabitants and not assigned to districts 1 through 12 —one senator;

The following voting districts shown on the Salt Lake County election districts map dated January 14, 1970, and any subsequent subdivision, or re-numbering, if any, of these voting districts within such senatorial districts shall be included in senatorial district 13: 519, 519A, 521, 521A, 522, 545, 546, 547, 548, 549, 551, 552, 553, 555, 557;

District 14 through 17: Utah County — four senators;

District 14 through 17 shall be comprised of the following Utah County voting districts, and any subsequent subdivision, or renumbering, if any, of these voting districts within each senatorial district:

District 14: Fairfield, Cedar Fort, Lehi 1-7, American Fork 1-11, Alpine, Highland, Pleasant Grove, 1-10 Orem 1-6, 18, 20, 24;

District 15: Orem 7-17, 19, 21-23, 25, 26, Vineyard, Lake View, Provo 10, 13, 19, 20, 28-34, 45, 46, 52-54;

District 16: Pleasant View 1, 2, Provo 4-9, 11, 12, 14-18, 21-28, 35-44, 47-51, 55;

District 17: Provo 1-3, 42, Springville 1-12, Mapleton 1, 2, Lake Shore, Benjamin, Elberta, Goshen, Genola, Santaquin 1, 2, Spring Lake, Payson 1-7, Salem 1, 2, Spanish Fork 1-12, Birdseye, Thistle, Colton;

Districts 18 through 20: Weber County, not including that portion of the county contiguous to Davis County containing approximately 13,500 inhabitants and assigned to district 21 – three senators;

Districts 18 through 20 shall be comprised of the following Weber County voting districts and any subsequent subdivision, or renumbering, if any, of these voting districts within each senatorial district:

District 18: Ogden districts 51, 52, 53, 54, 55, 56, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 98, 99, 100, 103, 104, 105, 107, 108, 110, South Ogden districts 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, Burch Creek, Uintah;

District 19: Ogden districts 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, [42], 43, 44, 45, 46, 47, 48, 49, 50, 91, 92, 93, 94, 95, 96, 97, 101, 102, 106, 109, Pleasant View 1, 2, North Ogden 1, 2, 3, 4, 5, 6, 7, Huntsville 1, 2, Liberty, Eden, Harrisville;

District 20: Ogden districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 42, 57, 58, 59, So. O. 1, 6, Riverdale 2, 3, 4, Wash. Terrace 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, Roy 6, 10, 13, 16, 17, Warren, West Weber, Slaerville, Marriott, Plain City 1, 2, Farr West, Taylor, Kanesville, Wilson, West Warren, Fairmont;

District 21: That portion of Weber County contiguous to Davis County containing approximately 13,500 inhabitants and not assigned to Districts 18 through 20 and that portion of Davis County containing approximately 24,000 inhabitants not assigned to districts 22 and 23 but contiguous to the portion of Weber County included in this district 21 – one senator;

District 21 shall be comprised of the following Weber County and Davis County voting districts and any subsequent subdivision, or renumbering, if any, of these voting districts within each senatorial district:

Davis 13, 15, 19, 21, 31, 32, 33, 37, 40, 45, 57, 59, 60, 61, 62, 69, Hooper 1, 2, Roy 1, 2, 3, 4, 5, 7, 8, 9, 11, 12, 14, 15, Riverdale 1, 5;

Districts 22 and 23: Davis County, not including that portion of the county contiguous to Weber County containing approximately 24,000 inhabitants and not assigned to District 21 – two senators.

Districts 22 and 23 shall be comprised of the following Davis County voting districts and any subsequent subdivision, or renumbering, if any, of these voting districts within each senatorial district:

District 22: Central Davis 2, 6, 7, 8, 9, 10, 11, 12, 14, 16, 17, 18, 27, 29, 30, 35, 36, 39, 46, 48, 54, 55, 56, 58, 63, 64, 65, 66, 67, 68, 70, 75, 76, 79, 88, 90, 91, 92, 93;

District 23: South Davis 1, 3, 4, 5, 20, 22, 23, 24, 25, 26, 28, 34, 38, 41, 42, 43, 44, 47, 49, 50, 51, 52, 53, 71, 72, 73, 74, 77, 78, 80, 81, 82, 83, 84, 85, 86, 87, 89;

District 24: Box Elder County and a contiguous part of Cache County containing approximately 7,462 inhabitants – one senator;

District 24 shall be comprised of Box Elder County and the following Cache County voting districts, and any subsequent subdivision, or renumbering, if any, of these voting districts:

District 24: Hyrum 1, 2, 3, Nibley, Paradise, Wellsville 1, 2, Mendon, Providence 1, 2, Millville, Young Ward;

District 25: Cache County, not including that portion of the county containing approximately 7,462 inhabitants and assigned to district 24, and Rich County – one senator;

District 26: Morgan, Summit, Wasatch, Duchesne, Uintah and Daggett Counties – one senator;

District 27; Carbon, Emery, Grand and San Juan Counties – one senator;

District 28: Juab, Millard, Piute, Sanpete, Sevier and Wayne Counties – one senator;

District 29: Beaver, Iron, Washington, Kane, and Garfield Counties – one senator.

Each senatorial district shall contain as nearly as practicable an equal number of inhabitants. If any voting district is misnumbered or omitted from the enumeration provided above in this section, it shall be assigned to a contiguous senatorial district within its county by the county clerk of the county.

Section 2. At the general election to be held in 1972, senators shall be elected from senatorial districts 1, 2, 5, 6, 7, 8, 16, 17, 19, 20, 23, 25, 27, 28 and 29, with the initial term of office of each senator to be for four years. Also at the general election to be held in 1972, senators shall be elected from senatorial districts 3, 4, 9, 10, 11, 12, 13, 14, 15, 18, 21, 22, 24 and 26, with the initial term of office of each senator to be for two years. Terms of office of each senator after the initial term of office shall be for four years each."

2. Pages 1, 2, and 3: Delete Section 2 from these pages and insert in lieu thereof:

"Section 3. The house of representatives of this state shall consist of 75 members, with one member to be elected from each representative district. The numbers, boundaries and representation of the representative districts are designated and established as follows:

Districts 1 through 32: Salt Lake County, not including that portion of Magna Census Division attached to Tooele County in District 63. – thirty-two representatives;

Districts 33 through 41: Utah County, not including census enumeration Districts 170, 171, 178, 179, 180 assigned to District 63, and 1, 2, 13A and 13B assigned to district 69 – 9 representatives;

Districts 42 through 50: Weber County, not including Census Enumeration Districts 26, 27 and 28 assigned to district 66 – nine representatives;

Districts 51 through 57: Davis County, not including Census Enumeration Districts 101A and 101B assigned to district 66 – seven representatives;

Districts 58 through 60: Cache County – three representatives;

Districts 61 and 62: Box Elder County – two representatives;

District 63: Census enumeration Districts 10 through 20 of Tooele County and 6,000 persons from the adjacent portion of the Magna Census Division of Salt Lake County – one representative;

District 64: Tooele County, not including Census Enumeration Districts 10 - 20 assigned to district 63 – one representative;

District 65: Carbon County, not including the Sunnyside Census Division assigned to district 70 – one representative;

District 66: Morgan, Rich and Summit Counties and Census Enumeration Districts 26, 27, and 28 of Weber County not assigned to districts 42 through 50 and Census Enumeration Districts 101A and 101B of Davis County not assigned to districts 51 through 57 – one representative;

District 67: Wasatch and Duchesne Counties – one representative;

District 68: Daggett and Uintah Counties – one representative;

District 69: Sanpete County and Census Enumeration Districts 1, 2, 13A and 13B of Utah County not assigned to districts 33 through 41 – one representative;

District 70: Emery and Grand Counties and the Sunnyside Census Division of Carbon County not assigned to district 65 – one representative;

District 71: Juab and Millard Counties and Census Enumeration Districts 170, 171, 178, 179, 180 of Utah County – one representative.

District 72: Beaver, Piute and Sevier Counties – one representative.

District 73: Garfield, San Juan and Wayne Counties – one representative;

District 74: Iron and Kane Counties – one representative;

District 75: Washington County – one representative.

Each representative district shall contain as nearly as practicable an equal number of inhabitants."

3. Page 3, lines 13 through 20: Delete these lines.

4. Formal Title, line 3: Delete "30" and insert in lieu thereof "29"; delete "67" and insert in lieu thereof "75".

5. Formal Title, lines 5 and 6: Delete all language after "OFFICE;" in line 5.

H. B. No. 3 was placed on the Third Reading Calendar on the following Roll Call.

Yeas, 15; Nays, 12; Absent, 1.

Voting in the affirmative were: Senators Barnett, Bischoff, Brockbank, Buckner, Bullen, Christensen, Clark, Clyde, Ferry, Gardner, Harvard, Leavitt, Mecham, Pugh and Mr. President.

Voting in the negative were: Senators Beck, Bunnell, Dean, Evans, Jenkins, Jensen, Julander, Macfarlane, Pettersson, Swan, Waddingham and Whitman.

Absent and not voting was: Senator Preece.

On motion of Senator Leavitt the Senate recessed.

AFTERNOON SESSION

The Senate re-assembled. President Barlow in the chair.

On motion of Senator Buckner the Senate recessed.

The Senate re-assembled.

PRESENTATION OF RESOLUTION

SENATOR D. E. (GENE) HAMMOND – IN MEMORIUM

S. R. No. 1

By All Members of the Senate

A RESOLUTION OF CONDOLENCE TO THE FAMILY OF D. E. (GENE) HAMMOND

Be it resolved by the Senate of the State of Utah:

WHEREAS, D. E. (Gene) Hammond died on the 2nd day of February, 1972 at Salt Lake City, Utah; and,

WHEREAS, he was a prominent figure in the Senate of the State of Utah, having served twelve years as Utah State Senator; and,

WHEREAS, he was a member of Legislative Council committee on improvement of the legislative process. He also was a member of the Governor's committee on the problems of the aged; and,

WHEREAS, Sen. Hammond served for 12 years as a member of the Salt Lake City Board of Education and for 17 years as a member of the general board of the Young Men's Mutual, the Church of Jesus Christ of Latter-day Saints. He also served as president of the Pioneer Stake for five years; and,

WHEREAS, it is fitting that tribute be paid to him by the members of the Senate of the State of Utah and that the heart-felt sympathy of members of this Senate be expressed to the family of this fine man at his untimely demise.

NOW, THEREFORE, BE IT RESOLVED by the Senate of the State of Utah that this expression of esteem and high regard for D. E. (Gene) Hammond be made, and that the sincere sympathies and condolences of the membership of this Senate be expressed and conveyed to the members of his family. His was a life of integrity, devotion, and service, and his passing is a distinct loss, not only to his family, but to his community and to his state.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the family of D. E. (Gene) Hammond.

S. R. No. 1 was read the first time.

On motion of Senator Buckner the rules were suspended and S. R. No. 1 was read the second and third times and placed on its final passage.

S. R. No. 1 then passed on the following roll call:

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

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Petterson, Preece, Pugh, Swan, Waddingham, Whitman and Mr. President.

S. R. No. 1 was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Secretary of State.

COMMUNICATIONS FROM THE HOUSE

February 2, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, as amended, under suspension of the rules, H. B. No. 6, by Messrs.

Judd, Florence and Warren, REAPPORTIONMENT OF SENATE AND HOUSE OF REPRESENTATIVES, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H. B. No. 6 was read for the first time.

On motion of Senator Leavitt, the rules were suspended and H. B. No. 6 was placed on the Second Reading Calendar for immediate consideration at this time.

CONSIDERATION OF BILLS ON SECOND READING

H. B. No. 6 (REAPPORTIONMENT OF SENATE AND HOUSE OF REPRESENTATIVES) was read the second time.

On motion of Senator Leavitt the rules were suspended and H. B. No. 6 was read the third time and placed on its final passage.

H. B. No. 6 then passed on the following roll call:

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

Voting in the affirmative were: Senators Barnett, Bischoff, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Pugh, Swan, Wadlingham, Whitman and Mr. President.

Voting in the negative were: Senators Beck and Evans.

Absent and not voting were: Senators Brockbank and Preece.

H. B. No. 6 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

On motion of Senator Leavitt, the rules were suspended and the Senate voted to now consider bills on the Third Reading Calendar.

CONSIDERATION OF BILLS ON THIRD READING

On motion of Senator Leavitt, S. B. No. 1-A was lifted from the table and placed at the head of the Third Reading Calendar.

On motion of Senator Leavitt, the rules were suspended and the Senate voted to consider H. B. No. 3 at this time.

On motion of Senator Leavitt, H. B. No. 3 was tabled.

On motion of Senator Leavitt, the rules were suspended and the Senate voted to again consider S. B. No. 1-A.

S. B. No. 1-A (STATE SENATE REAPPORTIONMENT) was read the third time and placed on its final passage.

S. B. No. 1-A then passed on the following roll call:

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

Voting in the affirmative were: Senators Barnett, Bischoff, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Pugh, Swan, Waddingham, Whitman and Mr. President.

Voting in the negative were: Senators Beck and Evans.

Absent and not voting were: Senators Brockbank and Preece.

S. B. No. 1-A was transmitted to the House.

FINDINGS OF FACT REGARDING S.B. NO. 1-A AND S.B. NO. 2-A OF SECOND SPECIAL SESSION, 39TH UTAH STATE LEGISLATURE:

1. The reapportionment plan adopted under these bills provides in respect to the senatorial districts a reasonably small deviation from the optimum apportionment possible for these districts. By providing this low degree of deviation, moreover, these bills provide a vast improvement over previously-enacted reapportionment plans for the Senate.
2. This reapportionment plan accomplishes this low deviation with a minimum number of districts crossing over county lines, preserving these lines wherever reasonably possible in the formation of these districts.
3. This reapportionment plan groups counties and/or parts of counties in recognition of the existence of various of the geographical boundaries with the state and of the substantial identity of interests within these groups.

Proposed Leavitt motion placed:

Senator Leavitt moved that the legislators be paid only for the actual days worked during this Special Session and while in recess they forego daily pay except for those Senators that might be involved in local committees doing county alignments.

Senator Waddingham moved for a roll call vote on the proposed Leavitt Motion with a further clarification that an aye vote would indicate all Senators would forsake daily pay during the recess, except for those that might be involved in local committees doing county alignments.

Yeas, 24; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Pugh, Swan, Waddingham and Mr. President.

Voting in the negative was: Senator Evans.

Absent and not voting were: Senators Brockbank, Preece and Whitman.

Leavitt motion carried.

On motion of Senator Leavitt the Senate sauntered.

On motion of Senator Buckner, H. B. No. 3 was lifted from the table and placed at the head of the Third Reading Calendar.

On motion of Senator Buckner, the enacting clause of H. B. No. 3 was struck and returned to the House.

President Barlow appointed the following senators as the official members of the apportionment committees for Salt Lake County and Utah County in compliance with the Leavitt motion on Day 2 – February 1, 1972:

Salt Lake County

Warren E. Pugh, Douglas G. Bischoff, W. Hughes Brockbank, Moroni L. Jensen, M. James Macfarlane, Edward T. Beck.

Utah County

Wallace H. Gardner, Dean C. Christensen, Ernest H. Dean, Omar B. Bunnell.

COMMUNICATIONS FROM THE HOUSE

February 2, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed S. B. No. 1-A, STATE SENATE REAPPORTIONMENT, which has been signed by the Speaker in open session in the presence of the House, and the same is returned herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S. B. No. 1-A was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Governor.

On motion of Senator Leavitt, the rules were suspended and the Senate adjourned until Friday, February 11, 1972 at 10:00 a.m.

TWELFTH DAY

MORNING SESSION

February 11, 1972

The Senate was called to order at 10:00 a.m. President Barlow in the chair.

Roll Call – All Senators present except Senator Waddingham, excused.

Prayer by Senator Wallace H. Gardner.

February 11, 1972

Mr. President:

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

Respectfully,

REED BULLEN, Chairman

Report adopted and filed.

COMMUNICATIONS FROM THE GOVERNOR

February 11, 1972

President of the Senate
 Speaker of the House
 Members of the 39th Legislature
 of the State of Utah

Ladies and Gentlemen:

At the recent budget session the Legislature enacted H. B. 13, entitled "Local School District Boards of Education." I have signed the bill and as by its terms it takes effect upon approval, it is now effective.

The Attorney General has raised a question as to the constitutionality of a section of the act. This section as to which the question arises is not new, but has been in the law for many years. I am enclosing herewith two opinions from the Attorney General pointing out the constitutional problem. Were the Legislature not now in special session I would not call a special session to remedy the situation, but would hope that it could be solved by judicial interpretation. However, in view of the fact that the Legislature is now meeting to consider legislative reapportionment, I feel that you should consider correcting the constitutional problem that exists in H. B. 13.

By this communication the agenda of the special session of the Utah Legislature now in session, as established by Executive Order dated January 31, 1972, is expanded to authorize the consideration of legislation providing for the constitution and election of local school district boards of education. A proposed bill to remedy the situation above mentioned is attached hereto.

Sincerely,

CALVIN L. RAMPTON, Governor

Communication filed.

SPECIAL COMMITTEE REPORT--

SALT LAKE COUNTY APPORTIONMENT

February 11, 1972

Haven J. Barlow, President
Utah State Senate
State Capitol Building
Salt Lake City, Utah

Dear President Barlow:

The Committee of Salt Lake County Senators which you appointed to re-district Salt Lake County into Senatorial Districts, has met and we submit herewith a redistricting plan for Salt Lake County which has been approved by the committee with an affirmative vote of 5 to 1.

There were several principles which the committee kept in mind in re-districting the Salt Lake County Senatorial Districts. They were as follows:

1. We preserved the corporate limits of Salt Lake City — that is we did not attach a portion of Salt Lake City to the Tooele County District.
2. In combining parts of Salt Lake County with Tooele County we used the contiguous land area between the two counties following highway I-80.

3. We did not split any voting districts and in accordance with our instructions all voting districts in a senatorial district are contiguous.
4. We attempted to keep the size of the districts by population as nearly the same as possible and we believe we have come up with about the least possible deviation as to the size of the districts.
5. We also gave serious consideration to keeping the districts as compact as possible under all the varying circumstances.
6. We used the last available official federal census figures adapted to voting districts. Inasmuch as the census tracts did not match precisely with all of the voting districts it was necessary to make some interpolations. But as near as it is possible we have used the latest available census tract figures.

We believe the redistricting is done in accordance with our instructions and in the best interest of the citizens of Salt Lake County and we, therefore, solicit your support in having this committee's work ratified by the Legislature.

Sincerely yours,

WARREN E. PUGH, Committee Chairman

Report filed.

REAPPORTIONMENT OF SENATE DISTRICTS

January 11, 1972

SALT LAKE COUNTY

| District No. | Voting District Population | Percent of Average | Deviation |
|--------------|----------------------------|--------------------|-----------|
| 1 | 37,074 | 1.038 | + .0138 |
| 2 | 36,405 | .9955 | - .0045 |
| 3 | 36,983 | 1.0113 | + .0113 |
| 4 | 37,377 | 1.022 | + .022 |
| 5 | 36,279 | .992 | - .008 |
| 6 | 36,711 | 1.0038 | + .0038 |
| 7 | 36,173 | .9891 | - .0109 |
| 8 | 36,215 | .9903 | - .0097 |
| 9 | 36,400 | .9953 | - .0047 |
| 10 | 35,933 | .9826 | - .0174 |
| 11 | 36,454 | .9968 | - .0032 |
| 12 | 36,823 | 1.0069 | + .0069 |
| 13 | 15,696 | | |
| TOTAL | 454,521 | | |

Average District
1-12 38,589

Ratio:

| | |
|---------|-------------|
| Highest | 2.2% |
| Lowest | <u>1.74</u> |
| | 3.94 |

1970 Census Tract population
for Salt Lake County 458,607

Ratio of Voting District
population figures to
1970 Census 1.008987

On motion of Senator Pugh the Salt Lake County Apportionment Committee report was made a matter of record in the Senate Journal.

On motion of Senator Leavitt the Senate sauntered.

SPECIAL COMMITTEE REPORT – UTAH COUNTY APPORTIONMENT

February 11, 1972

Haven J. Barlow, President
Utah State Senate
State Capitol Building
Salt Lake City, Utah 84114

Dear President Barlow:

The Committee of Utah County Senators which you appointed to re-district Utah County into Senatorial Districts, has met and we submit herewith a redistricting plan for Utah County which has been approved by the Committee with an affirmative vote of 4 to 0.

In the redistricting procedure for Utah County Senate Districts, several distinct procedures were kept in mind, such as:

1. We did not attach any other areas to Utah County.
2. All the senatorial voting districts are in accordance with our instructions in that they are contiguous.
3. A conscientious attempt was made and reached in keeping the deviation less than 3 percent in the size of the districts.

4. Serious consideration was given to keeping the districts as compact as the varying circumstances would permit.
5. We used the last available official federal census figures adapted to voting districts. Inasmuch as the census tracts did not match precisely with all of the voting districts, it was necessary to make some interpolations. But as near as it was possible, we have used the latest available census tract figures.

We believe the redistricting was done in accordance with our instructions and in the best interest of the citizens of Utah County, and we therefore solicit your support in having this Committee's work ratified by the Legislature.

Sincerely,

DEAN C. CHRISTENSEN, State Senator
 WALLACE H. GARDNER, State Senator
 ERNEST H. DEAN, State Senator
 OMAR B. BUNNELL, State Senator

Report filed.

On motion of Senator Christensen, the Utah County Apportionment Committee report was made a matter of record in the Senate Journal.

INTRODUCTION OF BILLS (DISTRICTING OF SENATE)

1972 EXTRAORDINARY SECOND SPECIAL SESSION

S. B. No. 2-A

By Messrs. Leavitt and Bunnell

AN ACT AMENDING S. B. NO. 1-A, AS PASSED BY THE SECOND SPECIAL SESSION OF THE 39TH LEGISLATURE BY ADDING A NEW SECTION PROVIDING FOR THE DESIGNATION OF SENATORIAL DISTRICTS NOT OTHERWISE PROVIDED FOR IN SECTION 1 OF THAT BILL COMPRISING DISTRICTS 1 THROUGH 12 OF SALT LAKE COUNTY, 13 OF PARTS OF TOOELE AND SALT LAKE COUNTIES, AND 14 THROUGH 17 OF UTAH COUNTY, AND PROVIDING CERTAIN CHANGES IN THE SENATORIAL DISTRICTS IN DAVIS COUNTY; AND PROVIDING AN EFFECTIVE DATE, was read the first time.

On motion of Senator Leavitt, the rules were suspended and the Senate voted to place S. B. No. 2-A on the Second Reading Calendar for immediate consideration at this time.

CONSIDERATION OF BILLS ON SECOND READING

S. B. No. 2-A (DISTRICTING OF SENATE) was read the second time.

On motion of Senator Pugh, S. B. No. 2-A was amended as follows:

Page 2, line 26, delete the words "and approximately 15,400 inhabitants from" then following the word "county" insert the word "and".

On motion of Senator Pugh, the title of S. B. No. 2-A was amended as follows:

Line 4 after "13 OF" delete the words "PARTS OF" then after "TOOELE" insert the word "COUNTY". Also after the word "AND" insert the words "PARTS OF" then on the same line amend the word "COUNTIES" to read "COUNTY".

S. B. No. 2-A was placed on the Third Reading Calendar on the following roll call:

Yeas, 24; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clyde, Dean, Ferry, Gardner, Harward, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Pugh, Swan, Whitman and Mr. President.

Absent and not voting were: Senators Clark, Evans, Jenkins and Wadingham.

On motion of Senator Leavitt the Senate sauntered.

On motion of Senator Leavitt, the rules were suspended and the Senate voted to now consider bills on the Third Reading Calendar.

CONSIDERATION OF BILLS ON THIRD READING

S. B. No. 2-A (DISTRICTING OF SENATE) was read the third time and placed on its final passage.

S. B. No. 2-A then passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Petterson, Preece, Pugh, Swan, Whitman and Mr. President.

Absent and not voting was: Senator Waddingham.

S. B. No. 2-A was transmitted to the House.

On motion of Senator Leavitt the Senate sauntered.

COMMUNICATIONS FROM THE HOUSE

February 11, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, as amended under suspension of the rules, H. B. No. 8, by Mr. Judd, et al., DISTRIBUTION OF HOUSE OF REPRESENTATIVES, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H. B. No. 8 was read for the first time.

On motion of Senator Leavitt, the rules were suspended and the Senate voted to place H. B. No. 8 on the Second Reading Calendar for immediate consideration.

CONSIDERATION OF BILLS ON SECOND READING

H. B. No. 8 (DISTRICTING OF HOUSE OF REPRESENTATIVES) was read the second time.

On motion of Senator Leavitt the rules were suspended and H. B. No. 8 was read the third time and placed on its final passage.

H. B. No. 8 then passed on the following roll call:

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

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Pugh, Swan, Whitman and Mr. President.

Voting in the negative was: Senator Evans.

Absent and not voting was: Senator Waddingham.

H. B. No. 8 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

COMMUNICATIONS FROM THE HOUSE

February 11, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, as amended under suspension of the rules, H. B. No. 9, by Mr. Judd, LOCAL SCHOOL DISTRICT BOARDS OF EDUCATION, and the same is transmitted herewith for your action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

H. B. No. 9 was read for the first time.

On motion of Senator Buckner, the rules were suspended and the Senate voted to place H. B. No. 9 on the Second Reading Calendar for immediate consideration at this time.

CONSIDERATION OF BILLS ON SECOND READING

H. B. No. 9 (LOCAL SCHOOL DISTRICT BOARDS OF EDUCATION) was read the second time.

On motion of Senator Buckner, the rules were suspended and H. B. No. 9 was read the third time and placed on its final passage.

H. B. No. 9 then passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators Barnett, Beck, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Pugh, Swan, Whitman and Mr. President.

Absent and not voting were: Senators Evans and Waddingham.

H. B. No. 9 was signed by the President in open session in the presence of the Senate and was returned to the House for further action.

On motion of Senator Gardner the Senate sauntered.

COMMUNICATIONS FROM THE HOUSE

February 11, 1972

Mr. President:

I am directed to inform your Honorable Body that the House has this day passed, as amended by the Senate and House, under suspension of the rules, S. B. No. 2-A, by Mr. Leavitt, et al., DISTRICTING OF SENATE, and the same is transmitted herewith for your further action.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

On motion of Senator Leavitt, the Senate voted to concur in the House amendments to S. B. No. 2-A.

S. B. No. 2-A then passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators Barnett, Bischoff, Brockbank, Buckner, Bullen, Bunnell, Christensen, Clark, Clyde, Dean, Evans, Ferry, Gardner, Harward, Jenkins, Jensen, Julander, Leavitt, Macfarlane, Mecham, Pettersson, Preece, Swan and Mr. President.

Absent and not voting were: Senators Beck, Pugh, Waddingham and Whitman.

S. B. No. 2-A was transmitted to the House for the signature of the Speaker.

FINDINGS OF FACT REGARDING S.B. NO. 1-A AND S.B. NO. 2-A OF SECOND SPECIAL SESSION, 39TH UTAH STATE LEGISLATURE:

1. The reapportionment plan adopted under these bills provides in respect to the senatorial districts a reasonably small deviation from the optimum apportionment possible for these districts. By providing this low degree of deviation, moreover, these bills provide a vast improvement over previously-enacted reapportionment plans for the Senate.
2. This reapportionment plan accomplishes this low deviation with a minimum number of districts crossing over county lines, preserving these lines wherever reasonably possible in the formation of these districts.
3. This reapportionment plan groups counties and/or parts of counties in recognition of the existence of various of the geographical boundaries with the state and of the substantial identity of interests within these groups.

On motion of Senator Christensen the Senate sauntered.

COMMUNICATIONS FROM THE HOUSE

February 11, 1972

Mr. President:

I am directed to inform your Honorable Body that the Speaker of the House has this day signed in open session, in the presence of the House, S. B.

No. 2-A, by Mr. Leavitt, DISTRICTING OF SENATE, and the same is transmitted herewith for the signature of the President.

Respectfully,

J. LAMBERT GIBSON, Chief Clerk

Communication filed.

S. B. No. 2-A was signed by the President in open session in the presence of the Senate, then referred to the Committee on Rules to be enrolled and engrossed after which same will be transmitted to the Governor.

On motion of Senator Leavitt, the President appointed Senators Barnett, Evans and Clyde to notify the House that the Senate has concluded its business and is now ready to adjourn sine die.

On motion of Senator Buckner, the President appointed Senators Bullen, Jensen and Preece to act with a like committee from the House to wait upon the Governor to ascertain whether he has any further business to bring before the Legislature.

A committee from the House, Representatives H. Petersen, Arbuckle and Vincent notified the Senate that the House had concluded its business and was ready to adjourn sine die.

Senator Petterson, indicated that as a member of the Senate representing the minority party he wanted to make it a matter of record to thank the members of the staff for their fine work and the dedication they have shown in carrying out their responsibilities, and also for the courteous manner in which their needs have been attended to. He indicated that no request – no matter how small had received prompt attention.

Senator Barnett reported that the Senate Committee had notified the House and had completed their responsibility.

Senator Bullen and his committee returned escorting the Governor to the podium.

Governor Calvin L. Rampton addressed members of the Senate very briefly and praised the legislators for the extraordinary time spent in session, which immediately followed a 20-day budget session. He said reapportionment was a particularly trying and difficult problem.

"The fact that you could put aside partisan differences and individual problems is something you can be proud of."

On motion of Senator Leavitt the Senate reconsidered its action of February 2, 1972 (3rd day of 2nd Extraordinary Special Session) regarding the foregoing of their daily pay during the recess, except for the 10 members involved with committees.

Discussion that followed was the possibility of members of the Senate waiving part of their pay except for the four days actually in floor session.

President Barlow said he would obtain necessary information as to what is constitutional with regards to the matter discussed and that each senator would then be notified of their rights and if senators can waive a portion of their pay each would be so notified.

On motion of Senator Leavitt, authority was given to pay all necessary and actual expenses incurred during the Extraordinary (2nd) Special Session.

President Barlow thanked the Committee to notify the House and the Committee to wait upon the Governor for their reports and discharge of their duties.

President Barlow acknowledged his thanks to each member of the Senate for their contribution to the success of this session of the legislature.

February 11, 1972

Mr. President:

The Committee on Revision of the Journal respectfully reports that we have read the Journal for the twelfth day of the Extraordinary (2nd) Special Session and find it correct with minor amendments noted on the final copy.

Respectfully,

REED BULLEN, Chairman

Report adopted and filed.

Benediction given by Senator Dean C. Christensen.

On motion of Senator Dixie Leavitt, the Extraordinary Second Special Session of the 39th Legislature of the Utah State Senate adjourned sine die.

EXPLANATION ACCOMPANYING THE GOVERNOR'S SIGNING
OF S. B. NO. 1-A and H. B. NO. 6

February 9, 1972

The Honorable Vernon B. Romney
Attorney General of Utah
Building

Dear Mr. Romney:

Based upon your opinion of February 4, 1972 that S. B. 1A and H. B. 6 reapportioning the two houses of the Utah State Legislature appear to be within deviation limits heretofore approved by the United States Supreme Court in the Case of Abate v. Mundt, 403 U.S. 182 (New York), I am signing these bills.

It is apparent from an examination of the bills that they will require supplemental legislation either providing for further sub-districting by legally constituted districting committees or by the Legislature itself.

In your opinion you point out that within the overall districts provided by the two bills, deviation in the Senate from high to low is only 8.6% and in the House only 10.45%. Even these relative small deviations can be justified only on the basis of geographic, governmental or sociological population groupings.

It would be helpful, therefore, to any court that might subsequently be called upon to pass upon the validity of the reapportionment of the Utah Legislature, if there could be a writing in the form of a committee report or other evidence of legislative intent which could be entered in the Senate and House Journals stating the rationale for any deviation in one district from another beyond a de minimis level.

Sincerely,

CALVIN L. RAMPTON, Governor

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| H.B. | Title | Final Disposition |
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| 6. | Reapportionment of Senate and House of Representatives | Signed by Gov. Feb. 9 |
| 8. | Distribution of House of Representatives | *Signed by Gov. Feb. 19 |
| 9. | Local Boards of Education | *Signed by Gov. Feb. 18 |

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