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# UTAH VOTER INFORMATION PAMPHLET

## General Election November 5, 2002

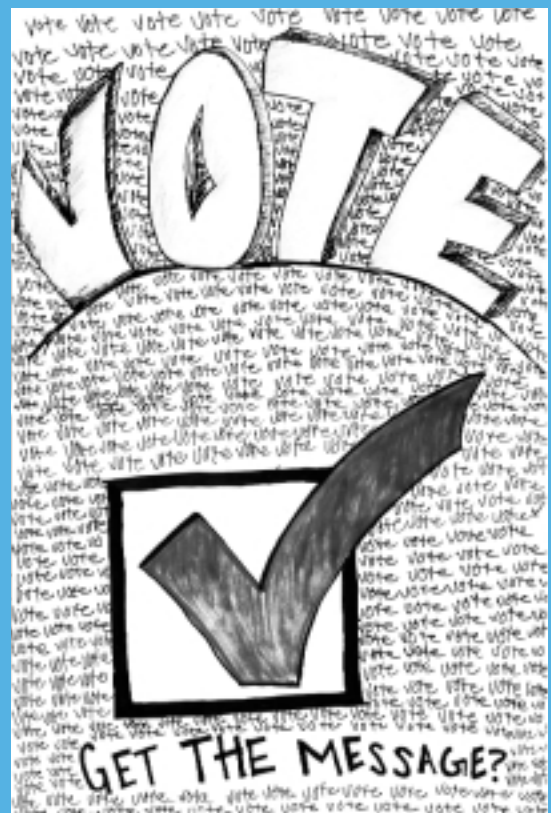
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Prepared under the direction of  
**Olene S. Walker, Lieutenant Governor**

In cooperation with the Utah State Legislature  
**Al Mansell, President of the Senate**  
**Martin R. Stephens, Speaker of the House**

Impartial Analysis by  
**Michael E. Christensen, Director**  
**Office of Legislative Research and General Counsel**

Information pertaining to Judicial retention provided by  
**the Judicial Council**



Cover artwork by Amanda Stephenson, age 17 from Alta High School. Used by permission.  
Pamphlet design by American Institute of Graphic Arts, Salt Lake City Chapter

September 2, 2002

Dear Fellow Utahn:

This November, you will once again be empowered to help shape the future of our state by practicing your right to vote. This pamphlet was prepared to educate voters on candidates and issues to help voters make better-informed choices. I strongly encourage you to study this pamphlet and draw your own conclusions.

Along with the privilege of voting for the candidates of your choice, you will also have the opportunity to vote on the retention of judges and amendments to the Utah State Constitution.

In a continuous effort to educate young, potential voters on the electoral process, we have conducted a second Get Out the Vote contest. Junior High and High School students were invited to express their ideas on the importance of voting. We received many creative ideas, and are proud to display the winner, Amanda Stephenson from Alta High School, on the cover of the *2002 Voter Information Pamphlet*.

I hope this Voter Information Pamphlet will help you make educated decisions that will help shape the future of Utah. Let's continue the tradition of being a state that cares and continues to actively participate in the democratic process. Remember to vote on Tuesday, November 5!

Sincerely,

Olene S. Walker  
Lieutenant Governor

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# POLITICAL PARTIES

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There are five political parties registered in Utah. If you would like to contact them or any of their candidates, they are listed below in alphabetical order.



**DEMOCRATIC PARTY**  
(801) 328-1212  
[www.utdemocrats.org](http://www.utdemocrats.org)



**GREEN PARTY**  
(801) 355-9935  
[www.greenpartyofutah.org](http://www.greenpartyofutah.org)



**LIBERTARIAN PARTY**  
(801) 534-8872  
[www.lputah.org](http://www.lputah.org)



**NATURAL LAW PARTY**  
(801) 322-5577



**REPUBLICAN PARTY**  
(801) 533-9777  
[www.utgop.org](http://www.utgop.org)

## FOR MORE INFORMATION

The following list of websites and phone numbers, although not comprehensive, is provided to give voters the opportunity to become better informed.

### NEWS MEDIA:

#### National

[www.cnn.com/ALLPOLITICS](http://www.cnn.com/ALLPOLITICS)  
[www.c-span.org/campaign2002](http://www.c-span.org/campaign2002)  
[www.usatoday.com/news/washdc/nc1.htm](http://www.usatoday.com/news/washdc/nc1.htm)  
[www.pbs.org/democracy](http://www.pbs.org/democracy)  
[www.washingtonpost.com/wp-dyn/politics/elections/2002](http://www.washingtonpost.com/wp-dyn/politics/elections/2002)

#### Local

[www.deseretnews.com/dn/elx](http://www.deseretnews.com/dn/elx)  
[www.sltrib.com](http://www.sltrib.com)  
[www.utahpress.com](http://www.utahpress.com)  
[www.voteutah.org](http://www.voteutah.org)

### GOVERNMENT:

[www.elections.utah.gov](http://www.elections.utah.gov)  
[www.fec.gov](http://www.fec.gov)

### YOUTH VOTING SITES:

[www.youthvote2000.org](http://www.youthvote2000.org)  
[www.rockthevote.org](http://www.rockthevote.org)  
[www.generationvote.com](http://www.generationvote.com)  
[www.kidsvotingusa.org](http://www.kidsvotingusa.org)  
[www.youthvote2000.org](http://www.youthvote2000.org)

# A.

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# CANDIDATES

The following pages list the candidates who are running for the U.S. House of Representatives, Utah State Senate, Utah State House of Representatives and State School Board. The candidates for U.S. House were given the opportunity to submit a 100-word statement and a photograph. The Lt. Governor's Office had no editorial authority over these statements. All candidates appear in alphabetical order.

A list of candidates for the Utah State Senate, Utah State House of Representatives and State School Board are provided to give voters the opportunity to contact the candidates in their area. If a candidate provided an e-mail address and website, it is also included. To find out which district you reside in, contact your county clerk (page 94).

# 6

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# U.S. CONGRESSIONAL DISTRICT

BOX ELDER, CACHE, DAVIS, JUAB (PART), MORGAN, RICH, SALT LAKE (PART), SUMMIT, TOOELE, WEBER

# 1



**Craig Axford**  
GREEN

I have lived in Utah for 27 years, starting and raising a family in Salt Lake City over the past 12 years. I am committed to sustainable development, including light rail and commuter rail to meet our transportation needs. I will work to strengthen America's public education system and to preserve Utah's beautiful environment. I will continue to work to keep nuclear waste out of the Great Basin in spite of Congress' recent vote to store nuclear waste at Yucca Mountain, and I am committed to an energy strategy that includes conservation and development of clean alternative sources of energy.

521 EAST HOLLYWOOD AVE  
SLC, UT 84105  
(801) 485-4076  
Axford2002@aol.com  
www.Axford2002.com



**Rob Bishop**  
REPUBLICAN

Rob Bishop is best prepared to defend Utah's interests in Washington. As Speaker of the House, Rob demonstrated leadership credentials and built coalitions to accomplish a conservative agenda. As Republican State Chairman, he worked statewide demonstrating that grassroots individuals can accomplish much good. As a fulltime high school teacher for 28 years, Rob knows how to improve education and make a difference in people's lives. Rob Bishop was born in Kaysville, graduated with honors from Davis High and the University of Utah, and served a mission for his church. Rob is married to Jeralynn Hansen and they have five children

P.O. BOX 2002  
BRIGHAM CITY, UT 84302  
(801) 292-5577  
info@votebishop.com  
www.votebishop.com



**Dave Thomas**  
DEMOCRAT

My background is representative of our district: Within its borders, I've been a poor student, musician, teacher, city councilman and now successful businessman. I've been married for 33 years and have three sons raising families in the district. I will work to address issues that are vitally important – education, the economy, a balanced budget, more jobs and healthy Social Security. Most people in the First District are independent and support what's best for their families rather than following a party line. I will listen to all my constituents, not just a few. I want to be *your* voice in Congress.

2073 N. KINGSTON RD.  
FARMINGTON, UT 84025  
(801) 451-5669  
dave@electdavethomas.com  
www.electdavethomas.com

# 2

## U.S. CONGRESSIONAL DISTRICT

CARBON, DAGGETT, DUCHESNE, EMERY, GARFIELD, GRAND, IRON, KANE, PIUTE, SALT LAKE (PART), SAN JUAN, UINTAH, UTAH (PART), WASATCH, WASHINGTON, WAYNE.



**Ron Copier**  
LIBERTARIAN

Born and raised in Salt Lake City, Utah. Libertarian Party member for 1 1/2 years. Believes in personal choice and responsibility. Would like to be known as the Candidate who qualifies as a Non-political, political Candidate. Wants to give Citizens a choice of someone who finds the current system of business's funding campaigns, detrimental to the well being of our political system and country. The strongest message that the voters could send to Washington, would be to elect an unknown candidate who was not funded by the greed of big business.

3363 S. 1000 W.  
SALT LAKE CITY, UT 84119  
(801) 264-1849  
Coronis1@hotmail.com  
www.psgpro.com/rc.html



**Patrick Diehl**  
GREEN

Employment: free-lance editor/researcher/writer, 1985-present (previously Assistant Professor of Comparative Literature, UC Berkeley, 1975-82). Volunteer work: organizer against nuclear weapons dumps (1982-85) and nuclear waste dumps (1995-98); board member of Escalante Canyons Group for Arts and Humanities, Escalante House, and Escalante Wilderness Project, 1999-present; member of Executive Committee, Sierra Club Glen Canyon Group, 2000-present; participant in Zapatista caravan, Mexico, 2/01-3/01. Education: Harvard University (B.A. summa cum laude, 1967); Paris (Ecole normale superieure, 1967-68); Oxford University (Marshall Scholar, B.A. with First Class Honors, 1970); University of California at Berkeley (Ph.D., 1975). Resident of Escalante, Utah since 1998.

P.O. BOX 652  
ESCALANTE, UT 84726  
(435) 826-4778  
toripat@scininternet.net  
www.greenpartyofutah.org/  
diehlforcongress.



**Jim Matheson**  
DEMOCRAT

My promise to the people of Utah is to work with them on the issues that touch their daily lives and take a thoughtful, common sense approach to each issue. I pledge to be an independent voice and work in a bipartisan way toward solutions that serve Utah well. My record in Congress clearly demonstrates that I have kept that promise. I take the title of representative literally – listening to people makes me a better member of Congress. I believe we must focus on our economic security, homeland defense, and getting back on track to avoid deficit spending.

677 S. 200 W., STE. A  
SALT LAKE CITY, UT 84101  
(801) 359-5474  
jim@mathesonforcongress.com  
www.mathesonforcongress.com



**John Swallow**  
REPUBLICAN

I was raised in St. George and have also represented the Sandy area in the legislature for three terms. During that time, I fought to preserve our property rights, and authored the \$110 million payroll tax cut — the largest in Utah history. I was named “2000 Taxpayer Advocate of the Year” by the Utah Taxpayers Association, and “Guardian of Small Business” by the National Federation of Independent Businesses. As a husband and father, I’ll work to preserve local control of schools that teach our values, not those of faraway Washington bureaucrats. I would be deeply grateful for your support.

P.O. BOX 1823  
SANDY, UT 84091-1823  
(801) 572-8201  
john@johnswallow.com  
www.johnswallow.com



# 3

## U.S. CONGRESSIONAL DISTRICT

BEAVER, JUAB (PART), MILLARD, SALT LAKE (PART), SANPETE, SEVIER, UTAH (PART).



**Kitty K. Burton**  
LIBERTARIAN

Kitty K. will strive to: Reduce or eliminate the unconstitutional tax on your wages. Reduce or eliminate all unconstitutional Federal land grabs. Reduce or eliminate the unconstitutional foreign aid to hostile countries. Reduce or eliminate all unconstitutionally created and enforced gun laws. Reduce or eliminate all unconstitutional acts by other members of Congress. Reduce or eliminate the unconstitutional attacks by Congress on States Rights. Prevent Congress from imposing an unconstitutional sales tax on the States. D.O.B. 06/21/39. Constitutional Scholar. Self educated paralegal. Administrative procedure expert and educator. Judicial self defense instructor.

900 DONNER WAY #702  
SALT LAKE CITY, UT 84108  
(801) 253-8207  
fmcrusader@aol.com  
www.lputah.org



**Chris Cannon**  
REPUBLICAN

Utah is a great state, and Utahns deserve representation that reflects their ideas and values in Congress. I have strived to do this for 6 years, and will continue to use my leadership and seniority to give Utah a strong voice in Congress. I understand the issues that face us as Utahns. I have a child beginning kindergarten and children finishing college. I know the next generation that will inherit our state and I keep them in mind as I cast my votes in Congress. I'll continue fighting for improved education, smaller government, family values, individual responsibility and a strong economy.

P.O. BOX 711  
PROVO, UT 84603  
(801) 489-3370  
Chris@ChrisCannon.com  
www.ChrisCannon.com



**Nancy Jane Woodside**  
DEMOCRAT

Nancy Jane Woodside overcame difficulties yet still found success as a single mom raising two kids while a FORD factory worker. She's now a lawyer, mediator, and entrepreneur. As Utah County Democrat's eight year visionary and unifying leader, she's proved her love for Utah. Nancy won't let the Feds turn Utah into a nuclear garbage chute, wants drug industry competition to lower prices, demands lower taxes, fair treatment of employees including local solutions for child care, a strong military defense, and believes in the sanctity of life, education, and moral responsibility. Her full-time interest is the people of Utah.

P.O. BOX 1405  
PROVO, UT 84603  
(801) 356-0674  
www.electnancyjane.com

# UTAH STATE SENATE

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## DISTRICT 1

**Richard David Barnes**  
**LIBERTARIAN**

1520 W. 800 N.  
SALT LAKE CITY, UT 84116  
(801) 521-4400

**James Evans**

**REPUBLICAN**  
1552 N. NEWTON PARK ST.  
SALT LAKE CITY, UT 84116  
(801) 322-3452

**John M. Renteria**

**GREEN**  
P.O. BOX 2257  
SALT LAKE CITY, UT 84110  
(801) 323-3921  
oyecomovi@aol.com

**Nisa J. Sisneros**

**DEMOCRAT**  
1137 N. ANTILLES DR.  
SALT LAKE CITY, UT 84116  
(801) 359-1424  
sisneros@xmission.com  
www.nisasisneros.com

## DISTRICT 2

**Paula F. Julander**  
**DEMOCRAT**

476 B STREET  
SALT LAKE CITY, UT 84103  
(801) 363-0868

## DISTRICT 3

**Gene Davis**  
**DEMOCRAT**

865 PARKWAY AVENUE  
SALT LAKE CITY, UT 84106  
(801) 484-9428

**Brad Probst**

**REPUBLICAN**  
4611 QUAIL VISTA COVE #C  
SALT LAKE CITY, UT 84117  
(801) 270-0910  
brad@votebrad.com  
www.votebrad.com

## DISTRICT 4

**Patrice Arent**  
**DEMOCRAT**

6281 S. HAVENBROOK CIRCLE  
SALT LAKE CITY, UT 84121  
(801) 272-1956  
arentforsenate@aol.com

**Steve Poulton**

**REPUBLICAN**  
4524 BRIARCREEK DRIVE  
HOLLADAY, UT 84117  
(801) 272-4338

## DISTRICT 5

**Ed Mayne**  
**DEMOCRAT**

5044 W. BANNOCK CIRCLE  
WEST VALLEY CITY, UT 84120  
(801) 968-7756  
edmayne@utahsenate.org  
www.edmayne.com

**Deidre Ann Tyler**

**REPUBLICAN**  
4153 S. 2700 W. #3F  
TAYLORSVILLE, UT 84119  
(801) 963-6365  
www.deidretyler.com

## DISTRICT 7

**Karen Hale**  
**DEMOCRAT**

2564 MAYWOOD DR.  
SALT LAKE CITY, UT 84109  
(801) 485-6642

**Frank Mylar**

**REPUBLICAN**  
1149 PRINCETON AVE.  
SALT LAKE CITY, UT 84105  
(801) 582-1320  
fdmylar@msn.com

## DISTRICT 9

**Charles A. Bonsall**  
**LIBERTARIAN**

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(801) 566-3673  
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**Al Mansell**

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6995 UNION PARK, SUITE 300  
MIDVALE, UT 84047  
(801) 942-6019  
AMANSELL@realtor.org

## DISTRICT 11

**Bennion L. Spencer**  
**DEMOCRAT**

12456 S. COVEY LANE  
RIVERTON, UT 84065  
(801) 254-9098  
spencers5@aol.com  
www.bennionspencer.com

**Howard Stephenson**

**REPUBLICAN**  
1038 E. 13590 S.  
DRAPER, UT 84020  
(801) 576-1022  
howard@utahtaxpayers.org

## DISTRICT 12

**Ron Allen**  
**DEMOCRAT**

835 LAKEVIEW  
STANSBURY PARK, UT 84074  
(801) 977-0100  
rallen@ronallen.com  
www.ronallen.org

**Jack Nielsen**

**REPUBLICAN**  
3330 S. 8000 W.  
MAGNA, UT 84044  
(801) 252-1909

## DISTRICT 15

**Beryl Furner**  
**LIBERTARIAN**

391 S. 600 W.  
PROVO, UT 84601  
(801) 377-0622

**Parley G. Hellewell**

**REPUBLICAN**  
492 S. 1000 W.  
OREM, UT 84058  
(801) 226-3034  
parley@mstar2.net

## DISTRICT 17

**Peter C. Knudson**  
**REPUBLICAN**

1209 MICHELLE DRIVE  
BRIGHAM CITY, UT 84302  
(435) 723-2035  
pknudson@le.state.ut.us

## DISTRICT 18

**D. Edgar (Ed) Allen**  
**DEMOCRAT**

4317 FERN DRIVE  
OGDEN, UT 84403  
(801) 392-1050  
eallen@le.state.ut.us

**David L. Thomas**

**REPUBLICAN**  
7875 S. 2250 E.  
SOUTH WEBER, UT 84405  
(801) 479-7479  
dthomas@co.summit.ut.us

## DISTRICT 21

**Laurence E. Abel**  
**DEMOCRAT**

P.O. BOX 911  
CLEARFIELD, UT 84015  
(801) 825-5223  
laurenceabel@hotmail.com

**David H. Steele**

**REPUBLICAN**  
3954 W. 150 N.  
WEST POINT, UT 84015  
(801) 825-3033  
dsteele@utah.senate.org  
www.dsteele.utahsenate.org

# UTAH STATE HOUSE OF REPRESENTATIVES

## DISTRICT 22

**Gregory "S" Bell**

**REPUBLICAN**

1046 N. 100 W.  
FARMINGTON, UT 84025  
(801) 451-7289  
greg@gregbellforsenate.com  
www.gregbellforsenate.com

**David L. Rowland**

**GREEN**

1038 N. COMPTON RD.  
FARMINGTON, UT 84025  
(801) 451-5785  
drgreenbear@hotmail.com  
www.greenpartyofutah.org

## DISTRICT 26

**Beverly Evans**

**REPUBLICAN**

HC65 BOX 36  
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(435) 454-3719  
bevevans@ubtanet.com

**Steve Sady**

**LIBERTARIAN**

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(435) 783-5889  
ssadycpt@allwest.net

**Dan Hansen Stephens**

**DEMOCRAT**

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(435) 654-3760  
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## DISTRICT 28

**Thomas Hatch**

**REPUBLICAN**

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(435) 676-2214  
tkhatch@color-country.net  
www.hatch4senate.com

## DISTRICT 1

**Eli H. Anderson**

**DEMOCRAT**

8790 W. HWY 102  
TREMONTON, UT 84337  
(435) 854-3760

**Thomas Tripp**

**REPUBLICAN**

32 EASTMOOR DR.  
GRANTSVILLE, UT 84027-0757  
(435) 884-6764

## DISTRICT 2

**Ben C. Ferry**

**REPUBLICAN**

905 N. 6800 W.  
CORINNE, UT 84307  
(435) 744-2997  
bcferry@utah.gov

## DISTRICT 3

**Craig W. Butters**

**REPUBLICAN**

540 S. 1600 W.  
LEWISTON, UT 84320  
(435) 258-5015

**Timothy A. Hutson**

**DEMOCRAT**

268 W. 150 N.  
Hyde Park, UT 84318  
(801) 563-3419  
tim.hutson@cache.k12.ut.us

**Rob Morrison**

**GREEN**

11 SOMERSET PLACE  
LOGAN, UT 84341  
(435) 752-4232  
rob.morrison@lycos.com  
www.greenpartyofutah.org

## DISTRICT 4

**Morley Cox**

**INDEPENDENT**

1199 CLIFFSIDE DR.  
LOGAN, UT 84321  
(435) 752-3013  
morleycox@hotmail.com

**Connie J. Morgan**

**DEMOCRAT**

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LOGAN, UT 84341  
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conniemorgan2000@yahoo.com

**Loraine T. Pace**

**REPUBLICAN**

435 E. 900 N.  
LOGAN, UT 84321  
(435) 753-6154  
lpace@utah.gov

## DISTRICT 5

**Dennis Duane Austin**

**DEMOCRAT**

43 S. 700 E.  
HYRUM, UT 84319  
(435) 245-4177  
ddaustin@sfcn.org

**Brent D. Parker**

**REPUBLICAN**

2953 W. 6900 S.  
WELLSVILLE, UT 84339  
(435) 245-6275  
brent@pc.net  
www.brentparker.net

## DISTRICT 6

**Martin R. "Marty" Stephens**

**REPUBLICAN**

3159 N. HIGLEY RD.  
FARR WEST, UT 84404  
(801) 731-5346  
mstephen@le.state.ut.us

## DISTRICT 7

**Glen A. Donnelson**

**REPUBLICAN**

874 E. 2100 N.  
N. OGDEN, UT 84414  
(801) 782-2640

**K. Wayne Stevenson**

**DEMOCRAT**

1145 E. 1675 N.  
N. OGDEN, UT 84414  
(801) 782-5611  
kwstevenson@earthlink.net  
home.earthlink.net/~kwstevenson

## DISTRICT 8

**George E. Hall**

**DEMOCRAT**

1528 28TH ST.  
OGDEN, UT 84403  
(801) 334-9680  
hallforhouse@aol.com  
www.hallforhouse.com

**Peter H. Hines**

**GREEN**

1324 25TH STREET, APT. B  
OGDEN, UT 84401  
(801) 393-1455

**Jay Johnson**

**LIBERTARIAN**

1654 CAPITOL ST.  
OGDEN, UT 84401  
(801) 778-0486  
johnsonforhouse8@yahoo.com

**Joseph G. (Joe) Murray**

**REPUBLICAN**

1030 PEACH DRIVE  
OGDEN, UT 84404  
(801) 393-7062

## UTAH STATE HOUSE OF REPRESENTATIVES (continued)

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### DISTRICT 9

**Neil A. Hansen**  
**DEMOCRAT**  
1031 CAPITOL ST.  
OGDEN, UT 84401  
(801) 393-1514  
neilhansen@utah.gov

**Robert O. Miles**  
**REPUBLICAN**  
1170 CAPITAL ST.  
OGDEN, UT 84401  
(801) 399-4815  
romfire@outdrs.net

### DISTRICT 10

**Michael A. Bell**  
**REPUBLICAN**  
5653 S. REDWOOD LANE  
SOUTH OGDEN, UT 84403  
(801) 479-8298  
Michael2355@aol.com

### Wallis Burnside

**LIBERTARIAN**  
2031 LINCOLN AVE.  
OGDEN, UT 84401  
(801) 399-2080  
stonemansolo@hotmail.com

### LaWanna "Lou" Shurtliff

**DEMOCRAT**  
5085 AZTEC DRIVE  
OGDEN, UT 84403  
(801) 479-0289  
lshurtliff@konnections.net  
www.konnections.com/lshurtliff

### DISTRICT 11

**Brad Dee**  
**REPUBLICAN**  
111 W. 5600 S.  
WASHINGTON TERRACE, UT  
84405  
(801) 479-5495  
BLDee@msn.com

**Dave Vaughn**  
**DEMOCRAT**  
WEBER RIVER DR. 4375 #107  
RIVERDALE, UT 84405  
(801) 686-4677  
davew.vaughn@aol.com  
<http://66.1.185.236/DaveVaughn>

### DISTRICT 12

**David Gregg Buxton**  
**REPUBLICAN**  
2383 W. 5750 S.  
ROY, UT 84067  
(801) 773-4380

**Dave Tafoya**  
**DEMOCRAT**  
4647 S. 2900 W.  
ROY, UT 84067  
(801) 774-5807  
DTAF14@aol.com

### DISTRICT 13

**Dana C. Love**  
**REPUBLICAN**  
1297 SOUTH 1100 WEST  
SYRACUSE, UT 84075  
(801) 776-4433  
dlove@mstar2.net

### DISTRICT 14

**Don E. Bush**  
**REPUBLICAN**  
138 LOCUST ST.  
CLEARFIELD, UT 84015  
(801) 825-3210

**Todd Dee Weber**  
**DEMOCRAT**  
488 E. 200 S. #A2  
CLEARFIELD, UT 84015  
(801) 825-5690  
rawlegold@msn.net

### DISTRICT 15

**Douglas C. Aagard**  
**REPUBLICAN**  
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KAYSVILLE, UT 84037  
(801) 546-3935  
daagard@utah.gov

**Don Kingsley**  
**LIBERTARIAN**  
1813 W. 2250 S.  
SYRACUSE, UT 84075  
(801) 776-5796  
donkingsley@msn.com

**Gibbs M. Smith**  
**DEMOCRAT**  
125 NORTH FLINT  
KAYSVILLE, UT 84037  
(801) 544-0121  
gibbs@gibbs-smith.com

### DISTRICT 16

**Stuart Adams**  
**REPUBLICAN**  
3271 E. 1875 N.  
LAYTON, UT 84040  
JSA@theAdamsCo.com

**Jon Roesler**  
**GREEN**  
2793 E. CHERRY LANE  
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**B.**

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**BALLOT ISSUES**

18

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# INSTRUCTIONS FOR READING THE TEXT OF THE BALLOT ISSUES

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(1) Underlined words and numbers represent new language being added or current language that is being moved from another section.

(2) Bracketed and lined-through words or numbers represent current language being deleted or current language that is being moved to another section.

(3) All other language is the current language, which is retained without change.

**Example:** (1) The members of the House of Representatives [~~after the first election,~~] shall be chosen biennially on even-numbered years by the qualified voters of the respective representative districts, on the first Tuesday after the first Monday in November [~~1896, and biennially thereafter~~].

**Present Language:** (1) The members of the House of Representatives, after the first election, shall be chosen by the qualified voters of the respective representative districts, on the first Tuesday after the first Monday in November, 1896, and biennially thereafter.

**Proposed Revision:** (1) The members of the House of Representatives shall be chosen biennially on even-numbered years by the qualified voters of the respective representative districts, on the first Tuesday after the first Monday in November.

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# CONSTITUTIONAL AMENDMENT NUMBER

# 1

## Resolution on Investment of State School Fund and Uniform School Fund

**Shall the Utah Constitution be amended to:**

- (1) **eliminate a requirement that a portion of the interest earnings of the State School Fund be retained in the Fund as a protection against the effects of inflation; and**
- (2) **provide that dividends from investment of the State School Fund may be spent to support the public education system?**

### IMPARTIAL ANALYSIS

Constitutional Amendment Number 1 amends the Education Article of the Utah Constitution in two ways. First, it repeals a provision requiring a portion of the interest earnings from the State School Fund to be kept in the Fund as a protection against the effects of inflation. Second, the Amendment provides that dividends from investment of the Fund may be spent for the support of the public education system.

#### Repeal of inflation provision

The Utah Constitution presently requires a portion of the interest earnings of the State School Fund to be kept in the Fund each year rather than made available to be spent for the support of the public education system. The amount required to be kept in the Fund is equal to the balance of the Fund at the end of each year multiplied by the rate of inflation. Constitutional Amendment Number 1 repeals that requirement. The effect of the repeal is that the amount of interest earnings that would have been kept in the Fund each year to protect against inflation will instead be available to be spent for the support of the public education system, which includes all public elementary and secondary schools.

#### Dividends

The Utah Constitution presently provides that only interest received from investment of the State School Fund may be spent for the support of the public education system. The term "interest" is commonly understood to mean money paid by a borrower to the lender for the use of the money. Some financial experts consider "interest" to be broad enough to include all forms of earnings, including dividends. The term "dividends" refers to distributions of profit that a corporation may make to the owners of its shares of stock. Constitutional Amendment Number 1 adds dividends received from investment of the State School Fund as money that may be spent for the support of the public education system. This Amendment will have no practical effect on the amount of money being spent in support of the public education system because the State Treasurer already interprets the Utah Constitution as allowing the expenditure

of dividends from investment of the Fund for the support of the public education system.

This dividend provision of Constitutional Amendment Number 1 raises a potential conflict with the United States Constitution. Utah's Enabling Act, passed by Congress in 1894 to authorize Utah to become a state, provides that "interest of [the State School Fund] only shall be expended for the support of" public schools. If courts interpret that language narrowly, the provision of Constitutional Amendment Number 1 allowing dividends to be spent for the support of public schools could be found to be inconsistent with Section 10 of the Enabling Act and, therefore, invalid under the United States Constitution. On the other hand, if courts interpret the language of Utah's Enabling Act broadly enough to include dividends, the provision of Constitutional Amendment Number 1 would not be in conflict with the United States Constitution.

#### Effective date

Constitutional Amendment Number 1 takes effect January 1, 2003.

#### Fiscal impact

The Legislative Fiscal Analyst demonstrates the potential fiscal impact of Constitutional Amendment Number 1 by using figures from fiscal year 2000, as an example. The 2000 fiscal year balance of the State School Fund was approximately \$213,000,000. That amount multiplied by the annual rate of inflation of 2.7% yields \$5,700,000 of interest earnings. If Constitutional Amendment Number 1 had been in effect for fiscal year 2000, that \$5,700,000 would have been available to be spent to support the public education system rather than added to the Fund's principal balance of \$213,000,000. Additionally, dividends for fiscal year 2000 were approximately \$3,400,000. Under Constitutional Amendment Number 1, that \$3,400,000 could clearly be spent to support the public education system.

Interest earnings and dividends are subject to economic and investment market conditions that can cause fluctuations in actual amounts that are available each year to be spent for the support of the public education system.

YES  
 NO

Senate: 25-0-4  
House: 70-0-5

## ARGUMENTS

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### **Argument For:**

This amendment was unanimously passed by both houses of the Utah Legislature and is enthusiastically supported by the State Treasurer, the Constitutional Revision Commission, the Utah State Board of Education, the Utah PTA, the Utah Education Association, the Utah Elementary and Secondary Principals Association, the Utah School Superintendents Association, and the Utah School Boards Association.

With the adoption of the Utah Constitution in 1896, the federal government granted certain federal lands to the State of Utah to help support public schools. The proceeds of land sales were required to be deposited into the permanent State School Fund, the principal of which must remain in the fund to provide for growth. The Constitution provided that interest earned on the State School Fund must be distributed to the public schools for their support.

In 1994, the State School Fund was entirely invested in interest-bearing bonds, the value of which is particularly vulnerable to inflation. For this reason, protection against the loss of fund value due to inflation was considered important. At that time, the Constitution was amended to require retention of sufficient interest from the bonds in the fund to prevent erosion of the fund due to inflation. A statutory change allowed significant portions of the State School Fund to be invested in equity securities which provide for better growth of principal and better protection from inflation. This new investment strategy has been highly successful, but the inflation protection amendment of 1994 has become redundant and now threatens to require that most or all of the income from the School Fund be added back to principal, leaving little or nothing to be distributed to the schools to support the education of children now in the school system.

Also, because some interest earnings in the State School Fund have been replaced over time with dividend earnings as the broader equity investment strategy has been implemented, it is desirable to amend the Constitution to allow dividend income to be treated the same as interest. This change will provide that all current income will be distributed to our schools as was originally intended even as growth occurs to the principal over time to protect the education of our future children.

Under current statutes, the income of the fund is directly sent to each individual school. Consequently, it is important to our schools for the fund to be able to distribute income, as well as to protect the fund against inflation to serve future school children. Given the equity strategy to preserve principal growth, the proposed amendment preserves this balance by providing that all interest and dividend income from the School Fund directly supports neighborhood schools and by removing the interest retention requirement. If this amendment is not passed, there will be many years during which little or no income will be distributed. Such an outcome would be contrary to the basic purpose of the Permanent School Fund.

**LYLE W. HILLYARD**  
SENATE DISTRICT #25

**EDWARD T. ALTER**  
STATE TREASURER

**STEVEN O. LAING**  
SUPERINTENDENT OF PUBLIC INSTRUCTION

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### **Argument Against:**

(No statement submitted.)

### **Rebuttal To Argument Against:**

(No statement submitted.)

### **Rebuttal To Argument for:**

(No statement submitted.)

CONSTITUTIONAL AMENDMENT NUMBER 1

**This joint resolution proposes to amend the Education Article of the Utah Constitution. The joint resolution eliminates a requirement that a portion of interest earnings from the State School Fund, equal to the rate of inflation, be retained in the fund and also eliminates related language. The joint resolution expands what may be expended to support the public education system to include dividends. The joint resolution also directs the lieutenant governor to submit this proposal to voters, makes technical changes, and provides an effective date.**

This resolution proposes to change the Utah Constitution as follows:  
AMENDS:

**ARTICLE X, SECTION 5**

*Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:*  
Section 1. It is proposed to amend Utah Constitution Article X, Section 5, to read:

**Article X, Section 5. [State School Fund and Uniform School Fund — Establishment and use — Debt guaranty.]**

- (1) There is established a permanent State School Fund which shall consist of revenue from the following sources:
- (a) proceeds from the sales of all lands granted by the United States to this state for the support of the public elementary and secondary schools;
  - (b) 5% of the net proceeds from the sales of United States public lands lying within this state;
  - (c) all revenues derived from nonrenewable resources on state lands, other than sovereign lands and lands granted for other specific purposes;
  - (d) all revenues derived from the use of school trust lands;
  - (e) revenues appropriated by the Legislature; and
  - (f) other revenues and assets received by the fund under any other provision of law or by bequest or donation.
- (2) (a) The State School Fund principal shall be safely invested and held by the state in perpetuity.
- (b) Only the interest and dividends received from investment of the State School Fund may be expended for the support of the public education system as defined in Article X, Section 2 of this constitution.
- (c) The Legislature may make appropriations from school trust land revenues to provide funding necessary for the proper administration and management of those lands consistent with the state's fiduciary responsibilities towards the beneficiaries of the school land trust. Unexpended balances remaining from the appropriation at the end of each fiscal year shall be deposited in the State School Fund. ~~[A portion of the interest earnings of the State School Fund, in an amount equal to the total balance in the State School Fund at the close of each calendar year multiplied by the annual rate of inflation for the preceding year, as determined by the state treasurer, shall be retained in the State School Fund and added to the principal.]~~
- (d) The State School Fund shall be guaranteed by the state against loss or diversion.
- (3) There is established a Uniform School Fund which shall consist of revenue from the following sources:
- (a) interest and dividends from the State School Fund ~~[remaining after deduction of the amount retained in the State School Fund to protect the fund against losses due to inflation];~~

- (b) revenues appropriated by the Legislature; and
- (c) other revenues received by the fund under any other provision of law or by donation.

(4) The Uniform School Fund shall be maintained and used for the support of the state's public education system as defined in Article X, Section 2 of this constitution and apportioned as the Legislature shall provide.

(5) (a) The state may guarantee the debt of school districts created in accordance with Article XIV, Section 3, and may guarantee debt incurred to refund the school district debt. Any debt guaranty, the school district debt guaranteed thereby, or any borrowing of the state undertaken to facilitate the payment of the state's obligation under any debt guaranty shall not be included as a debt of the state for purposes of the 1.5% limitation of Article XIV, Section 1.

(b) The Legislature may provide that reimbursement to the state shall be obtained from monies which otherwise would be used for the support of the educational programs of the school district which incurred the debt with respect to which a payment under the state's guaranty was made.

**Section 2. Submittal to voters.**

The lieutenant governor is directed to submit this proposed amendment to the voters of the state at the next regular general election in the manner provided by law.

**Section 3. Effective date.**

If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2003.

# CONSTITUTIONAL AMENDMENT NUMBER

# 2

## Joint Resolution on Changes to County Boundaries

**Shall the Utah Constitution be amended to:**

- (1) **authorize counties sharing a common boundary to make a minor adjustment, as defined by statute, to the common boundary; and**
- (2) **for any other move of part of one county to another:**
  - (a) **require a vote of the entire county from which the area is proposed to be moved rather than just the area proposed to be moved; and**
  - (b) **clarify that the move must be approved by a majority of those who actually vote on the proposal, not a majority of all registered voters?**

**YES**  
 **NO**

Senate: 23-0-6  
 House: 63-0-12

### IMPARTIAL ANALYSIS

Constitutional Amendment Number 2 amends the Utah Constitution in two ways. First, it authorizes counties sharing a common boundary to make a minor adjustment, as defined by statute, to their common boundary. Second, the amendment changes and clarifies the vote required to approve any other proposal to move part of one county to another.

**Minor adjustment of common boundary**

The Utah Constitution presently requires each proposal to move part of one county to another to be approved by voters. Constitutional Amendment Number 2 provides an exception to that vote requirement in cases where counties sharing a common boundary make a minor adjustment, as defined by statute, to the common boundary. Under Constitutional Amendment Number 2, a minor adjustment to a common boundary could be accomplished by joint action of the county legislative body (county council or county commission) of each county sharing the common boundary. The boundary adjustment would not require voter approval.

**Change and clarification of vote required for a move of part of one county to another, other than a minor adjustment of common boundary**

The Utah Constitution presently requires each proposal to move part of one county to another to be approved by voters living in the area proposed to be moved and in the county to which the area is proposed to be moved. The vote required is a majority of voters living in those areas.

Constitutional Amendment Number 2 continues to require a proposal to move part of one county to another, other than a minor adjustment of a common boundary, to be approved by voters living in the county to which the area is proposed to be moved. However, the Amendment changes the vote required in the county from which the area is proposed to be moved. The Amendment requires the move to be approved by voters living throughout the entire county, rather than just voters within the area proposed to be moved. The effect of this change is that voters

throughout the entire county from which the area is proposed to be moved will be constitutionally required to have an opportunity to vote on the proposed move. The present statutory provisions that apply to most proposals to move an area from one county to another are consistent with Constitutional Amendment Number 2. However, the Amendment will invalidate some statutory provisions that in limited cases require a move to be approved only by voters within the area proposed to be moved.

Constitutional Amendment Number 2 also clarifies that a move of part of one county to another, other than a minor adjustment of a common boundary, is required to be approved by a majority of those who vote on the proposal rather than a majority of all registered voters residing in the area, whether they voted or not.

**Legislation effective on passage of Constitutional Amendment Number 2**

S.B. 80, Adjustments of County Boundaries, 2002 General Session, will become law on January 1, 2003, if Constitutional Amendment Number 2 is approved by voters. S.B. 80 authorizes counties sharing a common boundary to adjust the boundary up to 1,000 feet from its existing location. S.B. 80 also provides a procedure for the county legislative body (county council or county commission) of each affected county to follow in making a boundary adjustment.

**Effective date**

Constitutional Amendment Number 2 takes effect January 1, 2003.

**Fiscal impact**

If a boundary adjustment occurs under the authority of Constitutional Amendment Number 2, any property and sales tax revenues that would have gone to the county from which the area was moved will, after the boundary adjustment, go to the county to which the area is moved.

## ARGUMENTS

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### **Argument For:**

Vote FOR Constitutional Amendment Number 2. It will give counties an efficient way to solve problems such as subdivision lots that are partly in one county and partly in another. It will also establish more common sense vote requirements for proposals to move significant parts of one county to another.

Constitutional Amendment Number 2 allows counties sharing a common boundary to make a minor adjustment to the common boundary. Currently the Utah Constitution requires any change of a county boundary, no matter how minor, to be approved by voters. Minor uncontested boundary changes simply do not justify the enormous expense of a countywide election. This Amendment would allow counties to make those minor adjustments through their elected officials without having to incur the substantial expense of an election.

Under Constitutional Amendment Number 2, all other proposals to move part of one county to another would continue to be subject to voter approval. But the Amendment would change that vote requirement to make better sense. Currently the Utah Constitution requires a proposed move of one part of a county to another to be approved by a majority of all voters living in the affected areas, not just a majority of those who actually vote on the proposal. This requirement creates an almost impossible hurdle to overcome. For example, if a county has 10,000 registered voters but only 6,000 actually cast a vote on a proposed move, the move would not be approved unless over 80% of those voting vote in favor of the move! Constitutional Amendment Number 2 changes the requirement so that a move may be approved by a majority of those actually voting on the proposal. This is consistent with standard voting requirements.

Constitutional Amendment Number 2 allows minor adjustments of county boundaries to occur in an efficient manner and brings common sense to the vote requirement for all other movements of part of one county to another.

Vote FOR Constitutional Amendment Number 2.

**SENATOR CARLENE M. WALKER**

### **Argument Against:**

(No statement submitted.)

### **Rebuttal To Argument Against:**

(No statement submitted.)

### **Rebuttal To Argument for:**

(No statement submitted.)



## COMPLETE TEXT CONSTITUTIONAL AMENDMENT NUMBER 2

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### CONSTITUTIONAL AMENDMENT NUMBER 2

This joint resolution of the Legislature proposes to amend the Utah Constitution to allow counties sharing a common boundary to make a minor adjustment to the boundary. This joint resolution also modifies the class of those who are required to vote for a county annexation that is not a minor boundary adjustment. The joint resolution modifies the vote required to approve a county annexation that is not a minor boundary adjustment. The joint resolution directs the lieutenant governor to submit the proposal to voters, makes technical changes, and provides an effective date.

This resolution proposes to change the Utah Constitution as follows:

AMENDS:

#### ARTICLE XI, SECTION 3

*Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:*

Section 1. It is proposed to amend Utah Constitution Article XI, Section 3, to read:

#### Article XI, Section 3. [Changing county lines.]

~~[(No)]~~ (1) ~~Except as provided in Subsection (2), no territory [shall] may be stricken from any county unless a majority of the voters living in [such territory] that county who vote on the proposition, as well as a majority of the voters living in the county to which it is to be annexed who vote on the proposition, shall vote therefor, and then only under such conditions as may be prescribed by general law.~~

(2) Counties sharing a common boundary may, through their county legislative bodies, make a minor adjustment, as defined by statute, to the common boundary.

#### Section 2. **Submittal to voters.**

The lieutenant governor is directed to submit this proposed amendment to the voters of the state at the next regular general election in the manner provided by law.

#### Section 3. **Effective date.**

If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2003.

# CONSTITUTIONAL AMENDMENT NUMBER

# 3

## Resolution Amending Revenue and Taxation Provisions of Utah Constitution

**Shall the Utah Constitution be amended to:**

- (1) **reorganize and clarify the Revenue and Taxation Article; and**
- (2) **change the membership of county boards of equalization from county commissioners to elected county officials as provided by statute?**

**IMPARTIAL ANALYSIS**

Constitutional Amendment Number 3 amends the Revenue and Taxation Article of the Utah Constitution in two ways. First, it reorganizes and clarifies the Article. Second, it changes the membership of county boards of equalization from county commissioners to “elected county officials as provided by statute.”

**Reorganization and clarification of the Article on Revenue and Taxation**

Constitutional Amendment Number 3 rewrites and reorganizes the present 12 sections of the Revenue and Taxation Article of the Utah Constitution into 8 sections. In intent language accompanying Constitutional Amendment Number 3, the Legislature stated that, with one exception, the Amendment is not intended to change the substance of the present provisions of the Revenue and Taxation Article but is intended to reorganize, clarify, and simplify those provisions. The only substantive change is the change in the membership of county boards of equalization, as explained below.

**Change in membership of county boards of equalization**

The present Revenue and Taxation Article of the Utah Constitution contains a provision that requires each county to have a county board of equalization. A county board of equalization is a county body that hears property tax appeals and works to make sure that property values for tax purposes reflect actual values and that the tax burden is distributed fairly within the boundaries of a taxing entity. The Utah Constitution presently states that each county board of equalization consists of the county commissioners.

Constitutional Amendment Number 3 maintains the requirement that each county have a county board of equalization but provides that the board of equalization shall consist of elected county officials as provided by statute. Some counties of the state have a form of government that does not include a county commission. For those counties, the present requirement that the board of equalization consist of county commissioners

is meaningless. The effect of Constitutional Amendment Number 3 is to allow the Legislature to provide by statute for the membership of county boards of equalization, rather than have the Utah Constitution set that membership.

**Effective date**

Constitutional Amendment Number 3 takes effect January 1, 2003.

**Fiscal impact**

Constitutional Amendment Number 3 has no fiscal impact on state or local government.

**YES**

**NO**

Senate: 24-0-5  
House: 69-0-6

## ARGUMENTS

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### **Argument For:**

Vote FOR Constitutional Amendment Number 3. Utahns deserve to have a tax article that can be understood by everyone, not just the tax experts.

Constitutional Amendment Number 3 is a rewrite of the confusing and complicated Revenue and Taxation Article of the Utah Constitution. That Article is the most amended article of the Utah Constitution. The numerous amendments over the past 100 years have created a patchwork of confusing and complicated provisions that only a tax expert can understand... and even they dispute the meaning of several key provisions of the Article. It is time for the fundamental principles contained in the Revenue and Taxation Article to be reorganized and rewritten in clear and understandable language.

Constitutional Amendment Number 3 is the product of two years of careful and thoughtful study by the Utah Constitutional Revision Commission. The Commission recognized the need for better organization and greater clarity in the Revenue and Taxation Article and devoted considerable time and energy to producing Constitutional Amendment Number 3. The Commission sought advice and input from over 60 tax experts and other interested parties throughout the state, including the Utah Tax Review Commission, the Utah State Tax Commission, the Utah Taxpayers Association, the Utah Manufacturers Association, the Utah Mining Association, the AFL-CIO, the Utah Association of Certified Public Accountants, the Utah Association of Counties, the Utah League of Cities and Towns, the Utah Association of Special Districts, and other prominent tax practitioners, tax law professors, and state and local government representatives.

The Commission's goal was to reorganize, clarify, and simplify the Revenue and Taxation Article, but without making any change to its substance. Drafts of the proposed rewrite were circulated on numerous occasions to all the tax experts and other interested parties mentioned above; the Commission sought and received their input and suggestions over a two-year period. The Commission revised and refined draft after draft until they were satisfied that their goal was achieved and all the interested parties' concerns had been addressed.

The only substantive change made by Constitutional Amendment Number 3 is one that was necessary because the various modern forms of county government do not match up with the current constitution's requirement for the makeup of county boards of equalization.

Constitutional Amendment Number 3 is needed to clarify and simplify the confusing and complicated Revenue and Taxation Article. It makes the tax provisions of the Utah Constitution understandable by everyone.

Vote FOR Constitutional Amendment Number 3.

**SENATOR JOHN L. VALENTINE**

### **Argument Against:**

(No statement submitted.)

### **Rebuttal To Argument Against:**

(No statement submitted.)

### **Rebuttal To Argument for:**

(No statement submitted.)

CONSTITUTIONAL AMENDMENT NUMBER 3

This joint resolution of the Legislature proposes to amend the Revenue and Taxation Article of the Utah Constitution. This joint resolution modernizes the makeup of County Boards of Equalization to accommodate current county governmental structure. This joint resolution clarifies and reorganizes provisions relating to revenue and taxation and makes technical changes. This joint resolution directs the lieutenant governor to submit the proposal to voters and provides an effective date. This joint resolution provides a coordination clause.

This resolution proposes to change the Utah Constitution as follows:  
AMENDS:

ARTICLE XIII, SECTION 1

ENACTS:

ARTICLE XIII, SECTION 4

ARTICLE XIII, SECTION 7

ARTICLE XXII, SECTION 5

REPEALS AND REENACTS:

ARTICLE XIII, SECTION 2

ARTICLE XIII, SECTION 3

ARTICLE XIII, SECTION 5

ARTICLE XIII, SECTION 6

ARTICLE XIII, SECTION 8

REPEALS:

ARTICLE XIII, SECTION 9

ARTICLE XIII, SECTION 10

ARTICLE XIII, SECTION 11

ARTICLE XIII, SECTION 12

ARTICLE XIII, SECTION 13

ARTICLE XIII, SECTION 14

*Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:*

Section 1. It is proposed to amend Utah Constitution Article XIII, Section 1, to read:

**Article XIII, Section 1. [Fiscal year.]**

The Legislature shall by statute establish the fiscal year of the State.

Section 2. It is proposed to repeal and reenact Utah Constitution Article XIII, Section 2, to read:

**Article XIII, Section 2. [Property tax.]**

~~[(1) All tangible property in the state, not exempt under the laws of the United States, or under this Constitution, shall be taxed at a uniform and equal rate in proportion to its value, to be ascertained as provided by law.]~~

~~[(2) The following are property tax exemptions:]~~

~~[(a) the property of the state, school districts, and public libraries;]~~

~~[(b) the property of counties, cities, towns, special districts, and all other political subdivisions of the state, except that to the extent and in the manner provided by the Legislature the property of a county, city, town, special district, or other political subdivision of the state located outside of its geographic boundaries as defined by law may be subject to the ad valorem property tax;]~~

~~[(c) property owned by a nonprofit entity which is used exclusively for religious, charitable, or educational purposes;]~~

~~[(d) places of burial not held or used for private or corporate benefit; and]~~

~~[(e) farm equipment and farm machinery as defined by statute. This exemption shall be implemented over a period of time as provided by statute.]~~

~~[(3) Tangible personal property present in Utah on January 1, held for~~

~~sale or processing and which is shipped to final destination outside this state within twelve months may be deemed by law to have acquired no situs in Utah for purposes of ad valorem property taxation and may be exempted by law from such taxation, whether manufactured, processed or produced or otherwise originating within or without the state.]~~

~~[(4) Tangible personal property present in Utah on January 1, held for sale in the ordinary course of business and which constitutes the inventory of any retailer, or wholesaler or manufacturer or farmer, or livestock raiser may be deemed for purposes of ad valorem property taxation to be exempted.]~~

~~[(5) Water rights, ditches, canals, reservoirs, power plants, pumping plants, transmission lines, pipes and flumes owned and used by individuals or corporations for irrigating land within the state owned by such individuals or corporations, or the individual members thereof, shall be exempted from taxation to the extent that they shall be owned and used for such purposes.]~~

~~[(6) Power plants, power transmission lines and other property used for generating and delivering electrical power, a portion of which is used for furnishing power for pumping water for irrigation purposes on lands in the state of Utah, may be exempted from taxation to the extent that such property is used for such purposes. These exemptions shall accrue to the benefit of the users of water so pumped under such regulations as the Legislature may prescribe.]~~

~~[(7) The taxes of the poor may be remitted or abated at such times and in such manner as may be provided by law.]~~

~~[(8) The Legislature may provide by law for the exemption from taxation: of not to exceed 45% of the fair market value of residential property as defined by law; and all household furnishings, furniture, and equipment used exclusively by the owner thereof at his place of abode in maintaining a home for himself and family.]~~

~~[(9) Property owned by disabled persons who were disabled in the line of duty during any war, international conflict, or military training in the military service of the United States or of the state of Utah and by the unmarried surviving spouses and minor orphans of such disabled persons or of persons who during any war, international conflict, or military training in the military service of the United States or the state of Utah were killed in action or died in the line of duty as a result of such service may be exempted as the Legislature may provide.]~~

~~[(10) Intangible property may be exempted from taxation as property or it may be taxed as property in such manner and to such extent as the Legislature may provide, but if taxed as property the income therefrom shall not also be taxed. Provided that if intangible property is taxed as property the rate thereof shall not exceed five mills on each dollar of valuation.]~~

~~[(11) The Legislature shall provide by law for an annual tax sufficient, with other sources of revenue, to defray the estimated ordinary expenses of the state for each fiscal year. For the purpose of paying the state debt, if any there be, the Legislature shall provide for levying a tax annually, sufficient to pay the annual interest and to pay the principal of such debt, within twenty years from the final passage of the law creating the debt.]~~

~~(1) So that each person and corporation pays a tax in proportion to the fair market value of his, her, or its tangible property, all tangible property in the State that is not exempt under the laws of the United States or under this Constitution shall be:~~

~~(a) assessed at a uniform and equal rate in proportion to its fair market value, to be ascertained as provided by law; and~~

~~(b) taxed at a uniform and equal rate.~~

~~(2) Each corporation and person in the State or doing business in the State is subject to taxation on the tangible property owned or used by~~

the corporation or person within the boundaries of the State or local authority levying the tax.

(3) The Legislature may provide by statute that land used for agricultural purposes be assessed based on its value for agricultural use.

(4) The Legislature may by statute determine the manner and extent of taxing livestock.

(5) The Legislature may by statute determine the manner and extent of taxing or exempting intangible property, except that any property tax on intangible property may not exceed .005 of its fair market value. If any intangible property is taxed under the property tax, the income from that property may not also be taxed.

(6) Tangible personal property required by law to be registered with the State before it is used on a public highway or waterway, on public land, or in the air may be exempted from property tax by statute. If the Legislature exempts tangible personal property from property tax under this Subsection (6), it shall provide for the payment of uniform statewide fees or uniform statewide rates of assessment or taxation on that property in lieu of the property tax. The fair market value of any property exempted under this Subsection (6) shall be considered part of the State tax base for determining the debt limitation under Article XIV, Section 3. It is proposed to repeal and reenact Utah Constitution Article XIII, Section 3, to read:

**Article XIII, Section 3. [Property tax exemptions.]**

~~[(1) The Legislature shall provide by law a uniform and equal rate of assessment on all tangible property in the state, according to its value in money, except as otherwise provided in Section 2 of this Article. The Legislature shall prescribe by law such provisions as shall secure a just valuation for taxation of such property, so that every person and corporation shall pay a tax in proportion to the value of his, her, or its tangible property, provided that the Legislature may determine the manner and extent of taxing livestock.]~~

~~[(2) Land used for agricultural purposes may, as the Legislature prescribes, be assessed according to its value for agricultural use without regard to the value it may have for other purposes.]~~

(1) The following are exempt from property tax:

- (a) property owned by the State;
- (b) property owned by a public library;
- (c) property owned by a school district;
- (d) property owned by a political subdivision of the State, other than a school district, and located within the political subdivision;
- (e) property owned by a political subdivision of the State, other than a school district, and located outside the political subdivision unless the Legislature by statute authorizes the property tax on that property;
- (f) property owned by a nonprofit entity used exclusively for religious, charitable, or educational purposes;
- (g) places of burial not held or used for private or corporate benefit; (h) farm equipment and farm machinery as defined by statute; and
- (i) water rights, reservoirs, pumping plants, ditches, canals, pipes, flumes, power plants, and transmission lines to the extent owned and used by an individual or corporation to irrigate land that is:
  - (i) within the State; and
  - (ii) owned by the individual or corporation, or by an individual member of the corporation.

(2) (a) The Legislature may by statute exempt the following from property tax:

- (i) tangible personal property constituting inventory present in the State on January 1 and held for sale in the ordinary course of business;
- (ii) tangible personal property present in the State on January 1 and held for sale or processing and shipped to a final destination outside the State within 12 months;

(iii) subject to Subsection (2)(b), property to the extent used to generate and deliver electrical power for pumping water to irrigate lands in the State;

(iv) up to 45% of the fair market value of residential property, as defined by statute; and

(v) household furnishings, furniture, and equipment used exclusively by the owner of that property in maintaining the owner's home.

(b) The exemption under Subsection (2)(a)(iii) shall accrue to the benefit of the users of pumped water as provided by statute.

(3) The following may be exempted from property tax as provided by statute:

(a) property owned by a disabled person who, during military training or a military conflict, was disabled in the line of duty in the military service of the United States or the State; and;

(b) property owned by the unmarried surviving spouse or the minor orphan of a person who:

(i) is described in Subsection (3)(a); or

(ii) during military training or a military conflict, was killed in action or died in the line of duty in the military service of the United States or the State.

(4) The Legislature may by statute provide for the remission or abatement of the taxes of the poor.

Section 4. It is proposed to enact Utah Constitution Article XIII, Section 4, to read:

**Article XIII, Section 4. [Other taxes.]**

(1) Nothing in this Constitution may be construed to prevent the Legislature from providing by statute for taxes other than the property tax and for deductions, exemptions, and offsets from those other taxes.

(2) In a statute imposing an income tax, the Legislature may:

(a) define the amount on which the tax is imposed by reference to a provision of the laws of the United States as from time to time amended; and

(b) modify or provide exemptions to a provision referred to in Subsection (2)(a).

Section 5. It is proposed to repeal and reenact Utah Constitution Article XIII, Section 5, to read:

**Article XIII, Section 5. [Use and amount of taxes and expenditures.]**

~~[(1) The Legislature may not impose taxes for the purpose of any county, city, town, school district, or other political subdivision of the State, but may, by statute, vest in the governing bodies thereof, respectively, the power to assess and collect taxes for all purposes of such political subdivision.]~~

~~[(2) Notwithstanding anything to the contrary contained in this Constitution, political subdivisions may share their tax and other revenues with other political subdivisions as provided by statute and the State may guarantee the debt of school districts and may guarantee debt incurred to refund the school district debt as provided in Article X, Section 5.]~~

(1) The Legislature shall provide by statute for an annual tax sufficient, with other revenues, to defray the estimated ordinary expenses of the State for each fiscal year.

(2) (a) For any fiscal year, the Legislature may not make an appropriation or authorize an expenditure if the State's expenditure exceeds the total tax provided for by statute and applicable to the particular appropriation or expenditure.

(b) Subsection (2)(a) does not apply to an appropriation or expenditure to suppress insurrection, defend the State, or assist in defending the United States in time of war.

(3) For any debt of the State, the Legislature shall provide by statute for an annual tax sufficient to pay:

## COMPLETE TEXT CONSTITUTIONAL AMENDMENT NUMBER 3 (continued)

(a) the annual interest; and

(b) the principal within 20 years after the final passage of the statute creating the debt.

(4) Except as provided in Article X, Section 5, Subsection (5)(a), the Legislature may not impose a tax for the purpose of a political subdivision of the State, but may by statute authorize political subdivisions of the State to assess and collect taxes for their own purposes.

(5) All revenue from taxes on intangible property or from a tax on income shall be used to support the systems of public education and higher education as defined in Article X, Section 2.

(6) Proceeds from fees, taxes, and other charges related to the operation of motor vehicles on public highways and proceeds from an excise tax on liquid motor fuel used to propel those motor vehicles shall be used for:

(a) statutory refunds and adjustments and costs of collection and administration;

(b) the construction, maintenance, and repair of State and local roads, including payment for property taken for or damaged by rights-of-way and for associated administrative costs;

(c) driver education;

(d) enforcement of state motor vehicle and traffic laws; and

(e) the payment of the principal of and interest on any obligation of the State or a city or county, issued for any of the purposes set forth in Subsection (6)(b) and to which any of the fees, taxes, or other charges described in this Subsection (6) have been pledged, including any paid to the State or a city or county, as provided by statute.

(7) Fees and taxes on tangible personal property imposed under Section 2, Subsection

(6) of this article are not subject to Subsection (6) of this Section 5 and shall be distributed to the taxing districts in which the property is located in the same proportion as that in which the revenue collected from real property tax is distributed.

(8) A political subdivision of the State may share its tax and other revenues with another political subdivision of the State as provided by statute.

Section 6. It is proposed to repeal and reenact Utah Constitution Article XIII, Section 6, to read:

### **Article XIII, Section 6. [State Tax Commission.]**

[An accurate statement of the receipts and expenditures of the public moneys, shall be published annually in such manner as the Legislature may provide.]

(1) There shall be a State Tax Commission consisting of four members, not more than two of whom may belong to the same political party.

(2) With the consent of the Senate, the Governor shall appoint the members of the State Tax Commission for such terms as may be provided by statute.

(3) The State Tax Commission shall:

(a) administer and supervise the State's tax laws;

(b) assess mines and public utilities and have such other powers of original assessment as the Legislature may provide by statute;

(c) adjust and equalize the valuation and assessment of property among the counties;

(d) as the Legislature provides by statute, review proposed bond issues, revise local tax levies, and equalize the assessment and valuation of property within the counties; and

(e) have other powers as may be provided by statute.

(4) Notwithstanding the powers granted to the State Tax Commission in this Constitution, the Legislature may by statute authorize any court established under Article VIII to adjudicate, review, reconsider, or re-determine any matter decided by the State Tax Commission relating to rev-

enue and taxation.

Section 7. It is proposed to enact Utah Constitution Article XIII, Section 7, to read:

### **Article XIII, Section 7. [County boards of equalization.]**

(1) In each county, there shall be a county board of equalization consisting of elected county officials as provided by statute.

(2) Each county board of equalization shall adjust and equalize the valuation and assessment of the real and personal property within its county, subject to the State Tax Commission's regulation and control as provided by law.

(3) The county boards of equalization shall have other powers as may be provided by statute.

(4) Notwithstanding the powers granted to the State Tax Commission in this Constitution, the Legislature may by statute authorize any court established under Article VIII to adjudicate, review, reconsider, or re-determine any matter decided by a county board of equalization relating to revenue and taxation.

Section 8. It is proposed to repeal and reenact Utah Constitution Article XIII, Section 8, to read:

### **Article XIII, Section 8. [Annual statement.]**

[The making of profit out of public moneys, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law, but part of such punishment shall be disqualification to hold public office.]

The State shall publish annually an accurate statement of the receipt and expenditure of public money in a manner provided by statute.

Section 9. It is proposed to repeal Utah Constitution Article XIII, Section 9:

### **Article XIII, Section 9. [State expenditure to be kept within revenues.]**

[No appropriation shall be made or any expenditure authorized by the Legislature if the expenditure of the State, during any fiscal year, shall exceed the total tax then provided for by law and applicable for the particular appropriation or expenditure, unless the Legislature making the appropriation shall provide for levying a sufficient tax to pay the appropriation or expenditure within the current fiscal year. This provision shall not apply to appropriations or expenditures to suppress insurrections, defend the State, or assist in defending the United States in time of war.]

Section 10. It is proposed to repeal Utah Constitution Article XIII, Section 10:

### **Article XIII, Section 10. [All property taxable where situated.]**

[All corporations or persons in this State, or doing business herein, shall be subject to taxation for State, County, School, Municipal or other purposes, on the real and personal property owned or used by them within the Territorial limits of the authority levying the tax.]

Section 11. It is proposed to repeal Utah Constitution Article XIII, Section 11:

### **Article XIII, Section 11. [Creation of State Tax Commission—Membership—Governor to appoint—Terms—Duties—County boards—Duties.]**

[(1) There shall be a State Tax Commission consisting of four members, not more than two of whom shall belong to the same political party.]

[(2) The members of the Commission shall be appointed by the Governor, by and with the consent of the Senate, for such terms of office as may be provided by law.]

[(3) (a) The State Tax Commission shall administer and supervise the tax laws of the State.]

[(b) It shall assess mines and public utilities and adjust and equalize the valuation and assessment of property among the several counties.]

[(c) It shall have such other powers of original assessment as the Legislature may provide.]

[(d) Under such regulations in such cases and within such limitations as the Legislature may prescribe, it shall review proposed bond issues, revise the tax levies of local governmental units, and equalize the

assessment and valuation of property within the counties;]

~~[(4) The duties imposed upon the State Board of Equalization by the Constitution and Laws of this State shall be performed by the State Tax Commission;]~~

~~[(6) Notwithstanding the powers granted to the State Tax Commission in this Constitution, the Legislature may authorize any court established under Article VIII to adjudicate, review, reconsider, or redetermine any matter decided by the State Tax Commission or by a County Board of Equalization relating to revenue and taxation as provided by statute;]~~

~~[(6) In each county of this State there shall be a County Board of Equalization consisting of the Board of County Commissioners of said county;]~~

~~[(7) The County Boards of Equalization shall adjust and equalize the valuation and assessment of the real and personal property within their respective counties, subject to such regulation and control by the State Tax Commission as may be prescribed by law;]~~

~~[(8) The State Tax Commission and the County Boards of Equalization shall each have such other powers as may be prescribed by the Legislature;]~~

Section 12. It is proposed to repeal Utah Constitution Article XIII, Section 12:

**Article XIII, Section 12. [Stamp, income, occupation, license or franchise tax permissible — Reference to United States laws in imposition of income taxes — Income or intangible property taxes allocated to public education system and higher education system.]**

~~[(1) Nothing in this Constitution shall be construed to prevent the Legislature from providing a stamp tax, or a tax based on income, occupation, licenses, franchises, or other tax provided by law. The Legislature may provide for deductions, exemptions, or offsets on any tax based upon income, occupation, licenses, franchises, or other tax as provided by law pursuant to this section;]~~

~~[(2) Notwithstanding any provision of this Constitution, the Legislature, in any law imposing income taxes, may define the amount on, in respect to, or by which the taxes are imposed or measured, by reference to any provision of the laws of the United States as the same may be or become effective at any time or from time to time and may prescribe exemptions or modifications to any such provision;]~~

~~[(3) All revenue received from taxes on income or from taxes on intangible property shall be allocated to the support of the public education system and the higher education system as defined in Article X, Section 2 of this Constitution;]~~

Section 13. It is proposed to repeal Utah Constitution Article XIII, Section 13: **Article XIII, Section 13. [Revenue from highway user and motor fuel taxes to be used for highway purposes.]**

~~[The proceeds from the imposition of any license tax, registration fee, driver education tax, or other charge related to the operation of any motor vehicle upon any public highway in this State, and the proceeds from the imposition of any excise tax on gasoline or other liquid motor fuels used for propelling such vehicle, except for statutory refunds and adjustments allowed thereunder and for costs of collection and administration, shall be used exclusively for highway purposes as follows:]~~

~~[(1) the construction, improvement, repair and maintenance of city streets, county roads, and State highways, including but not restricted to payment for property taken for or damaged by rights-of-way, and for administrative costs necessarily incurred for said purposes;]~~

~~[(2) the administration of a driver education program;]~~

~~[(3) the enforcement of State motor vehicle and traffic laws; and]~~

~~[(4) the payment of the principal of and interest on any obligation of the State or any city or county, issued for any of the highway purposes set forth in Subsection (1), and to which any of the proceeds described in~~

~~this section have been pledged, including any of such proceeds paid to the State or any city or county, as provided by statute;]~~

Section 14. It is proposed to repeal Utah Constitution Article XIII, Section 14: **Article XIII, Section 14. [Tangible personal property tax exemption.]**

~~[Aircraft, watercraft, motor vehicles, and other tangible personal property, not otherwise exempt under the laws of the United States or under this Constitution, may be exempted from taxation as property by the Legislature. In the exercise of the discretion granted under this section, however, the legislature may only exempt tangible personal property that is required by law to be registered with the state before it is used on a public highway, on a public waterway, on public land, or in the air. If the legislature exempts tangible personal property from taxation under this section, it shall provide for uniform statewide fees or uniform statewide rates of assessment or levy in lieu of the tax on such property. The value of any tangible personal property exempted from taxation, however, shall remain and be considered as part of the state tax base for the purpose of determining debt limitations as set forth in Article XIV of this Constitution. The proceeds from such a tax or fee are not subject to Sec. 13 of this Article and shall be distributed to the taxing districts in which the exempted property is located in the same proportion as the revenue collected from real property tax is distributed to such districts;]~~

Section 15. It is proposed to enact Utah Constitution Article XXII, Section 5, to read:

**Article XXII, Section 5. [Officers may not profit.]**

Each public officer who makes a profit from public money or uses public money for a purpose not authorized by law shall be guilty of a felony and shall be punished as provided by law, but part of the punishment shall be disqualification to hold public office.

Section 16. **Submittal to voters.**

The lieutenant governor is directed to submit this proposed amendment to the voters of the state at the next regular general election in the manner provided by law.

Section 17. **Effective date.**

If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2003.

Section 18. **Coordination clause.**

If this joint resolution and H.J.R. 30, Resolution to Expand the Government Property Tax Exemption, both pass and are approved by a majority of those voting on the joint resolutions at the next regular general election, it is the intent of the Legislature and the people of the state that the Office of Legislative Research and General Counsel, in preparing the Utah Constitution database for publication, combine and coordinate the amendments made to Article XIII in H.J.R. 30 with Subsection (3) of Article XIII, Section 3, as set forth in this joint resolution, so that Subsection (3) of Article XIII, Section 3, as coordinated with the amendments made in H.J.R. 30, reads as follows:

“(3) The following may be exempted from property tax as provided by statute:

(a) property owned by a disabled person who, during military training or a military conflict, was disabled in the line of duty in the military service of the United States or the State;

(b) property owned by the unmarried surviving spouse or the minor orphan of a person who:

(i) is described in Subsection (3)(a); or

(ii) during military training or a military conflict, was killed in action or died in the line of duty in the military service of the United States or the State; and

(c) property that is not owned but is used, controlled, and possessed by the State or a political subdivision of the State.”

# CONSTITUTIONAL AMENDMENT NUMBER

# 4

## Resolution Requiring Public Notice Prior to Special Sessions

**Shall the Utah Constitution be amended to prohibit the Legislature from transacting legislative business during a special session unless the Governor gives 48 hours advance public notice of that legislative business, except:**

- (1) **in cases of declared emergency; or**
- (2) **with the approval of two-thirds of all members of the Utah Senate and House of Representatives?**

### IMPARTIAL ANALYSIS

Constitutional Amendment Number 4 amends the Utah Constitution to prohibit the Legislature from transacting legislative business during a session convened by the Governor unless the Governor gives 48 hours advance public notice of that legislative business. Under Constitutional Amendment Number 4, the Legislature may transact legislative business without 48 hours advance public notice only in the case of declared emergency or with the consent of two-thirds of all members of the Utah Senate and House of Representatives.

### Current law

The Utah Constitution presently authorizes the Governor, on extraordinary occasions, to convene the Legislature into session by proclamation. The Governor is required to state in the proclamation the purpose for which the Legislature is to be convened. The Utah Constitution prohibits the Legislature from transacting any legislative business in a session convened by the Governor other than that for which it was especially convened, or such other business as the Governor calls to the Legislature's attention while in session. The Utah Constitution does not presently require any length of time between the Governor's proclamation and the convening of the session, or between the time the Governor brings other business to the Legislature's attention while in session and the time that the other business is considered by the Legislature.

### Proposed changes

Constitutional Amendment Number 4 does not affect the Governor's authority to convene the Legislature into session or the method of convening the Legislature into session. The Amendment prohibits the Legislature from transacting legislative business during a session convened by the Governor if the Governor fails to give 48 hours advance public notice of that legislative business. The Amendment contains two exceptions to this prohibition.

One is in the case of declared emergency. What constitutes a declared emergency is not specified. The other is if two-thirds of all members of the Senate and House of Representatives agree to transact the legislative business despite the lack of 48 hours advance public notice.

### Effective date

Constitutional Amendment Number 4 takes effect January 1, 2003.

### Fiscal impact

Any fiscal impact required to implement provisions of Constitutional Amendment Number 4 can be handled within existing budgets.

- YES**
- NO**

Senate: 25-0-4  
House: 67-0-8



## ARGUMENTS

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### **Argument For:**

Constitutional Amendment 4 helps assure that laws will be passed in the open.

With limited exceptions, Constitutional Amendment 4 requires that 2-days advance notice be provided before the legislature can act on an item in a special session. This allows the public and the media to provide input.

Under current law, the executive branch can add items to a special session agenda at any time, even after a session already has convened. This means, in effect, that the legislature is forced to act on items without the benefit of public input. That process invites backdoor deals and bad laws.

The legislature is the "open" branch of government and must have public input to do its job well. Opening special sessions to 2-days advance notice, as Constitutional Amendment 4 requires, is good for government and sends the clear message that the public must be included in the law-making process.

**REP. STEVE URQUHART**

One of the foundations of our system of government is access to our government by the people. Without the passage of this amendment items can be added to a call for a special session and voted on by the legislature all in a matter of a few hours without the public ever having had an opportunity to contact their representative or likely even being aware until after the fact that an issue had been added to a call and passed. This would virtually eliminate the opportunity for any substantive public involvement. Our government works best when we allow as much input as possible and carefully deliberate issues so as to make the best decisions. I encourage your favorable vote on this amendment to help guarantee adequate public involvement in the processes of our government.

**MARTY STEPHENS**  
SPEAKER, UTAH HOUSE OF REPRESENTATIVES

### **Argument Against:**

(No statement submitted.)

### **Rebuttal To Argument Against:**

(No statement submitted.)

### **Rebuttal To Argument for:**

(No statement submitted.)

CONSTITUTIONAL AMENDMENT NUMBER 4

**This joint resolution of the Legislature proposes to amend the Utah Constitution to require advance notice of legislative business in a special session, with certain exceptions. The joint resolution directs the lieutenant governor to submit this proposal to voters and provides an effective date.**

This resolution proposes to change the Utah Constitution as follows:  
AMENDS:

**ARTICLE VII, SECTION 6**

*Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:*

Section 1. It is proposed to amend Utah Constitution Article VII, Section 6, to read:

**Article VII, Section 6. [Convening of extra sessions of Legislature — Advance public Notice.]**

(1) (a) On extraordinary occasions, the Governor may convene the Legislature by proclamation, in which shall be stated the purpose for which the Legislature is to be convened, and it ~~(shall)~~ may transact no legislative business except that for which it was especially convened, or such other legislative business as the Governor may call to its attention while in session, subject to Subsection (1)(b). The Legislature, however, may provide for the expenses of the session and other matters incidental thereto.

(b) The Legislature may not transact any legislative business in a special session convened under Subsection (1)(a) for which the Governor has not provided 48 hours advance public notice, except in cases of declared emergency or with the concurrence of two-thirds of all members elected to each house.

(2) The Governor may also by proclamation convene the Senate in extraordinary session for the transaction of executive business.

**Section 2. Submittal to voters.**

The lieutenant governor is directed to submit this proposed amendment to the voters of the state at the next regular general election in the manner provided by law.

**Section 3. Effective date.**

If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2003.

# CONSTITUTIONAL AMENDMENT NUMBER

# 5

## Debt Limits for Political Subdivisions

**Shall the Utah Constitution be amended to:**

- (1) change how the Constitution designates cities that are allowed to incur a specified voter-approved debt; and**
- (2) clarify that the measurement of a county's debt limit is based on the value of taxable property in the county?**

**IMPARTIAL ANALYSIS**

Constitutional Amendment Number 5 amends the Utah Constitution in two ways. First, it changes how the Constitution designates cities that may be allowed to incur an additional voter-approved debt for water, artificial lights, or sewers owned and controlled by the city. Second, the Amendment clarifies that the measurement of a county's debt limit is based on the value of taxable property in the county.

**Changing how the Constitution designates cities that may be allowed to incur an additional voter-approved debt**

The Utah Constitution presently provides a limit on the amount of voter-approved debt, payable from and secured by property taxes, that a city may incur. It also authorizes each first, second, or third class city to exceed that debt limit for supplying the city with water, artificial lights, or sewers that are owned and controlled by the city. Utah law classifies cities based on population. A city with a population over 100,000 is a city of the first class; one with a population from 60,000 to 99,999 is a city of the second class; and one with a population from 1,000 to 59,999 is a city of the third class. For first and second class cities, the additional debt limit is 4% of the value of taxable property in the city. For third class cities, the additional debt limit is 8% of the value of taxable property in the city. The Utah Constitution presently authorizes the additional debt limit only for cities of the first, second, or third class. Those three classes of cities are the only classes presently provided for in Utah law, but the Legislature could by statute create additional classes of cities. If classes of cities other than first, second, or third class were created, they would not be authorized under the present Utah Constitution to incur the additional debt limit for water, artificial lights, or sewers.

Constitutional Amendment Number 5 redefines the cities subject to the additional 8% debt limit from third class cities to all cities other than first and second class cities. If a law is passed in the future creating additional classes of cities, Constitutional Amendment

Number 5 would allow those new classes of cities to be included within the group of cities that may be allowed to incur the additional 8% debt limit.

**Clarifying the measurement of a county's debt limit**

The Utah Constitution presently provides that a county may not incur voter-approved debt, payable from and secured by property taxes, in excess of 2%. It does not state what the 2% figure is a percentage of, just that the limit is 2%. A similar debt limit provision in the Utah Constitution for other local government entities provides that their debt limit is a percentage of the value of taxable property within the boundaries of the government entity. Although not expressly stated in the Utah Constitution, it has been assumed that a county's debt limit is also a percentage of the value of taxable property in the county.

Constitutional Amendment Number 5 clarifies that the measurement of a county's debt limit is consistent with the measurement of the debt limit of other local government entities. It states that the debt limit of counties is 2% of the value of taxable property in the county. This change clarifies and expressly states what has been previously assumed.

**Effective date**

Constitutional Amendment Number 5 takes effect January 1, 2003.

**Fiscal impact**

Constitutional Amendment Number 5 has no fiscal impact on state or local government.

- YES**
- NO**

Senate: 25-0-4  
House: 66-0-9

## ARGUMENTS

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### **Argument For:**

Constitutional Amendment Number 5 proposes to amend the Utah Constitution to modify language relating to an additional debt limit for certain municipalities. This proposal clarifies the measurement of the debt limit for counties and how the value of taxable property is to be determined for purposes of the county debt limit.

Constitutional Amendment Number 5 proposes to amend Article XIV of the Utah Constitution to clarify the limits on the use of debt by cities and counties. The proposal makes two significant changes and various conforming and technical modifications.

The first change clarifies how debt is calculated for all counties in the state. In the current Constitution, when a county is authorized to create indebtedness, the maximum cap on the debt is not clear: does the calculation include all property, including tax exempt property, or only taxable property? The proposed language limits counties to a maximum debt level "including existing indebtedness exceeding two per centum of the value of taxable property in the county."

This clarification reduces the potential amount of debt a county may occur. This change will place counties under the same constitutional language regarding the basis for valuation and limitation on debt, as currently exists for cities. This change places all cities and counties under the same constitutional language and limitations. It makes it easier for residents of Utah to know the limits on government and understand and measure the debt of cities and counties. It also will provide for better information during budget hearings, bond hearings and voted bond proposals.

The second change eliminates the term "city of the third class" and replaces it with "other city." The current language was crafted 100 years ago when Utah's population and city sizes were much smaller. As Utah grows, circumstances may arise when it may be beneficial to create new classifications of cities, other than cities of the first, second or third classes. By making that small word change, the debt limitations on cities and towns will remain the same. The State then has the opportunity to respond to the needs of its residents and adapt laws to meet their changing dynamics and needs.

Other minor changes include taking the limitation on the use of indebtedness from Article XIV, Section 4 and placing it in Section 3. That new subsection (2) in Section 3 is much clearer and defines the issue in the correct section of the Constitution. The other changes are stylistics which places these two Sections in conformity with current style and language changes.

The proposed Amendments to Article XIV are minor, but important. Constitutional Amendment Number 5 provides the residents of Utah with certainty on the limitations for debt for cities and counties and removes an antiquated provision of the Constitution regarding classifications of cities and towns.

Vote Yes on Constitutional Amendment Number 5.

**REPRESENTATIVE WAYNE HARPER**  
SALT LAKE COUNTY

### **Argument Against:**

(No statement submitted.)

### **Rebuttal To Argument Against:**

(No statement submitted.)

### **Rebuttal To Argument for:**

(No statement submitted.)

# COMPLETE TEXT CONSTITUTIONAL AMENDMENT NUMBER 5

## CONSTITUTIONAL AMENDMENT NUMBER 5

**This joint resolution of the Legislature proposes to amend the Utah Constitution to modify language relating to an additional debt limit for certain municipalities. The joint resolution clarifies the measurement of the debt limit for counties and how the value of taxable property is to be determined for purposes of the county debt limit. The joint resolution makes technical changes, directs the lieutenant governor to submit this proposal to voters, and provides an effective date.**

This resolution proposes to change the Utah Constitution as follows:  
AMENDS:

### ARTICLE XIV, SECTION 3

### ARTICLE XIV, SECTION 4

*Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:*

Section 1. It is proposed to amend Utah Constitution Article XIV, Section 3, to read:

**Article XIV, Section 3. [Certain debt of counties, cities, towns, school districts, and other political subdivisions not to exceed taxes — Exception — Debt may be incurred only for specified purposes.]**

(1) No debt issued by a county, city, town, school district, or other political subdivision of the State and directly payable from and secured by ad valorem property taxes levied by the issuer of the debt may be created in excess of the taxes for the current year unless the proposition to create the debt has been submitted to a vote of qualified voters at the time and in the manner provided by statute, and a majority of those voting thereon has voted in favor of incurring the debt.

(2) No part of the indebtedness allowed in this section may be incurred for other than strictly county, city, town, school district, or other political subdivision purposes respectively. Section 2. It is proposed to amend Utah Constitution Article XIV, Section 4, to read:

**Article XIV, Section 4. [Limit of indebtedness of counties, cities, towns, and school districts — Larger indebtedness may be allowed.]**

~~[When]~~ (1) (a) If authorized to create indebtedness as provided in Section 3 of this Article, no county ~~[shall]~~ may become indebted to an amount, including existing indebtedness, exceeding two per centum of the value of taxable property in the county.

(b) No city, town, school district, or other municipal corporation, ~~[shall]~~ may become indebted to an amount, including existing indebtedness, exceeding four per centum of the value of the taxable property therein[;]

(2) For purposes of Subsection (1), the value ~~[to]~~ of taxable property shall be ascertained by the last assessment for State and County purposes[;] previous to the incurring of ~~[such] the~~ indebtedness[;], except that in incorporated cities the assessment shall be taken from the last assessment for city purposes[; ~~provided, that no part of the indebtedness allowed in this section shall be incurred for other than strictly county, city, town or school district purposes; provided further, that any]~~].

(3) A city of the first ~~[and]~~ or second class ~~[when]~~, if authorized as provided in Section ~~[three]~~ 3 of this ~~[article]~~ Article, may be allowed to incur a larger indebtedness, not to exceed four per centum, and any other city ~~[of the third class,]~~ or town, not to exceed eight per

centum additional, for supplying such city or town with water, artificial lights or sewers, ~~[when]~~ if the works for supplying ~~[such] the~~ water, light, and sewers~~[, shall be]~~ are owned and controlled by the municipality Section 3. **Submittal to voters.**

The lieutenant governor is directed to submit this proposed amendment to the voters of the state at the next regular general election in the manner provided by law.

Section 4. **Effective date.**

If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2003.

# CONSTITUTIONAL AMENDMENT NUMBER

# 6

## Resolution to Expand the Government Property Tax Exemption

**Shall the Utah Constitution be amended to authorize the creation of a property tax exemption, as provided by statute, for property not owned but used, controlled, and possessed by the state or by a local government entity?**

### IMPARTIAL ANALYSIS

Constitutional Amendment Number 6 authorizes the creation of a property tax exemption, as provided by statute, for property that is not owned but is used, controlled, and possessed by the state or by a local government entity.

but is used, controlled, and possessed by a state or local government entity. That impact could be minimal or substantial.

#### Current law

The Utah Constitution presently requires all tangible property in the state to be taxed, subject to exemptions specifically provided for in the Utah Constitution and other exemptions that the Utah Constitution authorizes the Legislature to establish by statute. The Utah Constitution presently provides a property tax exemption for property of the state and of counties, cities, towns, and other local government entities, but does not exempt or allow the Legislature to create an exemption for property that is owned by a private owner just because that property is used, controlled, and possessed by the state or a local government entity.

#### Proposed changes

Constitutional Amendment Number 6 authorizes the creation of a property tax exemption for property that is privately owned but is used, controlled, and possessed by the state or a local government entity. The Amendment authorizes the creation of an exemption for property that would otherwise subject its owner to the obligation of paying property tax on the property. The Amendment does not itself create the exemption; it authorizes the Legislature to create the exemption by statute and to fashion it how the Legislature chooses, subject to the Governor's veto authority.

#### Effective date

Constitutional Amendment Number 6 takes effect January 1, 2003.

#### Fiscal impact

Constitutional Amendment Number 6 has itself no direct fiscal impact. Any fiscal impact to state or local government will depend on the nature and extent of the exemption that the Legislature chooses to create by statute for property that is owned by a private owner

**YES**  
 **NO**

Senate: 24-2-3  
House: 67-6-2

## ARGUMENTS

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### Argument For:

Constitutional Amendment 6 provides a tremendous opportunity for Utah to fund needed educational expenses and expand basic infrastructure, like the popular TRAX light-rail system, without costing Utah taxpayers a cent.

Passage of Constitutional Amendment 6 will give Utah governmental entities the means to enter financing arrangements where financiers will purchase government buildings or other assets and lease them back to the government. The arrangement will allow the financiers to take advantage of federal tax depreciation on these assets that otherwise would go unused. In exchange for this benefit, the financiers are willing to give Utah governmental entities a percentage of their federal tax savings which equates to significant funds for the state.

As an example, if Utah sells and leases back assets worth \$200 million, the state will immediately receive \$16 million in cash to use at its discretion. All of this occurs with no risk to the government as only sale-leaseback transactions where the government maintains possession, use and control of the property involved in the sale-leaseback are allowed under this amendment. To accomplish this beneficial procedure local government in Utah would not have to expend any public funds.

In addition, where transportation projects are involved, the federal government will match funds spent by Utah at a ratio of 150%. Thus, Utah's \$16 million will be matched with \$24 million of federal money, giving the state a total of \$40 million to spend on local projects.

This use of federal funds by Utah is a perfect opportunity for Utah to receive some compensation for the approximately two-thirds of the total property of our state that is owned and controlled by the federal government.

Moreover, because the funds can potentially be used for education, this is a chance to obtain sorely-needed money to educate our rapidly expanding grade school population without raising taxes on our already over-taxed working population.

This financing mechanism is already being used in many cities and states around the country such as San Francisco, Philadelphia, Seattle, Atlanta, Dallas, Los Angeles, Miami, Chicago, Boston, New York, San Diego, Denver and also by Boston University. These governmental entities all have recently obtained transportation, university, or other funds through this means. It would be irresponsible for Utah not to do the same. I thus strongly encourage you to vote YES for Constitutional Amendment 6.

**REPRESENTATIVE DAVID CLARK**  
**SENATOR HOWARD A. STEPHENSON**  
**SENATOR CURTIS S. BRAMBLE**

### Argument Against:

As a member of the Utah Senate, I voted against Constitutional Amendment Number 6 because it produces a shift in tax policy that will significantly increase the tax burden on future generations.

State and federal governments have allowed businesses to take a tax deduction for the depreciation of capital projects such as expensive buildings. The theory behind depreciation is to allow businesses to hold cash in reserve over the life of a capital facility so that business owners can afford to maintain or replace the facilities as they deteriorate over time. As businesses maintain, remodel, and construct new capital projects, sales taxes are paid on the products used to build the projects, income tax is paid on labor, and the increased value of the improved capital facility increases the amount of property tax paid.

Without depreciation, businesses would pay a higher tax rate, but they would likely repair and replace capital facilities less frequently, thus reducing the overall benefit to society. On balance, a better economic condition for everyone is created by allowing depreciation. It produces an incentive for businesses to maintain and replace facilities.

Constitutional Amendment Number 6 would allow wealthy corporations to reduce their tax liability at the expense of future Utah taxpayers. Corporations could purchase government facilities and use the depreciation from them to reduce their tax liability without having the burden of maintaining or replacing those facilities. The reason for allowing depreciation would be defeated because the reduction in tax liability would occur without the corresponding benefit to society. The privately owned facilities would not be maintained and replaced by the corporation obtaining the benefit of depreciation but would continue to be maintained and replaced at taxpayer expense.

Constitutional Amendment Number 6 may very well produce a short term benefit for some wealthy corporations and select State government entities, but like a precarious house of cards, it will eventually come crashing down.

Government exists to serve its citizens. Citizen control is critical to ensure that governmental services meet the public demand and to require government to justify the expense of any additional services. Constitutional Amendment Number 6 allows the government to sell public buildings and facilities without voter approval. The amount of dollars that government could initially generate for itself through the sale of the State's school buildings and its fleet of buses could be substantial. But how will that increased level of government be maintained? Are you prepared to maintain that level of government once the initial dollars are spent or to place that burden on your children? Neither am I.

Constitutional Amendment Number 6 would make it possible for the State Capitol building, the facilities of the University of Utah, and all the UTA fleets to be sold to private investors to provide an infusion of cash to these government entities. But after the sale has taken place, what sort of government would we have created?

Join me and vote against Constitutional Amendment Number 6.

**SENATOR LYLE W. HILLIARD**

## ARGUMENTS

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### **Rebuttal To Argument Against:**

First and foremost, Constitutional Amendment 6 is not about government expansion. It is about reallocating government resources. Capital will not be moved from private to the public sector. It will simply move from the Federal Government to the state and local levels.

This reallocation of resources creates better government. Just as the private sector is more efficient than the government, so is a smaller governmental entity more efficient than a larger one.

Redistributing money from the Federal Government to Utah helps ensure that as Utahns, we receive our share of the federal taxes we pay. Otherwise, our federal taxes will be paying for government services in another state.

Interestingly, if the opposing view arguments that we should not accept one-time infusion of federal capital is carried through to its logical conclusion, Utah should quit accepting the \$2.1 billion it receives in annual grants from the Federal Government.

The argument that our government infrastructure of buildings will not be maintained under private ownership is without merit. Because of the safeguards built into the sale-lease back transaction, the government assets sold and leased back will be used and controlled by the government with or without Amendment 6. The expense of maintaining the buildings will be the same for the government whether Amendment 6 passes or not.

In summary, the government assets that are sold to raise money will be substantively unaffected and the money raised will help to ensure Utahns get more benefits from their federal tax dollars.

**REPRESENTATIVE DAVID CLARK**

### **Rebuttal To Argument for:**

It is often said that if something appears too good to be true, it is. This rule certainly applies to Constitutional Amendment Number 6.

In the proponent's example of how Amendment 6 works, it is said that the sale of \$200 million of publicly owned assets to private corporations will net the state \$16 million in so-called "free" money. That means that the big corporations buying the state's assets gain much more than the \$16 million in total tax savings, otherwise they wouldn't be willing to give the state the \$16 million. Those tax savings have to come from somewhere. The loss in corporate income tax is achieved at the expense of individual taxpayers.

More importantly, acquiring this so-called "free" money creates a false sense of euphoria in state government. Government would obtain this money without having to face its normal responsibility of justifying to taxpayers why it is necessary to collect the money from them. Additionally, once government builds facilities with this one-time money, government must find revenue to pay the ongoing operation expenses of the facilities. It is a mistake to increase state spending unless there is a corresponding accountability to taxpayers.

The result of politically motivated schemes like this is a public that serves the government, rather than a government that serves the public.

Vote against Constitutional Amendment Number 6.

**SENATOR LYLE W. HILLYARD**



CONSTITUTIONAL AMENDMENT NUMBER 6

**This joint resolution of the Legislature proposes to amend the Utah Constitution to add a property tax exemption for property not owned but under the control of the state or a political subdivision. This joint resolution directs the lieutenant governor to submit the proposal to voters and provides an effective date.**

This resolution proposes to change the Utah Constitution as follows:

**AMENDS:**

ARTICLE XIII, SECTION 2

*Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:*

Section 1. It is proposed to amend Utah Constitution Article XIII, Section 2, to read:

**Article XIII, Section 2. [Tangible property to be taxed — Value ascertained — Exemptions — Remittance or abatement of taxes of poor — Intangible property — Legislature to provide annual tax for state.]**

(1) All tangible property in the State, not exempt under the laws of the United States, or under this Constitution, shall be taxed at a uniform and equal rate in proportion to its value, to be ascertained as provided by (2) The following are property tax exemptions:

- (a) the property of the State, school districts, and public libraries;
- (b) the property of counties, cities, towns, special districts, and all other political

subdivisions of the State, except that to the extent and in the manner provided by the Legislature the property of a county, city, town, special district, or other political subdivision of the State located outside of its geographic boundaries as defined by law may be subject to the ad valorem property tax;

- (c) property owned by a nonprofit entity which is used exclusively for religious, charitable, or educational purposes;
- (d) places of burial not held or used for private or corporate benefit; and
- (e) farm equipment and farm machinery as defined by statute. This exemption shall be implemented over a period of time as provided by statute.

(3) Tangible personal property present in Utah on January 1, held for sale or processing and which is shipped to final destination outside this State within twelve months may be deemed by law to have acquired no situs in Utah for purposes of ad valorem property taxation and may be exempted by law from such taxation, whether manufactured, processed or produced or otherwise originating within or without the State.

(4) Tangible personal property present in Utah on January 1, held for sale in the ordinary course of business and which constitutes the inventory of any retailer, or wholesaler or manufacturer or farmer, or livestock raiser may be deemed for purposes of ad valorem property taxation to be exempted.

(5) Water rights, ditches, canals, reservoirs, power plants, pumping plants, transmission lines, pipes and flumes owned and used by individuals or corporations for irrigating land within the State owned by such individuals or corporations, or the individual members thereof, shall be exempted from taxation to the extent that they shall be owned and used for such purposes.

(6) Power plants, power transmission lines and other property used for generating and delivering electrical power, a portion of which is used for furnishing power for pumping water for irrigation purposes on lands

in the State of Utah, may be exempted from taxation to the extent that such property is used for such purposes. These exemptions shall accrue to the benefit of the users of water so pumped under such regulations as the Legislature may prescribe.

(7) The taxes of the poor may be remitted or abated at such times and in such manner as may be provided by law.

(8) The Legislature may provide by law for the exemption from taxation: of not to exceed 45% of the fair market value of residential property as defined by law; and all household furnishings, furniture, and equipment used exclusively by the owner thereof at his place of abode in maintaining a home for himself and family.

(9) Property owned by disabled persons who were disabled in the line of duty during any war, international conflict, or military training in the military service of the United States or of the State of Utah and by the unmarried surviving spouses and minor orphans of such disabled persons or of persons who during any war, international conflict, or military training in the military service of the United States or the State of Utah were killed in action or died in the line of duty as a result of such service may be exempted as the Legislature may provide.

(10) Intangible property may be exempted from taxation as property or it may be taxed as property in such manner and to such extent as the Legislature may provide, but if taxed as property the income therefrom shall not also be taxed. Provided that if intangible property is taxed as property the rate thereof shall not exceed five mills on each dollar of valuation.

(11) The Legislature shall provide by law for an annual tax sufficient, with other sources of revenue, to defray the estimated ordinary expenses of the State for each fiscal year. For the purpose of paying the State debt, if any there be, the Legislature shall provide for levying a tax annually, sufficient to pay the annual interest and to pay the principal of such debt, within twenty years from the final passage of the law creating the debt.

(12) Property that is not owned but is used, controlled, and possessed by the State or a political subdivision of the State may be exempted from property tax as provided by statute.

Section 2. Submittal to voters.

The lieutenant governor is directed to submit this proposed amendment to the voters of the state at the next regular general election in the manner provided by law.

Section 3. Effective date.

If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2003.

# CITIZEN'S STATE INITIATIVE NUMBER

## Radioactive Waste Restrictions Act

# 1

### Shall a law be enacted to:

- (1) **prohibit certain state regulatory agency employees and board members from employment or lobbying in the field of radioactive waste disposal or storage for three years after employment or service;**
- (2) **expand the circumstances requiring the governor's and legislature's approval of certain commercial radioactive waste licenses and facilities;**
- (3) **prohibit the approval of certain radioactive waste facilities and license applications;**
- (4) **increase existing and impose new taxes and fees on radioactive waste;**
- (5) **divert taxes presently imposed on radioactive waste, and use new radioactive waste taxes, for an education fund and a human needs endowment; and**
- (6) **make other changes?**

- YES**  
 **NO**

### IMPARTIAL ANALYSIS

Citizen's State Initiative Number 1 changes Utah's regulatory and tax framework affecting the disposal and storage of radioactive waste. It provides stricter regulations, certain prohibitions, and new and increased fees and taxes. The Initiative distributes 80 percent of all taxes on radioactive waste to education and 20 percent to an endowment to help alleviate homelessness and poverty.

#### CITIZEN'S STATE INITIATIVE NUMBER 1 MAKES THE FOLLOWING CHANGES TO UTAH LAW:

##### **Restricts certain employment and lobbying**

It prohibits the executive director of the Department of Environmental Quality (Department), employees of the Division of Radiation (Division), and members of the Radiation Control Board (Board) from accepting employment with or lobbying for someone who is subject to the Division's regulatory authority for three years after Department or Division employment or Board membership, if that employment or lobbying is in the field of radioactive waste disposal or storage.

##### **Expands circumstances requiring Governor's and Legislature's approval**

It expands the circumstances under which the Governor's and Legislature's approval are required to grant or amend a radioactive waste disposal license or restructure a commercial radioactive waste facility.

##### **Prohibits the approval of certain radioactive waste facilities and licenses**

It prohibits the Governor, Legislature, and Board from approving new radioactive waste facilities or licenses for higher level radioactive waste, and authorizes a private citizen to sue to enforce this prohibition.

##### **Increases existing and imposes new taxes and fees on radioactive waste**

It imposes a new fee on radioactive waste to pay for impact reduction and community and economic development in the county in which the radioactive waste disposal facility is located. It increases from \$400,000 to a minimum of

\$5,000,000 the annual fee that an owner of a radioactive waste facility must pay for perpetual care and maintenance of the facility and eliminates this annual fee when the total reaches \$100,000,000.

It increases existing taxes on the disposal of radioactive waste and imposes new taxes on some types of radioactive waste not presently taxed.

##### **Uses radioactive waste taxes for education and the homeless and impoverished**

It creates a Fund to receive taxes imposed on radioactive waste and establishes a board to administer the Fund.

It creates an Endowment to receive money from the Fund and creates a state authority to administer the Endowment.

It requires 80 percent of the tax revenues in the Fund to be spent on education, specifically for class-size reduction, computer technology, textbooks, classroom supplies, and scholarships, and requires 20 percent, up to a maximum of \$200,000,000, to be given to the Endowment to be distributed to organizations that provide assistance to the homeless and impoverished.

##### **Makes other changes:**

It requires the Department to contract with independent scientific organizations to review certain environmental monitoring practices.

It modifies and limits membership on the Board, and removes the Department's executive director from the Board.

It removes the Board's discretion with regard to certain regulatory decisions.

It removes the Board's authority to suspend applications for commercial radioactive waste licenses under certain circumstances.

It accelerates the time at which the Board is required to begin evaluating the adequacy of the fund established for the perpetual care and maintenance of radioactive waste facilities from 2006 to 2004.

It removes a tax presently imposed on radioactive waste received for reprocessing.

It prohibits the Legislature from making appropriations from the Fund or the Endowment.

It prohibits the Legislature from reducing funding levels of programs also receiving money from the Fund or the Endowment.

It requires the tax for radioactive waste disposal or reprocessing to be paid monthly rather than quarterly.

**Potential Conflicts with the United States Constitution or Utah Constitution**

A limited review of this Initiative raises the following potential conflicts with the United States Constitution or Utah Constitution:

(1) the three-year lobbying prohibition may conflict with the freedom of speech provision of the First Amendment to the United States Constitution;

(2) empowering the Endowment Authority to appropriate Endowment money may improperly delegate legislative authority in violation of Article V, Section 1 of the Utah Constitution; and

(3) to the extent that this Initiative restricts the Legislature from making appropriations or reducing funding levels of state-funded programs, it may conflict with the Legislature's constitutional power to appropriate state funds.

**Fiscal Impact**

The revenue estimates described in this fiscal analysis depend on the continued viability of the radioactive waste disposal and storage industry in Utah. The ability of the industry to continue operations at present levels may be affected by the fee, tax, and regulatory changes made by this Initiative.

The Legislative Fiscal Analyst estimates that if waste volumes continue at current levels, tax revenues from radioactive waste that would be used for education and for the homeless and impoverished could be approximately \$208,000,000 annually. The estimated annual volume of radioactive waste is based on records submitted to the Department of Environmental Quality.

Estimated revenue for impact reduction and community and economic development in Tooele County is \$13,850,000.

The fee generated for perpetual care and closure of the disposal site is estimated to be \$13,850,000 annually. That annual perpetual

care fee would continue until \$100,000,000 is accumulated, when the requirement to pay the fee ends.

The state General Fund will lose approximately \$918,000 annually from radioactive waste taxes that under this Initiative will now go to education and to the homeless and impoverished. The required independent testing and oversight is estimated to cost \$292,500 annually from the state General Fund.

A one-time appropriation of \$100,000 from the radioactive waste tax revenues will be made to the Utah State Tax Commission with no provision for reimbursement of ongoing costs of collections. Estimated annual costs for required meetings of the Fund Board and Endowment Authority are \$15,300. A one-time expenditure of \$80,400 from radioactive waste tax revenues will be needed to develop six required administrative rules. It is assumed that local entities will accept the same administrative rules that are created by the Fund Board and Endowment Authority and will not require additional funds for their required rulemaking.

**Effective Date**

Citizen's State Initiative Number 1 takes effect January 1, 2003.

**Argument For:**

Initiative 1 Stops Utah From Receiving Hotter Radioactive Waste and Makes Out-of-State Polluters Pay!!

Weekly, hundreds of railroad cars arrive in Utah to dump out-of-state-produced low-level radioactive waste. Utah has become the country's dumping ground for this contaminated waste. Annually, Utah receives 97% of Class A radioactive waste shipped to commercial sites for disposal. Each year, Utah receives increasingly more waste, 14.5 million cubic feet in 2001 alone. Utah has the only unrestricted commercial radioactive waste dump in the country.

For many reasons—safety concerns, impact on property values, and negative public image—other states refuse this waste and willingly send it somewhere else. Utah is the only state allowing the disposal of radioactive materials mixed with hazardous waste.

In 2001 a radioactive waste tax was adopted, but the law exempted all existing waste contracts from taxation. As a result, Utah receives very little benefit from taking material others states refuse. Other states that allow containerized waste impose taxes from \$20 to \$235 per cubic foot of waste. In 2001 Utah collected only 2¢ per cubic foot in radioactive waste taxes. Incredibly the radioactive waste industry wants Utah to allow even higher, more dangerous levels of radioactive waste!

In response to many Utahns' concerns, Initiative 1, The Radioactive Waste Restrictions Act, will:

- Prohibit the disposal of dangerous high-level radioactive waste
- Impose a realistic tax on radioactive waste produced out-of-state
- Adequately fund the monitoring of Utah disposal sites

In addition, this revenue will be used to benefit Utah's children by:

- Reducing class sizes
- Purchasing new textbooks, supplies, and computers
- Funding scholarships for students and teachers

Tax revenues will also be used to build adequate cleanup and closure funds, support self-sufficiency programs for the homeless, and assist counties with waste sites with impact mitigation and economic development.

Initiative 1 will not put any company out of business. The Utah radioactive waste industry has a monopoly on the disposal of certain waste products prohibited elsewhere in the country. Also, many nuclear power plants will soon be decommissioned. Utah will be the only state to receive much of this waste. Unbelievably, Utah's current radioactive waste taxes actually encourage the dumping of higher volumes of hotter waste.

Initiative 1 is consistent with other taxes on industries that impose unique burdens or impacts. Liquor taxes fund school lunch programs. Oil, gas, and mining industries pay severance taxes. Cigarette taxes fund health-related programs.

Nuclear and radioactive waste companies are aggressively trying to dispose of higher levels of radioactive waste on state lands. Initiative 1 will stop this action!

Most radioactive waste generated by Utah businesses is, by law, sent to a facility in Washington. Initiative 1 is a bipartisan effort supported by thousands of people who believe if Utah must accept this waste from other states, we should be compensated for assuming this burden.

Stop higher levels of waste and make polluters pay!! Vote "Yes" on Initiative 1.

UTAHNS FOR RADIOACTIVE WASTE CONTROL

**SENATOR JAKE GARN**  
**GOVERNOR CALVIN RAMPTON**  
**JACK GALLIVAN**

**Argument Against:**

Initiative 1 sounds good on the surface but underneath is a deception and an abuse of Utah's initiative process targeted at destroying one company.

Claim:

The sponsors of Initiative 1 claim passage will result in more money for education and that it will help the homeless.

Fact:

- If this initiative succeeds, at least 400 jobs in rural Utah will be lost at a time of already-high unemployment. The effect on the economy of Tooele County would be substantial.
- Tens of millions in annual state tax revenues will also be lost, including millions each year that go directly to education.
- The initiative would impose a \$20 tax on a \$5 dollar product. Because no customer will pay such rates, the targeted company will be forced to close its doors.
- Closing down a company that provides income for 400 families and pays millions each year toward education is no way to improve education nor help the homeless. Furthermore, this initiative actually creates two new government entities that will administer the tax revenue.

Claim:

The sponsors of the initiative claim they are only interested in increasing taxes on one industry.

Fact:

- If someone with enough money to gather signatures can abuse the initiative process and drive one company out of business, it can happen to any other company in Utah. No Utah business is safe against abuse of the initiative process.

Claim:

The sponsors of Initiative 1 imply that their initiative would keep high-level nuclear waste from coming into Utah.

Fact:

- There are two separate issues before the public regarding nuclear waste. Initiative 1 applies only to low-level nuclear waste, but many who circulated petitions stated that the initiative would keep high-level nuclear waste out of Utah.

The sponsors are conveniently letting people believe Initiative 1 is related to high-level nuclear waste storage at Skull Valley by the Goshute Indians. Initiative 1 has absolutely no impact on the Skull Valley issue because high-level waste is a federal issue and low-level waste is a state issue.

The two issues are completely separate.

Utah's elected officials, business leaders, farmers and associations are uniting against Initiative 1 because, if Initiative 1 passes, other Utah industries may be the next target.

This initiative would set a precedent that would allow hidden, out-of-state interests to push an initiative promising to

fund healthcare but actually placing a 10-fold tax increase on Utah's coal mines... or livestock operations... or ski resorts... in order to make them less competitive than those in neighboring states.

Don't be deceived by emotional claims.

Please vote NO on Initiative 1, the Radioactive Waste Restrictions Act, and protect Utah jobs from abusive, special-interest initiatives.

**SEN. RON ALLEN**  
STATE SENATOR (D-TOOELE)

**ALAN GARDNER**  
WASHINGTON COUNTY COMMISSIONER

**BOB GOWANS**  
TOOELE EDUCATION ASSOCIATION

**SEN. HOWARD STEPHENSON**  
STATE SENATOR (R-DRAPER)  
PRESIDENT, UTAH TAXPAYERS ASSOCIATION

**REP. DAVID URE (R-KAMAS)**  
HOUSE MAJORITY WHIP

### **Rebuttal To Argument Against:**

Radioactive waste is bad and other states do not want it. Instead they send it to Utah. It's time to make out-of-state dumpers pay.

Don't be deceived by the big business radioactive waste disposal industry. They have already been granted permits to accept Class B and C wastes. A YES vote on Initiative 1 will keep Utahns safe from being exposed to this hotter radioactive waste.

The two other states with commercial waste sites charge much higher fees than those recommended in Initiative 1 and the radioactive dumping industry in those areas thrive. The opposition to Initiative 1 is blatant corporate greed and these fees will not threaten any Utah jobs or put any company out of business.

This initiative has nothing to with any other type of activity – business or otherwise. The Utah Constitution guarantees the right to have initiatives. Utahns are perfectly capable of making decisions without the scare tactics the opposition is using. The only precedent here is reminding our political leaders that the people are capable of presenting their own ideas.

The radioactive waste fees in this initiative will be directed to help Utah's children to fund smaller class sizes, textbooks, computers and scholarships. In addition, the fees will provide support for self-sufficiency programs, environmental cleanup and economic development.

Vote YES on initiative 1 to make out-of-state dumpers pay a reasonable fee for polluting our state.

Stop unwanted radioactive waste dumping in Utah! Vote "YES" on Initiative 1.

### **Rebuttal To Argument for:**

Initiative 1 was drafted in secret by special interests without public hearings. It's more than 13,000 words.

That's no way to pass laws.

The lobbyists behind Initiative 1 continue to intentionally scare and deceive the public.

Here are the facts:

- This has nothing to do with Goshute Indians or Skull Valley.
- Utah receives only 4% of Class A low-level waste, not 97%.
- Utah's taxes on containerized waste are around \$70 per cubic foot, not 2¢.
- The legislature adopted a huge tax increase in 2001, making it the highest in the country per unit of radioactivity.
- Three days' exposure to a trainload of low-level waste is less radiation than a chest x-ray.
- Utah's facility is highly regulated by ten government agencies and is highly restricted in the waste it can accept.
- The state's impartial analysis shows that Initiative 1's taxes are higher than Envirocare's annual revenues. It will go out of business. Instead of more money for the state, the millions in taxes already paid by Envirocare will be lost.

So why is this even on the ballot? The real promoter of Initiative 1 is a waste-industry lobbyist who has tried to compete against Envirocare in the past.

Now he wants you to rubber stamp what he and out-of-state interests are pushing—without hearings, amendments, or inputs from voters.

This is too important an issue to leave to a complex initiative written in secret that demands one single vote.

VOTE "NO" ON INITIATIVE 1.

**RADIOACTIVE WASTE RESTRICTIONS ACT**

An initiative to protect Utah's environment against radioactive waste, improve Utah's education, and assist Utah's impoverished families and individuals to attain self-sufficiency.

This act modifies the Environmental Quality Code and the Revenue and Taxation Code by imposing regulations, fees, and taxes that apply to the disposal of radioactive waste. This act, by initiative, creates the restricted special revenue funds to be known as the Education, Environment, and Ethics Fund and the Utah Basic Human Needs Endowment and provides for the administration and distribution of the funds. This act creates the Education, Environment, and Ethics Fund Oversight Board in the Public Education Code and the Utah Basic Human Needs Authority in the Utah Human Services Code. This act prohibits Utah's licensing for disposal or storage of certain radioactive waste, prohibits certain conduct of the Radiation Control Board and others in the radioactive waste industry, and prohibits employment of public employees or public officials as lobbyists or employees in the radioactive waste disposal or storage industry for three years who previously regulated the radioactive waste disposal industry. This act repeals exemptions for contracts made prior to the effective date. This act provides definitions, provides administrative rulemaking authority, provides for severability, and permits revenue sharing for the statewide purpose of education, the environment, and the general welfare. This act provides an effective date of January 1, 2003 if passed by a majority vote of those voting in the November 2002 General Election.

This act affects sections of Utah Code Annotated 1953 as follows:

**AMENDS:**

- 19-1-103, as last amended by Chapter 112, Laws of Utah 1991
- 19-1-108, as last amended by Chapter 297, Laws of Utah 2002
- 19-1-201, as last amended by Chapter 324, Laws of Utah 1995
- 19-1-202, as last amended by Chapter 112, Laws of Utah 1991
- 19-3-102, as last amended by Chapter 314, Laws of Utah 2001
- 19-3-103, as last amended by Chapter 297, Laws of Utah 2002
- 19-3-104, as last amended by Chapter 297, Laws of Utah 2002
- 19-3-105, as last amended by Chapter 188, Laws of Utah 1994
- 19-3-106, as last amended by Chapter 314, Laws of Utah 2001
- 19-3-106.2, as last amended by Chapter 314, Laws of Utah 2001
- 19-3-106.4, as last amended by Chapter 314, Laws of Utah 2001
- 59-1-302, as last amended by Chapter 107, Laws of Utah 1994
- 59-24-103, as last amended by Chapter 314, Laws of Utah 2001
- 59-24-104, as last amended by Chapter 314, Laws of Utah 2001
- 59-24-105, as last amended by Chapter 314, Laws of Utah 2001

**ENACTS:**

19-3-105.5, Utah Code Annotated 1953 **53A-30-101**, Utah Code Annotated 1953

**53A-30-102**, Utah Code Annotated 1953

**62A-15-101**, Utah Code Annotated 1953

**62A-15-102**, Utah Code Annotated 1953

**62A-15-103**, Utah Code Annotated 1953

This act enacts uncodified material.

*Be it enacted by the people of the state of Utah:*

Section 1. The people of the state of Utah shall have the right to approve or reject this initiative by a simple majority vote pursuant to Utah Constitution, Article VI, Section 1.

Section 2. Section **19-1-103** is amended to read:

**19-1-103. Definitions.**

As used in this title:

- (1) "Department" means the Department of Environmental Quality.
- (2) "Executive director" means the executive director of the department appointed pursuant to Section 19-1-104.
- (3) "Local health department" means a local health department as defined in Title 26A, Chapter 1, Part 1.
- (4) "Person" means an individual, lessor, lessee, trust, firm, estate, company, corporation, partnership, association, state, state or federal agency or entity, municipality, commission, or political subdivision of a state.

Section 3. Section **19-1-108** is amended to read:**19-1-108. Creation of Environmental Quality Restricted Account — Purpose of restricted account — Sources of funds — Uses of funds.**

- (1) There is created the Environmental Quality Restricted Account.
- (2) The sources of monies for the restricted account are:
  - (a) radioactive waste disposal fees collected under Sections 19-3-106 and 19-3-106.4 and other fees collected under Subsection 19-3-104(5);
  - (b) hazardous waste disposal fees collected under Section 19-6-118;
  - (c) PCB waste disposal fees collected under Section 19-6-118.5;
  - (d) nonhazardous solid waste disposal fees collected under Section 19-6-119; and
  - (e) all investment income derived from money in the restricted account created in this section.
- (3) In each fiscal year, the first \$500,000 collected from all waste disposal fees listed in Subsection (2), collectively, shall be deposited in the General Fund as free revenue. The balance shall be deposited in the restricted account created in this section.
- (4) The Legislature may annually appropriate monies from the Environmental Quality Restricted Account to:
  - (a) the department for the costs of administering radiation control and monitoring programs;
  - (b) the department for the costs of administering solid and hazardous waste programs; and
  - (c) the Hazardous Substances Mitigation Fund, up to \$400,000, for purposes set forth in Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act.
- (5) In order to stabilize funding for the radiation control program and the solid and hazardous waste program, the Legislature shall in years of excess revenues reserve in the restricted account sufficient monies to meet departmental needs in years of projected shortages.
- (6) The Legislature may not appropriate money from the General Fund to the department as a supplemental appropriation to cover the costs of the radiation control program and the solid and hazardous waste program in an amount exceeding 25% of the amount of waste disposal fees collected during the most recent prior fiscal year.
- (7) The Legislature may annually appropriate not more than \$200,000 from this account to the Department of Public Safety, created in Section 52-1-103, to be used by that department solely for hazardous materials:
  - (a) management training; and
  - (b) response preparation and emergency response training.
- (8) All funds appropriated under this part that are not expended at the end of the fiscal year lapse into the account created in Subsection (1).
- ~~(9) For fiscal year 1998-99, up to \$537,000 in the Environmental Quality Restricted Account may be appropriated by the Legislature to fund legislative priorities.]~~

Section 4. Section **19-1-201** is amended to read:

**19-1-201. Powers of department.**

- (1) The department shall:
- (a) enter into cooperative agreements with:
    - (i) the Department of Health to delineate specific responsibilities to assure that assessment and management of risk to human health from the environment are properly administered; and
    - (ii) independent scientific organizations to provide reviews of environmental monitoring plans, collection of independent quality control monitoring samples, and subsequent independent laboratory analysis of monitoring samples in the field of radioactive waste;
  - (b) consult with the Department of Health and enter into cooperative agreements, as needed, to ensure efficient use of resources and effective response to potential health and safety threats from the environment, and to prevent gaps in protection from potential risks from the environment to specific individuals or population groups; and
  - (c) coordinate implementation of environmental programs to maximize efficient use of resources by developing, with local health departments, a Comprehensive Environmental Service Delivery Plan that:
    - (i) recognizes that the department and local health departments are the foundation for providing environmental health programs in the state;
    - (ii) delineates the responsibilities of the department and each local health department for the efficient delivery of environmental programs using federal, state, and local authorities, responsibilities, and resources;
    - (iii) provides for the delegation of authority and pass through of funding to local health departments for environmental programs, to the extent allowed by applicable law, identified in the plan, and requested by the local health department; and
    - (iv) is reviewed and updated annually.
- (2) The department may:
- (a) investigate matters affecting the environment;
  - (b) investigate and control matters affecting the public health when caused by environmental hazards;
  - (c) prepare, publish, and disseminate information to inform the public concerning issues involving environmental quality;
  - (d) establish and operate programs, as authorized by this title, necessary for protection of the environment and public health from environmental hazards;
  - (e) use local health departments in the delivery of environmental health programs to the extent provided by law;
  - (f) enter into contracts with local health departments or others to meet responsibilities established under this title;
  - (g) acquire real and personal property by purchase, gift devise, and other lawful means;
  - (h) prepare and submit to the governor a proposed budget to be included in the budget submitted by the governor to the Legislature;
  - (i) establish a schedule of fees that may be assessed for actions and services of the department according to the procedures and requirements of Section 63-38-3.2; and
  - (j) prescribe by rule reasonable requirements not inconsistent with law relating to environmental quality for local health departments;
  - (k) perform the administrative functions of the boards established by Section 19-1-106, including the acceptance and administration of grants from the federal government and from other sources, public or private, to carry out the board's functions; and
  - (l) upon the request of any board or the executive secretary, provide professional, technical, and clerical staff and field and laboratory services, the extent of which are limited by the funds available to the department for the staff and services.

(3) Upon expiration of employment from the department, and for a period of three calendar years, beginning the date the employment expires and ending on the day after the three-year anniversary of that date, the employee who was employed by the Division of Radiation may not knowingly:

- (a) accept new employment in the field of radioactive waste disposal or storage with any person as defined in Section 19-1-103 who is directly subject to the executive director's or the department's regulatory authority pursuant to Title 19, Chapter 3, Radiation Control Act; or
- (b) become a lobbyist or engage in lobbying activities in the field of radioactive waste disposal or storage for a principal who is a person who is directly subject to executive director's or the department's regulatory authority pursuant to Title 19, Chapter 3, Radiation Control Act.

(5) For purposes of this section:

- (a) "lobbying" means communicating with a public official for the purpose of influencing the passage, defeat, amendment, or postponement of legislative or executive action;
- (b) "lobbyist" means an individual who is employed by a principal or who contracts for economic consideration, other than reimbursement for reasonable travel expenses, with a principal to lobby a public official.

Section 5. Section **19-1-202** is amended to read:

**19-1-202. Duties and powers of the executive director.**

- (1) The executive director shall:
- (a) administer and supervise the department;
  - (b) coordinate policies and program activities conducted through boards, divisions, and offices of the department;
  - (c) approve the proposed budget of each board, division, and office within the department;
  - (d) approve all applications for federal grants or assistance in support of any department program; and
  - (e) with the governor's specific, prior approval, expend funds appropriated by the Legislature necessary for participation by the state in any fund, property, or service provided by the federal government.
- (2) The executive director may:
- (a) issue orders to enforce state laws and rules established by the department except where the enforcement power is given to a board created under Section 19-1-106, unless the executive director finds that a condition exists which creates a clear and present hazard to the public health or the environment and which requires immediate action, and if the enforcement power is vested with a board created under Section 19-1-106, the executive director may with the concurrence of the governor order any person causing or contributing to the condition to reduce, mitigate, or eliminate the condition;
  - (b) with the approval of the governor, participate in the distribution, disbursement, or administration of any fund or service, advanced, offered, or contributed by the federal government for purposes consistent with the powers and duties of the department;
  - (c) accept and receive funds and gifts available from private and public groups for the purposes of promoting and protecting the public health and the environment and expend the funds as appropriated by the Legislature;
  - (d) make policies not inconsistent with law for the internal administration and government of the department, the conduct of its employees, and the custody, use and preservation of the records, papers, books, documents, and property of the department;
  - (e) create advisory committees as necessary to assist in carrying out the provisions of this title;
  - (f) appoint division directors who may be removed at the will of the executive director and who shall be compensated in an amount fixed

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by the executive director;

(g) advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, affected groups, political subdivisions, and industries in carrying out the purposes of this title;

(h) consistent with Title 67, Chapter 19, Utah State Personnel Management Act, employ employees necessary to meet the requirements of this title;

(i) authorize any employee or representative of the division to conduct inspections as permitted in this title;

(j) encourage, participate in, or conduct any studies, investigations, research, and demonstrations relating to hazardous materials or substances releases necessary to meet the requirements of this title;

(k) collect and disseminate information about hazardous materials or substances releases; and

(l) review plans, specifications, or other data relating to hazardous substances releases as provided in this title.

(3) Upon expiration of the executive director's term, and for a period of three calendar years, beginning the date the executive director's appointment expires and ending on the day after the three-year anniversary of that date, the executive director may not knowingly:

(a) accept new employment in the field of radioactive waste disposal or storage with any person as defined in Section 19-1-103 who is directly subject to the executive director's or the department's regulatory authority pursuant to Title 19, Chapter 3, Radiation Control Act; or  
(b) become a lobbyist or engage in lobbying activities in the field of radioactive waste disposal or storage for a principal who is a person who is directly subject to executive director's or the department's regulatory authority pursuant to Title 19, Chapter 3, Radiation Control Act.

(c) For purposes of this section:

(i) "lobbying" means communicating with a public official for the purpose of influencing the passage, defeat, amendment, or postponement of legislative or executive action; and

(ii) "lobbyist" means an individual who is employed by a principal or who contracts for economic consideration, other than reimbursement for reasonable travel expenses, with a principal to lobby a public official."

Section 5. Section **19-3-102** is amended to read:

### **19-3-102. Definitions.**

As used in this chapter:

(1) "Board" means the Radiation Control Board created under Section 19-1-106.

(2)(a) "Broker" means a person who performs one or more of the following functions for a generator:

(i) arranges for transportation of the radioactive waste;

(ii) collects or consolidates shipments of radioactive waste; or

(iii) processes radioactive waste in some manner.

(b) "Broker" does not include a carrier whose sole function is to transport the radioactive waste.

(3) "Bulk waste" means:

(i) "bulk Class A low-level" which is uncontainerized high volume, low-activity, rubble, soil, debris, and debris-like material;

(ii) "bulk mixed waste" which is uncontainerized rubble, soil, debris, and debris-like material retaining both radioactive and hazardous components and regulated by the Resource Conservation and Recovery Act (RCRA) and the Atomic Energy Act (AEA);

(iii) "bulk PCB mixed waste" which is uncontainerized rubble, soil, debris, and debris-like material retaining both radioactive and PCB hazardous components and regulated by the RCRA, AEA, and the Toxic Substances Control Act (TOSCA);

(iv) "bulk PCB radioactive waste" which is uncontainerized rubble, soil, debris, and debris-like material and regulated by RCRA and TOSCA.

~~[(2)]~~ (4) "Byproduct material" has the same meaning as provided in 42 U.S.C. Sec. 2014(e)(2).

(5) "Class A radioactive waste" means radioactive material whose radioactivity concentrations do not exceed the concentrations specified in 10 C.F.R. 61.55, Tables 1 and 2.

~~[(4)]~~ (6) "Class B and class C low-level radioactive waste" has the same meaning as provided in 10 C.F.R. 61.55.

(7) "11e.2 waste" means the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material.

~~[(5)]~~ (8) "Executive secretary" means the executive secretary of the board. ~~[(6)]~~

(9) "Generator" means a person who:

(a) possesses any material or component:

(i) that contains radioactivity or is radioactively contaminated; and

(ii) for which the person foresees no further use; and

(b) transfers the material or component to:

(i) a commercial radioactive waste treatment or disposal facility; or

(ii) a broker.

~~[(7)(a)]~~ (10)(a) "High-level nuclear waste" means spent reactor fuel assemblies, dismantled nuclear reactor components, and solid and liquid wastes from fuel reprocessing and defense-related wastes.

(b) "High-level nuclear waste" does not include medical or institutional wastes, naturally-occurring radioactive materials, or uranium mill tailings.

~~[(8)(a)]~~ (11)(a) "Low-level radioactive waste" means waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities which exceed applicable federal or state standards for unrestricted release.

(b) "Low-level radioactive waste" does not include waste containing more than 100 nanocuries of transuranic contaminants per gram of material, nor spent reactor fuel, nor material classified as either high-level waste or waste which is unsuited for disposal by near-surface burial under any applicable federal regulations.

(12) "Mixed waste" means any material that is a hazardous waste as defined in Section 19-6-102 and is also radioactive as defined in Subsection (16) including PCB radioactive waste and PCB mixed waste.

(13) "NORM-NARM waste" means any naturally occurring or accelerator-produced radioactive materials containing greater than 15 picocuries per gram of radium-226.

(14) "Pre-78 waste" means tailings or wastes produced before November 8, 1978 by the extraction or concentration of uranium or thorium from any ore processed for its source content.

~~[(9)]~~ (15) "Radiation" means ionizing and nonionizing radiation, including gamma rays, X-rays, alpha and beta particles, high speed electrons, and other nuclear particles.

~~[(4)]~~ (16) "Radioactive" means any solid, liquid, or gas which emits radiation spontaneously from decay of unstable nuclei.

(17) "Radioactive waste" means any material that contains radioactivity or is radioactively contaminated and is intended for disposal at a licensed radioactive waste disposal facility in Utah.

(18) "Source material" means uranium, thorium, or other material that is determined by the Nuclear Regulatory Commission to be source material as provided in 42 U.S.C. 2014, Atomic Energy Act of 1954.



Section 6. Section 19-3-103 is amended to read:

**19-3-103. Radiation Control Board — Members — Organization — Meetings — Per diem and expenses — Revolving door prohibition.**

(1) The board created under Section 19-1-106 comprises 13 members, ~~one of whom shall be the executive director, or his designee, and the remainder of whom~~ who shall be appointed by the governor, with the advice and consent of the Senate.

(2) No more than six appointed members shall be from the same political party.

(3) The appointed members shall be knowledgeable about radiation protection and shall be as follows:

- (a) one physician;
- (b) one dentist;
- (c) one health physicist or other professional employed in the field of radiation safety;
- (d) three representatives of regulated industry, at least one of whom represents the radioactive waste management industry, and, at least one of whom represents the uranium milling industry, but excluding any person operating a radioactive waste disposal or storage facility;
- (e) one registrant or licensee representative from academia;
- (f) one representative of a local health department;
- (g) one elected county official; ~~and~~
- (h) three members of the general public, at least one of whom represents organized environmental interests and one of whom represents organized consumer groups; and
- (i) one representative from an independent scientific organization.

(4)(a) Except as required by Subsection (4)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(5) (a) Each board member is eligible for reappointment to more than one term but no more than two consecutive terms.

(b) Upon expiration of a board member's term, and for a period of three calendar years, beginning the date the board member's term expires and ending on the day after the three-year anniversary of that date, a board member may not knowingly:

(a) accept new employment in the field of radioactive waste disposal or storage with any person as defined in Section 19-1-103 who is directly subject to the board's regulatory authority pursuant to Title 19, Chapter 3, Radiation Control Act; or

(b) become a lobbyist or engage in lobbying activities in the field of radioactive waste disposal or storage for a principal who is a person who is directly subject to the board's regulatory authority pursuant to Title 19, Chapter 3, Radiation Control Act.

(c) For purposes of this section:

(i) "lobbying" means communicating with a public official for the purpose of influencing the passage, defeat, amendment, or postponement of legislative or executive action; and

(ii) "lobbyist" means an individual who is employed by a principal or who contracts for economic consideration, other than reimbursement for reasonable travel expenses, with a principal to lobby a public official."

(6) Each board member shall continue in office until the expiration of his term and until a successor is appointed, but not more than 90 days after the expiration of his term.

(7) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term by the governor, after considering recommendations by the department and with

the consent of the Senate.

(8) The board shall annually elect a chair and vice chair from its members.

(9) The board shall meet at least quarterly. Other meetings may be called by the chair, by the executive secretary, or upon the request of three members of the board.

(10) Reasonable notice shall be given each member of the board prior to any meeting.

(11) Seven members constitute a quorum. The action of a majority of the members present is the action of the board.

(12)(a)(i) Members who are not government employees receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b)(i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(c)(i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Section 63A-3-106 and 63A-3-107.

(ii) Local government members may decline to receive per diem and expenses for their service.

(13)(a) Any person is prohibited from appointment to or membership on the board who has been convicted of a misdemeanor involving moral turpitude or felony of any degree under the United States Code or Utah Code.

(b) For purposes of this subsection, "conviction" means judgment by a criminal court on a verdict or finding of guilty after trial, a plea of guilty, or a plea of nolo contendere.

Section 7. 19-3-104 is amended to read:

**19-3-104. Registration and licensing of radiation sources by department – Assessment of fees — Rulemaking authority and procedure — Siting criteria.**

(1) As used in this section:

(a) "Decommissioning" includes financial assurance.

(b) "Source material" and "byproduct material" have the same definitions as in 42 U.S.C.A. 2014, Atomic Energy Act of 1954, as amended.

(2) The board ~~may~~ shall require the registration of licensing of radiation sources that constitute a significant health hazard.

(3) All sources of ionizing radiation, including ionizing radiation producing machines, shall be registered or licensed by the department.

(4) The board may make rules:

(a) necessary for controlling exposure to sources of radiation that constitute a significant health hazard;

(b) to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government;

(c) to establish:

(i) board accreditation requirements and procedures for mammography facilities; and

(ii) certification procedure and qualifications for persons who survey

mammography equipment and oversee quality assurance practices at mammography facilities; and

(d) as necessary regarding the possession, use, transfer, or delivery of source and byproduct material and the disposal of byproduct material to establish requirements for:

(i) the licensing, operation, decontamination, and decommissioning, including financial assurances; and

(ii) the reclamation of sites, structures, equipment used in conjunction with the activities described in this Subsection (4).

(5)(a) On and after January 1, 2003, a fee is imposed for the regulation of source and byproduct material and the disposal of byproduct material at uranium mills or commercial waste facilities, as provided in this Subsection (5).

(b) On and after January 1, 2003 through March 30, 2003:

(i) \$6,667 per month for uranium mills or commercial sites disposing of or reprocessing byproduct material; and

(ii) \$4,167 per month for those uranium mills the executive secretary has determined are on standby status.

(c) On and after March 31, 2003 through June 30, 2003 the same fees as in Subsection (5)(b) apply, but only if the federal Nuclear Regulatory Commission grants to Utah an amendment for agreement state status for uranium recovery regulation on or before March 30, 2003.

(d) If the Nuclear Regulatory Commission does not grant the amendment for state agreement status on or before March 30, 2003, fees under Subsection (5)(e) do not apply and are not required to be paid until on and after the later date of:

(i) October 1, 2003; or

(ii) the date the Nuclear Regulatory Commission grants to Utah an amendment for agreement state status for uranium recovery regulation.

(e) For the payment periods beginning on and after July 1, 2003, the department shall establish the fees required under Subsection (5)(a) under Section 63-38-3.2, subject to the restriction under Subsection (5)(d).

(f) The department shall deposit fees it receives under this Subsection (5) into the Environmental Quality Restricted Account created in Section 19-1-108.

(6)(a) The department shall assess fees for registration, licensing, and inspection of radiation sources under this section.

(b) The department shall comply with the requirement of Section 63-38-3.2 in assessing fees for licensure and registration.

(7) The department shall coordinate its activities with the Department of Health rules made under Section 26-21a-203.

(8)(a) Except as provided in Subsection (9), the board may not adopt rules, for the purpose of the state assuming responsibilities from the United States Nuclear Regulatory Commission with respect to regulation of sources of ionizing radiation, that are more stringent than the corresponding federal regulations which address the same circumstances.

(9)(a) The board may adopt rules more stringent than corresponding federal regulations for the purpose described in Subsection (6) only if it makes a written finding after public comment and hearing and based on evidence in the record that corresponding federal regulations are not adequate to protect public health and the environment of the state.

(b) Those findings shall be accompanied by an opinion referring to and evaluating the public health and environment information and studies contained in the record which form the basis for the board's conclusion.

(10)(a) The board shall by rule:

(i) authorize independent qualified experts to conduct inspections

required under this chapter of x-ray facilities registered with the division; and

(ii) establish qualifications and certification procedures necessary for independent experts to conduct these inspections.

(b) Independent experts under this Subsection (10) are not considered and may not be employees or representatives of the division or the state when conducting these inspections.

(11)(a) The board ~~may~~ shall by rule establish criteria for siting commercial low-level radioactive waste treatment or disposal facilities.

(b) Any facility under Subsection (11)(a) for which a radioactive material license is required by this section shall comply with those criteria.

(c) A facility may not receive a radioactive material license until siting criteria have been established by the board. The criteria also apply to facilities that have applied for but not received a radioactive material license.

(12) The board shall by rule establish financial assurance requirements for closure and postclosure care of radioactive waste land disposal facilities, taking into account existing financial assurance requirements.

Section 8. **19-3-105** is amended to read:

**19-3-105. Legislative and gubernatorial approval required by concurrent resolution.**

(1)(a) A person may not own, construct, modify, or operate any facility for the purpose of commercially transferring, storing, decaying in storage, treating, or disposing of radioactive waste without first submitting and receiving the approval of the board for a radioactive material license for the facility.

(b) A person may not be fully granted a commercial radioactive waste disposal license, amend a commercial radioactive waste disposal license, or restructure or construct a ~~new~~ commercial radioactive waste transfer, storage, decay in storage, treatment, or disposal facility until:

(i) the requirements of Section 19-3-104 have been met;

(ii) in addition and subsequent to the approval required in Subsection

(1)(a), the governor and the Legislature have approved the commercial radioactive waste disposal license, amended commercial radioactive waste disposal license, or facility by concurrent resolution; and

(iii) local planning and zoning has authorized the facility.

(c) For purposes of this section, the following items shall be treated as submission of a new license application:

(i) the submission of a revised application specifying a different geographic site than a previously submitted application;

(ii) an application for amendment of a commercial radioactive waste license for transfer, storage, decay in storage, treatment, or disposal facilities, including incinerators, if the renovation or construction would cost 50% or more of the cost of construction of the original transfer, storage, decay in storage, treatment, or disposal facility or the modification would result in an increase in capacity or throughput of a cumulative total of 50% of the original total capacity or throughput in the initial license as of January 1, 1990 ~~[which was approved in the~~

~~facility license as of January 1, 1990, or the initial approval facility license if the initial license approval is subsequent to January 1, 1990]~~; or

(iii) any request for approval for a commercial radioactive waste transfer, storage, decay in storage, treatment, or disposal facility to receive class B or class C low-level radioactive waste, including the submission of a new license application, revised license application, or major license amendment.

~~[(2) A person need not obtain gubernatorial or legislative approval for the construction of a radioactive waste facility for which a license application has been approved by the Department of Health or submitted to the federal Nuclear Regulatory Commission and to the~~

Department of Health for approval before January 1, 1990, and which has been determined, on or before October 31, 1990, by the Department of Health to be complete in accordance with state and federal requirements.]

~~[(2)] (2)~~ On or after January 1, 2003, the ~~[The]~~ board shall suspend any acceptance of further new license applications for certain commercial radioactive waste disposal licenses or facilities as provided in Section 19-3-105.5. ~~[upon a finding that they cannot adequately oversee existing and additional radioactive waste facilities for license compliance, monitoring, and enforcement. The board shall report the suspension to the Legislative Management Committee.]~~

~~[(4)]-(3)~~ The board shall review each proposed radioactive waste license application to determine whether the application complies with the provisions of this chapter and the rules of the board.

~~[(6)] (4)(a)~~ If the radioactive license application is determined to be complete, the board shall issue a notice of completeness.

(b) If the plan is determined by the board to be incomplete, the board shall issue a notice of deficiency, listing the additional information to be provided by the applicant to complete the application.

~~(5)~~ For purposes of this section, "amend a commercial radioactive waste disposal license" means:

~~(a)~~ to modify the radioactive waste streams to be disposed or stored;

~~(b)~~ to modify the regulatory requirements to be made less stringent; or

~~(c)~~ to engage in major renovation or restructuring of the facility.

Section 9. **19-3-106** is amended to read:

**19-3-106. Fee for commercial radioactive waste disposal or treatment—Forms developed—Deposit of fees.**

(1)(a) An owner or operator of a commercial radioactive waste treatment or disposal facility that receives radioactive waste shall collect a fee from the generator of the waste as provided in Subsection (1)(b).

~~(b) [(4)]~~ On and after ~~[July 1, 1994 through June 30, 2001]~~ January 1, 2003, the fee is ~~[\$2.50 per ton, or fraction of a ton, of radioactive waste other than byproduct material, received at the facility for disposal or treatment.] [(ii) On and after July 1, 2001, the fee is]~~ equal to the sum of the following amounts:~~[(A)]~~

~~(i)~~ 10 cents per cubic foot, or fraction of a cubic foot, of all radioactive waste, other than byproduct material, received at the facility for disposal or treatment; ~~and~~

~~[(B)] (ii)~~ \$1 per curie, or fraction of a curie, of all radioactive waste, other than byproduct material, received at the facility for disposal or treatment; and

~~(iii)~~ \$1 per cubic foot, or fraction of a cubic foot, of all radioactive waste, other than byproduct material, received at the facility for disposal or treatment to pay for impact reduction and community and economic development in a county where any radioactive waste disposal facility is located.

(2)(a) The owner or operator shall remit the fees imposed under this section to the department on or before the 15<sup>th</sup> day of the month following the month in which the fee accrued.

(b) The department shall deposit all fees received under this section into the Environmental Quality Restricted Account created in Section 19-1-108 and to the county in which any radioactive waste disposal facility is located.

(c) The owner or operator shall submit to the department with the payment of the fee under this subsection a completed form, in writing and subject to public inspection, prescribed by the department that provides information the department requires to verify the amount, type, description, and origin of waste received and the fee amount for which the owner or operator is liable.

(3) The department and the State Tax Commission may jointly develop and use a single form for the collection of:

(a) the fee imposed under this section and Section 19-3-106.4; and

~~[(2)]~~ (b) the tax imposed under Title 59, Chapter 24, Radioactive Waste Tax.

~~[(3)]~~ (4) The Legislature shall appropriate to the department funds to cover the cost of radioactive waste disposal supervision.

Section 10. **19-3-106.2** is amended to read:

**19-3-106.2. Fee for perpetual care and maintenance of commercial radioactive waste disposal facilities — Subaccount for Closure — Radioactive Waste Perpetual Care and Maintenance Fund created — Contents — Use of fund monies.**

(1) As used in this section, "perpetual care and maintenance" means perpetual care and maintenance of a commercial radioactive waste treatment~~[-]~~ or disposal facility, excluding sites within the facility used for the disposal of byproduct material, as required by applicable laws, rules, and license requirements beginning 100 years after the date of final closure of the facility.

(2)(a) On and after ~~[July 1, 2002]~~ January 1, 2003, the owner or operator of an active commercial radioactive waste treatment or disposal facility shall pay the greater of an annual fee of [\$400,000] \$5,000,000 or \$1 per cubic foot or fraction of a cubic foot of all radioactive waste, other than byproduct material, received annually at the facility for disposal or treatment, to provide for the perpetual care and maintenance of the facility.

~~(b)~~ The annual fee may not be paid upon radioactive waste in storage.

~~(c)~~ Once the annual fee generates a threshold amount of \$100 million in revenue and is deposited as provided in Subsection (3), the annual fee shall cease.

~~[(4)] (d)~~ The owner or operator shall remit the fee to the department in monthly increments beginning on or before ~~[July 1]~~ February 15, 2003.

(3) The department shall deposit fees received under Subsection (2) into the Radioactive Waste Perpetual Care and Maintenance Fund created in Subsection (4).

(4)(a) There is created the Radioactive Waste Perpetual Care and Maintenance Fund to finance perpetual care and maintenance of commercial radioactive waste treatment or disposal facilities, and to provide funds for postclosure monitoring if the circumstances as provided in Subsection (5)(b) occur, excluding sites within those facilities used for the disposal of byproduct material.

(b) The sources of revenue for the fund are:

(i) the fee imposed under this section;

(ii) investment income derived from money in the fund.

(c)(i) The revenues for the fund shall be segregated into subaccounts for each commercial radioactive waste treatment or disposal facility covered by the fund if necessary.

(ii) Each subaccount shall contain:

(A) the fees paid by each owner or operator of a commercial radioactive waste treatment or disposal facility as required in this section; and

(B) the associated investment income.

(5) The Legislature may appropriate money from the Radioactive Waste Perpetual Care and Maintenance Fund for:

(a) perpetual care and maintenance of a commercial radioactive waste treatment or disposal facility, excluding sites within the facility used for the disposal of byproduct material, beginning 100 years after the date of final closure of the facility; or

(b) maintenance or monitoring of, or implementing corrective action at, a commercial radioactive waste treatment or disposal facility, excluding sites within the facility used for the disposal of byproduct material,

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before the end of 100 years after the date of final closure of the facility, if:

- (i) the owner or operator is unwilling or unable to carry out final closure or postclosure maintenance, monitoring, or corrective action; and
- (ii) the financial surety arrangements made by the owner or operator, including any required under applicable law, are insufficient to cover the costs of final closure or postclosure maintenance, monitoring, or corrective action.

(6) The money appropriated from the Radioactive Waste Perpetual Care and Maintenance Fund for the purposes specified in Subsection (5)(a) or (5)(b) at a particular commercial radioactive waste treatment or disposal facility may be appropriated only from the subaccount established under Subsection (4)(c) for the facility.

(7) The attorney general shall ~~bring~~ enforce this section through legal action against the owner or operator or take other steps to secure the recovery or reimbursement of the costs of maintenance, monitoring, or corrective action, including legal costs, incurred pursuant to Subsection (5)(b).

(8)(a) The board shall direct an evaluation of the adequacy of the Radioactive Waste Perpetual Care and Maintenance Fund every five years, beginning in ~~2006~~ 2004. The evaluation shall determine whether the fund is adequate to provide for perpetual care and maintenance of commercial radioactive waste treatment or disposal facilities.

(b) The board shall submit a report on the evaluation to the Legislative Management Committee on or before October 1 of the year in which the report is due.

(9) This section does not apply to a uranium mill licensed under 10 C.F.R. Part 40, Domestic Licensing of Source Material.

Section 11. **19-3-106.4** is amended to read:

### **19-3-106.4. Generator site access permits.**

(1) A generator or broker may not transfer radioactive waste to a commercial radioactive waste treatment or disposal facility in the state without first obtaining a generator site access permit from the executive secretary.

(2) The board may make rules pursuant to Section 19-3-104 governing a generator site access permit program.

(3)~~(a)~~ Except as provided in Subsection ~~(4)(b)~~ (4), the department shall establish fees for generator site access permits in accordance with section 63-38-3.2.

~~(4)~~(4) On and after July 1, 2001 through June 30, 2002, the fees are:

- (i)(a) \$1,300 for generators transferring 1,000 or more cubic feet of radioactive waste per year;

- (ii)(b) \$500 for generators transferring less than 1,000 cubic feet of radioactive waste per year; and

- (iii)(c) \$5,000 for brokers.

~~(5)~~ (5) The department shall deposit fees received under this section into the Environmental Quality Restricted Account created in Section 19-1-108.

~~(6)~~ (6) This section does not apply to a generator or broker transferring radioactive waste to a uranium mill licensed under 10 C.F.R. part 40, Domestic Licensing of Source Material.

Section 12. **59-1-302** is amended to read:

### **59-1-302. Penalty for nonpayment of sales, use, withholding, fuels, or radioactive waste taxes — Jeopardy proceedings.**

(1) The provisions of this section apply to the following taxes in this title:

- (a) state and local sales and use tax under Chapter 12, Parts 1 and 2;
- (b) transient room tax under Chapter 12, Part 3;

- (c) resort communities tax under Chapter 12, Part 4;

- (d) public transit tax under Chapter 12, Part 5;

- (e) tourism, recreation, cultural, and convention facilities tax under Chapter 12, Part 6;

- (f) motor fuel, clean fuel, special fuel, and aviation fuel taxes under Chapter 13, Parts 2, , and 4; ~~and~~

- (g) withholding tax under Chapter 10, Part 4; and

- (h) radioactive waste tax under Chapter 24, Part 1.

(2) Any person required to collect, truthfully account for, and pay over any tax listed in Subsection (1) who willfully fails to collect the tax, fails to truthfully account for and pay over the tax, or attempts in any manner to evade or defeat any tax or the payment of the tax, shall be liable for a penalty equal to the total amount of the tax evaded, not collected, not accounted for, or not paid over. This penalty is in addition to other penalties provided by law.

(3)(a) If the commission determines in accordance with Subsection (2) that a person is liable for the penalty, the commission shall notify the taxpayer of the proposed penalty.

(b) The notice of proposed penalty shall:

- (i) set forth the basis of the assessment; and

- (ii) be mailed by register mail, postage prepaid, to the person's last-known address.

(4) Upon receipt of the notice of proposed penalty, the person against whom the penalty is proposed may:

- (a) pay the amount of the proposed penalty at the place and time stated in the notice; or

- (b) proceed in accordance with the review procedures of Subsection (5).

(5) Any person against whom a penalty has been proposed in accordance with Subsection (2) and (3) may contest the proposed penalty by filing a petition for an adjudicative proceeding with the commission.

(6) If the commission determines that the collection of the penalty is in jeopardy, nothing in this section may prevent the immediate collection of the penalty in accordance with the procedures and requirements for emergency proceedings in Title 63, Chapter 46b, Administrative Procedures Act.

(7)(a) In any hearing before the commission and in any judicial review of the hearing, the commission and the court shall consider any inference and evidence that person has willfully failed to collect, truthfully account for, or pay over any tax listed in Subsection (1).

- (b) It is prima facie evidence that a person has willfully failed to collect, truthfully account for, or pay over any of the taxes listed in Subsection (1) if the commission or a court finds that the person charged with the responsibility of collecting, accounting for, or paying over the taxes:

- (i) made a voluntary, conscious, and intentional decision to prefer other creditors over the state government or utilize the tax money for personal purposes.

- (ii) recklessly disregarded obvious or known risks, which resulted in the failure to collect, account for, or pay over the tax; or

- (iii) failed to investigate or to correct mismanagement, having notice that the tax was not or is not being collected, accounted for, or paid over as provided by law.

(c) The commission or court need not find a bad motive or specific intent to defraud the government or deprive it of revenue to establish willfulness under this section.

(d) If the commission determines that a person is liable for the penalty under Subsection (2), the commission shall assess the penalty and give notice and demand for payment. The notice and demand for payment shall be mailed by registered mail, postage prepaid, to the person's last-known address.

Section 13. **59-24-103** is amended to read:

**59-24-103. Tax imposed on radioactive waste.**

(1) Beginning on ~~[April 1, 2001]~~ January 1, 2003, there is imposed a tax on all radioactive waste received at a radioactive waste facility for disposal, as provided in this chapter, including alternate feed material, bulk waste, Class A waste, 11e.2 waste, mixed waste, NORM-NARM waste, PCB mixed waste, PCB radioactive waste, and Pre-78 waste as defined in Sections 19-3-102 and 59-24-102.

(2) The tax is equal to the sum of the following amounts:

~~(a) [42%] 15 % of the gross receipts received from the disposal of [processed class A waste] all radioactive waste received at a radioactive waste facility for disposal, including processed, containerized, uncontainerized, or unprocessed or bulk disposal waste.~~

~~[(b) [10%] 15 % of the gross receipts received for the disposal of processed class A waste;~~

~~(c) [6 %] 15 % of the gross receipts received for the disposal of uncontainerized, unprocessed class A waste;]~~

~~[(d) (b) [10 cents] \$4.00 per cubic foot of alternate feed material received at a radioactive waste facility for disposal [or reprocessing]; [and]~~

~~[(e) (c) [10 cents] \$4.00 per cubic foot of [byproduct material] bulk disposal 11e.2 waste received at a radioactive waste facility for disposal;~~

~~(d) \$150.00 per cubic foot of low-level Class A containerized waste received at a radioactive waste facility for disposal;~~

~~(e) \$20.00 per cubic foot for low-level Class A bulk disposal waste received at a radioactive waste facility for disposal;~~

~~(f) \$150.00 per cubic foot of containerized mixed waste including containerized PCB radioactive waste and containerized PCB mixed waste received at a radioactive waste facility for disposal;~~

~~(g) \$30.00 per cubic foot of bulk disposal mixed waste including bulk PCB radioactive waste and bulk PCB mixed waste received at a radioactive waste facility for disposal;~~

~~(h) \$150.00 per cubic foot of containerized NORM-NARM waste received at a radioactive waste facility for disposal;~~

~~(i) \$20.00 per cubic foot of bulk disposal NORM-NARM waste received at a radioactive waste facility for disposal; and~~

~~(j) \$4.00 per cubic foot of bulk disposal Pre-78 waste received at a radioactive waste facility for disposal.~~

(3) For purposes of the tax imposed by this section, a fraction of a cubic foot is considered to be a full cubic foot.

~~[(4) The tax imposed by this section applies to:]~~

~~[(a) gross receipts received;~~

~~[(i) pursuant to a contract entered into on or after April 30, 2001];~~

~~[(ii) pursuant to a contract substantially modified on or after April 30, 2001;]~~

~~[(iii) pursuant to a contract renewed or extended on or after April 30, 2001;]~~

~~[(iv) not pursuant to a contract; or]~~

~~[(v) for the disposal of containerized class A waste; and]~~

~~[(b) alternate feed material or byproduct material received:]~~

~~[(i) pursuant to a contract entered into on or after April 30, 2001];~~

~~[(ii) pursuant to a contract substantially modified on or after April 30, 2001;]~~

~~[(iii) pursuant to a contract renewed or extended on or after April 30, 2001; or]~~

~~[(iv) not pursuant to a contract.]~~

~~[(6)] (4) The tax imposed by this section [does not apply] applies to radioactive waste containing material classified as hazardous waste under 40 C.F.R. Part 261.~~

~~(5) For purposes of this section, "gross receipts" means the totality of~~

the consideration that the taxpayer receives for any good or service produced or rendered in the state without any deduction or expense paid or accrued in respect to it.

Section 14. **59-24-104. Payment of tax.**

(1) The tax imposed by Section 59-24-103 shall be paid by the owner or operator of a radioactive waste facility that receives radioactive waste for disposal or reprocessing.

(2) The payment shall be by electronic funds transfer and accompanied by the form prescribed by the commission.

(3) The payment shall be paid ~~[quarterly]~~ monthly on or before the last day of the month next succeeding each calendar ~~[quarterly]~~ monthly period.

Section 15. **59-24-105** is amended to read:

**59-24-105. Deposit of tax revenue.**

The commission shall deposit the tax revenue collected under this chapter into the ~~[General Fund]~~ the Education, Environment, and Ethics Fund as created in Section 53A-30-101.

Section 16. Section **19-3-105.5** is enacted to read:

**19-3-105.5. Prohibition against Governor's and Legislature's approval for licensing or siting a facility for disposal or storage of high-level nuclear waste, greater than class C radioactive waste, or class B or class C low-level radioactive waste within state of Utah – Board may not approve certain waste disposal license applications — Definitions — Injunctive relief.**

(1) On or after January 1, 2003, the governor and the legislature may not approve any new radioactive waste license application, license hereto approved by the board but still pending approval by the legislature and governor, license amendment, or any facility as required in Section 19-3-105 to dispose of any high level nuclear waste, greater than class C radioactive waste, or class B or class C low-level radioactive waste within the exterior boundaries of Utah, including within any political subdivisions of the state or commercial landfills within the state.

(2) On or after January 1, 2003, the board may not approve any radioactive waste license application for a facility to dispose of any high level nuclear waste, greater than class C radioactive waste, or class B or class C low-level radioactive waste within the exterior boundaries of Utah, including within any political subdivisions of the state or commercial landfills within the state. (3) For purposes of this section:

(a) "Class B or class C low-level radioactive waste" has the same meaning as provided in Section 19-3-102 and in 10 C.F.R. 61.55;

(b) "Greater than class C radioactive waste" means low-level radioactive waste that has higher concentrations of specific radionuclides than allowed for Class C waste; and

(c) "High-level nuclear waste" has the same meaning as provided in Section 19-3-102.

(4) In addition to other penalty provisions which may be utilized, the state of Utah grants a private right of action for injunctive relief to any person to seek to enjoin any conduct prohibited in this section.

Section 17. Section **53A-30-101** is enacted to read:

**53A-30-101. Creation of restricted special revenue fund, the Education, Environment, and Ethics Fund — Fund purposes — Sources of funds — Authorized uses of fund revenues — Expenses — Annual reporting required — Accounting and auditing required.**

(1) There is created a restricted special revenue fund entitled the "Education, Environment, and Ethics Fund."

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(2) The fund consists of monies generated from the following revenue sources:

(a) tax revenues collected by the State Tax Commission under Section 59-24-103; and

(b) investment income derived from money in the fund.

(3) (a) The fund shall earn interest.

(b) All interest earned on fund monies shall be deposited into the fund.

(4) (a) Any appropriations from the fund shall be nonlapsing and any unallocated balance in the fund at the end of each fiscal year shall be nonlapsing.

(b) The fund shall be used exclusively for the statewide purposes as declared in this initiative.

(c) Any appropriations from the fund shall occur on August 15, 2003, February 15, 2004, and every six months on or about those dates thereafter.

(5) The fund is exempt from legislative appropriation but shall be distributed bi-annually in the following administrative method:

(a) The Division of Finance and the State Office of Education shall distribute the funds according to the formula:

(i) 25 percent for class-size reduction in the public education system, including hiring licensed teaching specialists;

(ii) 20 percent for increased computer technology in the public education system including acquisition of equipment, increased training of teachers in use of the technology, and increased student access to the technology;

(iii) 12.5 percent for textbook acquisitions and purchases of instructional materials in the public education system;

(iv) 6.5 percent for teacher-directed classroom supplies in the public education system;

(v) 16 percent for scholarship money to:

(A) a scholarship foundation within each school district for deserving students in public post-secondary training schools and the higher education system; and

(B) educators in the public education system to enhance their skills and training; and

(vi) 20 percent to the Utah Basic Human Needs Endowment created in Section 62A-15-103 with segregated interest monies to be used for ongoing expenses and qualifying recipients and segregated principal and interest monies to be retained as an endowment.

(b) The funds allocated to public education shall be distributed to Utah's 40 school districts and the Utah Schools for the Deaf and Blind according to a formula determined by the Education, Environment, and Ethics Fund Oversight Board as provided in Section 53A-30-102.

(c) Each state, county, or local government entity who receives a percentage of the fund revenue as provided in Subsection (5)(a) may make rules to govern the eligibility criteria and distribution methods of revenues from the fund pursuant to Title 63, Chapter 46a, the Utah Administrative Rulemaking Act.

(d) Each state, county, or local government entity identified in Subsection (5)(a) shall be reimbursed from the restricted special revenue fund as created in this section for expenses incurred in the administration and distribution of the fund.

(e) Each state agency required in Subsection (5) to distribute the fund shall provide an annual report on the programs and activities funded under Subsection (5) to:

(i) the Education Interim Committee;

(ii) the Education Appropriations Subcommittee;

(iii) the Education, Environment, and Ethics Fund Oversight Board created in Section 53A-30-102; and

(iv) the Utah Basic Human Needs Authority created in Section 62A-15-101.

(f) Each county or local government entity required to distribute the fund shall provide an annual report on the programs and activities funded under Subsection (5) to its executive and legislative bodies.

(6) The fund shall be utilized in addition to any existing funds or funding levels for public education, health, human services, or other funds assisting Utah's children, impoverished, or homeless. The fund may not be used as an offset on existing funding levels.

(7) The fund shall be audited annually:

(a) by the state auditor in its use of public money pursuant to the formula as provided in subsection (5)(a); or

(b) by an independent certified public accountant approved by the Division of Finance and the state auditor.

(8) The Education, Environment, and Ethics Fund is exempt from Title 63, Chapter 38, Budgetary Procedures Act.

(9) The State Tax Commission shall receive a one-time, nonlapsing appropriation of \$100,000 from the Education, Environment, and Ethics Fund to cover the costs of collection of the fund.

Section 18. Section 53A-30-102 is enacted to read:

**53A-30-102. Creation of Education, Environment, and Ethics Fund Oversight Board – Members – Organization – Meetings – Per Diem and Expenses– Purposes and duties — Annual reporting required -- Accounting and auditing required -- Statutory exemptions — Limitation of liability.**

(1) There is created the Education, Environment, and Ethics Fund Oversight Board which comprises nine members, one of whom shall be the State Superintendent of Public Instruction, and eight of whom shall be appointed by the governor with the advice and consent of the Senate.

(2) The members shall be knowledgeable of the state's needs in education and shall be:

(a) one representative nominated from locally elected boards of education by the School Board Association of the public education system;

(b) one representative nominated from school district superintendents by the School Superintendents Association of the public education system;

(c) two representatives nominated from public school educators by the majority educator association of the public education system;

(d) two representatives of the business community; and

(e) two representatives of parents whose children are enrolled in the public education system.

(3) No more than five of the appointed members shall belong to the same political party.

(4)(a) A board member may not derive any significant portion of his income as derived from grants or contributions from the fund based upon a board member's recommendations or oversight under this section. Any potential conflict of interest of any member, relevant to the interests of the board, shall be adequately disclosed.

(b) Any member of the board, any of its officers, or its employees, who knowingly violates Subsection (4)(a), knowingly fails to disclose any economic interest referred to in Subsection (4)(a), or solely because of the affiliation the member, officer, or employee has with the eligible recipient, knowingly receives any economic benefit, is guilty of a class A misdemeanor and subject to a civil penalty of the greater of \$10,000 or the amount of any such economic benefit.

(5) The purpose of the board shall be to:

(a) determine the qualified recipients for the distribution of revenues from the Education, Environment, and Ethics Fund according to the percentage formula as provided in Section 53A-30-101; and

(b) to provide oversight and accountability for that distribution.

(6)(a) Except as required by Subsection (6)(b), members shall be appointed for a term of four years.  
(b) Notwithstanding the requirements of Subsection (6)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.  
(7) Members may serve more than one term but no more than two consecutive terms.  
(8) Members shall hold office until the expiration of their terms and until their successors are appointed, but not more than 90 days after the expiration of their terms.  
(9) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.  
(10) The board shall elect annually a chair and a vice chair from its members.  
(11)(a) The board shall meet at least quarterly, and special meetings may be called by the chair upon his own initiative, upon the request of State Tax Commission, the Department of Environmental Quality, the State Office of Education, or the Division of Finance, or upon the request of four members of the board.  
(b) Three days' notice shall be given to each member of the board prior to any meeting.  
(12) Five members constitute a quorum at any meeting, and the action of a majority of members present is the action of the board.  
(13) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.  
(ii) Members may decline to receive per diem and expenses for their service.  
(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.  
(ii) State government officer and employee members may decline to receive per diem and expenses for their service.  
(c)(i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.  
(ii) Local government members may decline to receive per diem and expenses for their service.  
(14) The board may make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act:  
(a) to guarantee a fair and equitable distribution of revenues from the fund to eligible recipients according to the percentage formulae provided in Section 53A-30-101;  
(b) to review the utilization of those distributed revenues; and (c) to determine whether or not the purposes for the fund have been and are being met.  
(15) The board shall comply with:  
(a) Title 52, Chapter 4, Open and Public Meetings; and  
(b) Title 63, Chapter 2, Government Records Access and Management Act.  
(16) The board is exempt from Title 63, Chapter 38, Budgetary Procedures Act.

(17) The board, as a state agency, shall:  
(a) report each fiscal year its revenues and expenditures to the governor and the legislature;  
(b) be audited annually by the state auditor; and  
(c) be audited by the legislative auditor general pursuant to Section 36-12-15.  
(18) The state auditor may bill the board for the costs of the state auditor's annual audit required by Subsection (17).  
(19) The board shall provide a report of its activities by October 1 of each year to:  
(a) the governor;  
(b) the Utah State Tax Commission;  
(c) the State Office of Education;  
(d) the executive director of the Department of Environmental Quality;  
(e) the attorney general;  
(f) the director of the Division of Finance;  
(g) the state auditor;  
(h) the legislative auditor general;  
(i) the Office of Legislative Research and General Counsel; and  
(j) the Office of the Legislative Fiscal Analyst.  
(20) The costs of administration and distribution by the Board shall be reimbursed from the Education, Environment, and Ethics Fund.  
(21) No member of the board, nor any person acting in its behalf, while acting within the scope of his authority, is subject to any personal liability resulting from carrying out any of the powers of this chapter.  
(22) The provisions of Section 63-30-36 shall apply to members, officers, and employees and agents of the board in connection with any and all claims, demands, suits, actions, or proceedings that may be made or brought against any of them arising out of any determination made or actions taken or omitted to be taken in compliance with any obligations pursuant to the terms of this chapter.

Section 19. Section **62A-15-101** is enacted to read:  
**62A-15-101. Creation of Utah Basic Human Needs Authority - Members - Purposes and duties - Organization - Public meetings - Per Diem and Expenses - Statutory Exemptions — Reports and audits - Limited liability.**

(1) There is created the Utah Basic Human Needs Authority which comprises nine members, two of whom shall be the Executive Director of the Department of Human Services and the Executive Director of the Department of Community and Economic Development or designees, seven of whom shall be appointed by the governor with the advice and consent of the Senate.  
(2) The members shall be knowledgeable of the statewide needs among the impoverished or homeless:  
(a) for housing;  
(b) for assistance and supervision; and  
(c) for physical or mental health funding.  
(3) The authority shall determine the eligible agencies who shall receive annual grants from the Education, Environment, and Ethics Fund's allocation to the Utah Basic Human Needs Endowment created in Section 62A-15-103.  
(4) The members shall be:  
(a) one representative of the United Way organizations;  
(b) one representative of the Crusade for the Homeless;  
(c) one representative of the Salt Lake Coordinating Council of Human Service Agencies;  
(d) one representative of the Utah State Homeless Coordinating Council;  
(e) one representative of the Salt Lake City Homeless Coordinating Council;

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(f) one representative of Mountain Land Continuum of Care; and  
(g) one representative of the Utah League of Cities and Towns.

(5) No more than five of the appointed members shall belong to the same political party.

(6) For purposes of this section, "eligible recipient" means any individual, private, non-profit entity, with § 501(c)(3) Internal Revenue Code certification, which provides assistance to the homeless or impoverished in the form of housing, food, physical or mental health services, language acquisition instruction, or any other basic need related to homelessness or poverty in order to prevent or alleviate homelessness or poverty as determined by the Utah Basic Human Needs Authority.

(7)(a) Any member of the authority may not derive any significant portion of his income as derived from grants or contributions from the fund based upon an authority member's determination under this section. Any potential conflict of interest of any member, relevant to the interests of the authority, shall be adequately disclosed.

(b) Any member of the authority, any of its officers, or its employees, who knowingly violates Subsection (7)(a), knowingly fails to disclose any economic interest referred to in Subsection (7)(a), or solely because of the affiliation the member, officer, or employee has with the eligible recipient, knowingly receives any economic benefit derived from grants, contributions, or loans, is guilty of a class A misdemeanor and subject to a civil penalty of the greater of \$10,000 or the amount of any such benefit.

(8) The purpose of the authority shall be to:

(a) determine the criteria of eligibility for eligible recipients as provided in Section 62A-15-102;

(b) to distribute the revenue from the Utah Basic Human Needs Endowment as created in Section 62A-15-103; and

(c) to provide oversight and accountability for that distribution.

(9)(a) Except as required by Subsection (9)(b), members shall be appointed for a term of four years.

(b) Notwithstanding the requirements of Subsection (9)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of authority members are staggered so that approximately half of the authority is appointed every two years.

(10) Members may serve more than one term but not more than two consecutive terms.

(11) Members shall hold office until the expiration of their terms and until their successors are appointed, but not more than 90 days after the expiration of their terms.

(12) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(13) The authority shall elect annually a chair and a vice chair from its members.

(14)(a) The authority shall meet at least quarterly, and special meetings may be called by the chair upon his own initiative, upon the request of the Executive Director of the Department of Health, Department of Human Services, or Director of the Division of Finance, or upon the request of five members of the authority.

(b) Three days' notice shall be given to each member of the authority prior to any meeting.

(15) Five members constitute a quorum at any meeting, and the action of a majority of members present is the action of the authority.

(16)(a)(i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b)(i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the authority at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(c)(i) Local government members who do not receive salary, per diem, or expenses for the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Local government members may decline to receive per diem and expenses for their service.

(17) The authority may make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act:

(a) to guarantee a fair and equitable distribution of revenues from the Utah Basic Human Needs Endowment to eligible recipients according to the criteria provided in Section 62A-15-102;

(b) to review the utilization of those distributed revenues; and  
(c) to determine whether or not the purposes for the Education, Environment and Ethics, Fund and the Utah Basic Human Needs Endowment have been and are being met.

(18) The authority shall comply with:

(a) Title 52, Chapter 4, Open and Public Meetings; and

(b) Title 63, Chapter 2, Government Records Access and Management Act.

(19) The authority is exempt from Title 63, Chapter 38, Budgetary Procedures Act.

(20) The authority, as a state agency, shall:

(a) report each fiscal year its revenues and expenditures to the governor and the legislature;

(b) be audited annually by the state auditor; and

(c) be audited by the legislative auditor general pursuant to Section 36-12-15.

(21) The state auditor may bill the authority for the costs of the state auditor's annual audit required by Subsection (1).

(22) The authority shall provide a report of its activities by October 1 of each year to:

(a) the governor;

(b) the executive directors of the:

(i) the Department of Health;

(ii) the Department of Human Services; and

(iii) the Department of Community and Economic Development;

(c) the attorney general;

(d) the director of the Division of Finance;

(e) the state auditor;

(f) the legislative auditor general;

(g) the Office of Legislative Research and General Counsel; and

(h) the Office of the Legislative Fiscal Analyst.

(23) The costs of administration and distribution by the authority shall be reimbursed from the Endowment.

(24) No member of the authority, nor any person acting in its behalf, while acting within the scope of his authority, is subject to any personal liability resulting from carrying out any of the powers of this chapter.

(25) The provisions of Section 63-30-36 shall apply to members, officers, and employees and agents of the authority in connection with any and all claims, demands, suits, actions, or proceedings that may



be made or brought against any of them arising out of any determination made or actions taken or omitted to be taken in compliance with any obligations pursuant to the terms of this chapter.

Section 20. Section **62A-15-102** is enacted to read:

**62A-15-102. Definitions — Eligibility criteria.**

As used in this chapter:

(1) “Authority” means the Utah Basic Human Needs Authority as created in Section 62A-15-101;

(2) “Eligible recipient” means any private, nonprofit, tax-exempt entity with § 501(c)(3) certification under the Internal Revenue Code who has applied to the Utah Basic Human Needs Authority to receive funds to provide services to Utah’s homeless or impoverished;

(3) “Eligibility criteria” means the qualifications to be established by the authority and to be satisfied by an eligible recipient. The eligibility criteria shall be in writing and established pursuant to the Utah Administrative Rulemaking Act, Title 63, Chapter 46a, and include any eligible recipient with an established program whose purpose is:

(a) to provide a continuum of care through assistance, supervision, and housing to the impoverished or homeless;

(b) to prevent homelessness; and

(c) to provide physical or mental health services to the impoverished or homeless.

(4) “Endowment” means the Utah Basic Human Needs Endowment created in Section 62A-15-103.

(5) “Homeless” means any individual who does not have permanent, affordable shelter within the individual’s control.

(6) “Impoverished” means any individual who:

(a) does not have enough money to meet his or her basic needs for food, clothing, shelter, transportation, medical care, and child care; or  
(b) resides in a household whose gross family income, as defined by rule, is at or below 200 percent of the federal poverty level.

(7) “Qualifying recipient” means any eligible recipient who has been awarded a grant from the authority to provide supervision to Utah’s homeless or impoverished in the form of housing, food, physical or mental health services, language acquisition instruction, or other basic needs to prevent or alleviate homelessness or poverty in Utah.

Section 21. Section **62A-15-103** is enacted to read:

**62A-15-103. Creation of Utah Basic Human Needs Endowment — Purpose — Authorized use of fund revenues — Expenses — Annual reporting required — Accounting and auditing required — Threshold amount to be accumulated.**

(1) There is created a restricted special revenue fund entitled the “Utah Basic Human Needs Endowment” to be known as the Endowment.

(2) The Endowment shall consist of:

(a) monies distributed according to the percentage formulae from the Education, Environment, and Ethics Fund created in Section 53A-30-101; and

(b) investment income derived from the money in the Endowment.

(3) The Endowment shall earn interest, and all interest earned on Endowment monies shall be deposited into the Endowment.

(4) Any appropriations from the Endowment shall be nonlapsing and any unallocated balance in the fund at the end of each fiscal year shall be nonlapsing and remain in the Endowment, except as provided in Subsection (9).

(5) The Endowment shall be utilized in addition to any existing funds or funding levels for public education, higher education, health, human services, or other funds assisting Utah’s children, impoverished, or homeless. The fund may not be used as an offset on existing funding levels.

(6) The Endowment shall be audited annually:

(a) by the state auditor in its use of public money pursuant to the formula as provided in Section 53A-30-101; or

(b) by an independent certified public accountant approved by the Division of Finance and the state auditor.

(7) The Endowment is exempt from Title 63, Chapter 38, Budgetary Procedures Act.

(8) The Endowment shall be used exclusively for the statewide purposes to promote the general welfare as declared in this initiative.

(9) The Endowment is exempt from legislative appropriation but shall be distributed by the authority annually in the following administrative method:

(a) the fund’s interest may be distributed annually for operating expenses and to any qualifying recipient;

(b) 10 percent of the annual distribution from the Education, Environment and Ethics Fund shall be retained annually as an endowment with its principal not subject to distribution.

(10) Once the threshold amount of \$200 million has been accumulated, the Education, Environment, and Ethics Fund through its board will cease distribution to the Endowment.

(11) The interest in the Endowment shall be used exclusively for the purpose of providing grants to qualifying recipients as determined by the authority.

**Section 22. Severability clause.**

If any provision of this act, or the application of any provision to any person or circumstance, is held invalid, the remainder of the act shall be given effect without the invalid provision or application.

**Section 23. Statewide purpose of funding for environmental regulation, children’s education, the impoverished, housing, and health services.**

The fees and taxes received pursuant to this act are revenues which may be shared in the statewide purpose of funding environmental regulation, promoting the general welfare, improving the quality of life to all citizens by funding programs which benefit Utah’s children through education, Utah’s impoverished through affordable housing, supervision and training, and adequate transitional shelters, and Utah’s residents in need of sufficient physical and mental health services.

**Section 24.**

**Effective date.**

The effective date of this act shall be January 1, 2003.

**C.**

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**JUDGES**

**58**

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# INFORMATION ABOUT JUDGES APPEARING ON YOUR BALLOT

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## Merit Selection of Judges

The office of judge is unique in our society. A judge is a public servant holding an office of high public trust and so should answer to the public. However, the obligation of a judge is to resolve disputes impartially and to base decisions solely upon the facts of the case and the law. A judge, therefore, should be insulated from public pressure.

Merit selection of judges was developed as an alternative to requiring judges to run in contested elections. The Judicial Article of the Utah Constitution, revised effective July 1, 1985, establishes merit selection as the exclusive method of choosing a state court judge. As stated in the Utah Constitution: "Selection of judges shall be based solely upon consideration of fitness for office without regard to any partisan political consideration."

There are four steps in the Utah merit selection plan: nomination, appointment, confirmation and retention election. The nomination of judges is by a committee of lawyers and non-lawyers selected by the Governor. The judicial nominating commission nominates between three and seven of the best qualified candidates from among all applicants. The Governor appoints one of the nominees, who then must be confirmed by a majority of the Utah State Senate.

## Judicial Retention Elections

Under the Utah Constitution, judges must stand for retention election at the end of each term of office. The public has the opportunity to vote whether to retain the judge for another term. Before a judge stands for retention election, he or she is evaluated by the Judicial Council. The Judicial Council is established by the Utah Constitution as the policy making body for the judicial branch of government and is required by its own rules and by statute to evaluate the performance of all judges. As a result of the evaluation, the Judicial Council certifies whether the judge is qualified for retention election. The results of individual evaluations are published in the voter information pamphlet.

## Performance Evaluation Program

The judicial performance evaluation program is required by statute and developed by rule of the Judicial Council. The purpose of the program is two-fold:

To provide each judge with information for his or her self improvement; and

To provide the public with information upon which to make knowledgeable decisions regarding retention election. The evaluation of each judge's performance is conducted every two to four years depending on when the judge is standing for retention election. An independent surveyor conducts a poll of lawyers appearing before each judge and asks the lawyer to anonymously evaluate the judge based on several criteria. In addition, a similar survey of jurors is conducted for district court judges and other judges sitting temporarily in the district court. Prior to the close of a judge's term of office, the Judicial Council reviews the results of the attorney and juror polls and other standards of performance and determines whether the judge is qualified for retention.

## **Criteria for Performance Evaluation**

### **(A) Integrity:**

- (1) avoidance of impropriety and appearance of impropriety;
- (2) freedom from personal bias; (3) ability to decide issues based on the law and the facts without regard to the identity of the parties or counsel, the popularity of the decision, and without concern for criticism; (4) impartiality of actions;
- (5) compliance with the Code of Judicial Conduct.

### **(B) Knowledge and understanding of the law:**

- (1) the issuance of legally sound decisions; (2) understanding of the substantive, procedural, and evidentiary law of the state;
- (3) attentiveness to the factual and legal issues before the court;
- (4) the proper application of judicial precedents and other appropriate sources of authority.

### **(C) Ability to communicate:**

- (1) clarity of bench rulings and other oral communications;
- (2) quality of written opinions with specific focus on clarity and logic, and the ability to explain clearly the facts of a case and the legal precedents at issue; (3) sensitivity to impact of demeanor and other nonverbal communications.

### **(D) Preparation, attentiveness, dignity and control over proceedings:**

- (1) courtesy to all parties and participants; and (2) willingness to permit every person legally interested in a proceeding to be heard, unless precluded by law.

### **(E) Skills as a manager:**

- (1) devoting appropriate time to all pending matters;
- (2) discharging administrative responsibilities diligently;
- (3) where responsibility exists for a calendar, knowledge of the number, age, and status of pending cases.

### **(F) Punctuality:**

- (1) the prompt disposition of pending matters; (2) meeting commitments on time and according to rules of the court; and
- (3) compliance with the case processing time standard established by the Council.

### **(G) Service to the profession and the public:**

- (1) attendance at and participation in judicial and continuing legal education programs; (2) consistent with the Code of Judicial Conduct, participation in organizations devoted to improving the justice system; (3) consistent with the highest principles of the law, ensuring that the court is serving the public and the justice system to the best of its ability and in such a manner as to instill confidence in the court system; and
- (4) service within the organizations of the judicial branch of government and in leadership positions within the judicial branch of government, such as presiding judge, Judicial Council, Boards of Judges, and standing and ad hoc committees.

### **(H) Effectiveness in working with other judges, commissioners and court personnel:**

- (1) when part of a multi-judge panel, exchanging ideas and opinions with other judges during the decision-making process; (2) critiquing the work of colleagues; (3) facilitating the administrative responsibilities of other judges and commissioners; and (4) effectively working with court staff.

## **Minimum Standards for Performance**

The Judicial Council has established the following minimum standards for judicial performance. Some standards apply to all judges and some standards apply to judges of a specific court.

- A minimum score of 70% on at least 75% of the questions on the attorney survey.
- A minimum score of 70% on at least 75% of the questions on the juror survey.
- For justices of the Supreme Court, circulating no more than six principal opinions more than 6 months after submission.
- For judges of the Court of Appeals, circulating no more than six principal opinions more than 6 months after submission and achieving a final average time to circulation of a principal opinion of not more than 120 days after submission.
- For judges of the trial courts, no cases under advisement for more than 6 months and no more than 6 cases under advisement for more than 2 months.
- At least 30 hours of judicial education per year.
- Substantial compliance with the Code of Judicial Conduct.
- Physical and mental fitness for office.

If the Council finds the judge met the performance standards, it is presumed the Council will certify the judge for election.

If the Council finds the judge did not meet the performance standards, it is presumed the Council will not certify the judge for election. A presumption against certification may be overcome by a showing of good cause to the contrary.

A presumption in favor of certification may be overcome by:

- (a) reliable information showing non-compliance with a performance standard; or
- (b) formal or informal sanctions by the Supreme Court of sufficient gravity or number or both to demonstrate lack of substantial compliance with the Code of Judicial Conduct.

## Attorney Survey Questions

A random sample of attorneys appearing before each judge was asked to rate the judge as “excellent,” “more than adequate,” “adequate,” “less than adequate,” and “inadequate” on the following questions. A favorable response is “excellent,” “more than adequate,” or “adequate.” To be certified the judge must receive a 70% favorable response rate to at least 75% of the following questions and an overall favorable response rate of at least 70%.

### Questions of Attorneys About Appellate Judges

- 1) Behavior is free from impropriety and the appearance of impropriety.
- 2) Behavior is free from bias and favoritism.
- 3) Avoids ex parte communications.
- 4) Understands the rules of procedure and evidence.
- 5) Understands the substantive law.
- 6) Understands recent legal developments.
- 7) Perceives legal and factual issues.
- 8) Properly applies the law to the facts of the case.
- 9) Is prepared for oral argument.
- 10) Maintains the quality of questions and comments during oral argument.
- 11) Demonstrates appropriate demeanor.
- 12) Issues opinions without unnecessary delay.
- 13) Opinions are well written.
- 14) Opinions demonstrate scholarly legal analysis.
- 15) Overall, the performance of this judge is:

### Questions of Attorneys About Trial Court Judges

- 1) Behavior is free from impropriety and the appearance of impropriety.
- 2) Behavior is free from bias and favoritism.
- 3) Avoids ex parte communications.
- 4) Understands the rules of procedure and evidence.
- 5) Properly applies the law to the facts of the case.
- 6) Is prepared for hearings and trials.
- 7) Demonstrates appropriate demeanor.
- 8) Maintains order in the courtroom.
- 9) Allows sufficient time to present case.
- 10) Weighs all evidence fairly and impartiality before rendering a decision.
- 11) Clearly explains oral decisions.
- 12) Opinions, memorandum decisions and orders are well written.
- 13) Issues orders and opinions without unnecessary delay.
- 14) Effectively uses pretrial procedures to narrow and define the issues.
- 15) Overall, the performance of this justice or judge is:

The attorney survey for six judges was administered in a slightly different format. The final question for these six read: “Taking everything into account, do you recommend this judge be certified for election? Yes/No.” The scores reported are the percentage of attorneys who responded “yes” and “no.”

## Juror Survey Questions

All jurors trying a case before a district court judge were asked to answer “yes” or “no” to each of the following questions. To be certified the judge must receive a 70% favorable response rate to at least 75% of the following questions and an overall favorable response rate of at least 70%. There are no jurors in the Supreme Court, Court of Appeals, or juvenile court, and some district court judges are assigned only cases for which there are no jury trials. Questions of Jurors About District Court Judges

- 1) Does the judge avoid “playing favorites?”
- 2) Does the judge’s behavior appear to be free from bias?
- 3) Does the judge conduct proceedings in a fair and impartial manner?
- 4) Does the judge clearly explain court procedures?
- 5) Does the judge clearly explain reasons for delay?
- 6) Does the judge clearly explain responsibilities of the jury?
- 7) Does the judge behave in a dignified manner?
- 8) Does the judge behave in a courteous manner?
- 9) Does the judge avoid arrogance?
- 10) Does the judge display patience?
- 11) Does the judge display attentiveness?
- 12) Does the judge treat people with respect?
- 13) Does the judge convene court without undue delay?
- 14) Did you find recesses to be frequent enough and long enough to attend to your personal needs?
- 15) Would you be comfortable having your case tried before this judge?

### Survey of Attorneys

There were 100 attorneys

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  |
|------------------------|---|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 42 | 40 | 42 | 33 | 30 | 40 | 41 | 40 |
| MORE THAN ADEQUATE     | % | 34 | 33 | 39 | 39 | 38 | 37 | 33 | 40 |
| ADEQUATE               | % | 23 | 18 | 16 | 22 | 26 | 16 | 16 | 19 |
| LESS THAN ADEQUATE     | % | 1  | 7  | 4  | 6  | 5  | 5  | 7  | 2  |
| INADEQUATE             | % | 0  | 2  | 0  | 0  | 1  | 1  | 2  | 0  |

### Survey of Jurors

There were 32 jurors

|     |   |    |    |     |     |     |     |     |     |
|-----|---|----|----|-----|-----|-----|-----|-----|-----|
| YES | % | 97 | 97 | 100 | 100 | 100 | 100 | 100 | 100 |
| NO  | % | 3  | 3  | 0   | 0   | 0   | 0   | 0   | 0   |

### SAMPLE CHART OF RESPONSES.

**Justices of the Supreme Court and judges of the Court of Appeals are statewide offices and appear on the ballots of every county. Judges of the district court and juvenile court appear on the ballots of the counties within their respective judicial districts. Judges of the justice court appear on the ballots of the voting precincts of their court precinct. The judges standing for election in 2002 are as follows:**

**COURT OF APPEALS**



**Judge Russell W. Bench**  
COURT OF APPEALS

JUDGE RUSSELL W. BENCH OF THE COURT OF APPEALS FOR THE STATE OF UTAH, SERVING ALL COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.

Judge Russell W. Bench was appointed to the Utah Court of Appeals in January 1987 by Gov. Norman H. Bangerter. He received his law degree from the University of Utah College of Law in 1976 and his Master of Public Administration degree from Brigham Young University in 1985. He served as a law clerk for Chief Justice Gordon Hall and later was a central staff attorney for the Utah Supreme Court. He was also in private practice and a special Assistant Attorney General. Judge Bench served as the presiding judge of the Court of Appeals from 1989 to 1992 and is a former chair of the Ethics Advisory Committee and the Committee on Information, Automation and Records. He served as vice-chair of the Utah Judicial Council from 1998 to 2001.

**Judge Bench's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- Circulated not more than six principal opinions more than 6 months after submission; and achieved a final average time to circulation of a principal opinion of not more than 120 days after submission.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 68 attorney survey respondents for Judge Bench.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 70 | 67 | 75 | 52 | 44 | 45 | 43 | 37 | 49 | 44 | 69 | 49 | 38 | 35 | 46 |
| MORE THAN ADEQUATE     | % | 24 | 26 | 22 | 32 | 34 | 34 | 39 | 34 | 29 | 34 | 18 | 34 | 35 | 32 | 32 |
| ADEQUATE               | % | 6  | 6  | 4  | 16 | 21 | 19 | 12 | 22 | 21 | 22 | 12 | 15 | 22 | 27 | 19 |
| LESS THAN ADEQUATE     | % | 0  | 2  | 0  | 0  | 0  | 2  | 6  | 4  | 1  | 0  | 1  | 0  | 3  | 5  | 3  |
| INADEQUATE             | % | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 3  | 0  | 0  | 0  | 1  | 2  | 2  | 0  |



**Judge Judith H. Billings**  
COURT OF APPEALS

JUDGE JUDITH M. BILLINGS OF THE COURT OF APPEALS FOR THE STATE OF UTAH, SERVING ALL COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.

Judge Judith M. Billings was appointed to the Utah Court of Appeals in January 1987 by Gov. Norman H. Bangerter. She was a judge in the Third District Court for four years prior to her appointment. She received her law degree from the University of Utah College of Law in 1977 and an LLM from the University of Virginia Law School in 1990. She was a partner in the Salt Lake law firm of Ray, Quinney & Nebeker until her appointment to the bench. Judge Billings serves on the Board of Trustees of the National Judicial College. She is past Chair of the Appellate Judges Conference of the American Bar Association and the National Association of Women Judges. Judge Billings is chair of the American Bar Association Standing Committee on Public Education. She is a member of the Utah Sentencing Commission. Judge Billings was honored as the Utah Woman Lawyer of the Year in 1990 and received the Distinguished Alumni Award from the College of Humanities, University of Utah in 1993 and Distinguished Alumni Award of the College of Law in 1996.

**Judge Billings's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- Circulated not more than six principal opinions more than 6 months after submission; and achieved a final average time to circulation of a principal opinion of not more than 120 days after submission.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 92 attorney survey respondents for Judge Billings.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 57 | 53 | 70 | 54 | 46 | 45 | 42 | 35 | 54 | 55 | 54 | 44 | 43 | 42 | 48 |
| MORE THAN ADEQUATE     | % | 28 | 26 | 20 | 31 | 35 | 38 | 35 | 33 | 29 | 26 | 26 | 37 | 37 | 34 | 34 |
| ADEQUATE               | % | 10 | 11 | 8  | 11 | 11 | 15 | 15 | 21 | 15 | 15 | 14 | 17 | 13 | 14 | 11 |
| LESS THAN ADEQUATE     | % | 4  | 7  | 2  | 1  | 3  | 0  | 4  | 7  | 2  | 3  | 2  | 1  | 3  | 3  | 5  |
| INADEQUATE             | % | 1  | 3  | 0  | 2  | 4  | 2  | 3  | 5  | 0  | 1  | 4  | 1  | 3  | 6  | 2  |

**COURT OF APPEALS**



**Judge James Z. Davis**  
COURT OF APPEALS

JUDGE JAMES Z. DAVIS OF THE COURT OF APPEALS FOR THE STATE OF UTAH, SERVING ALL COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.

Judge James Z. Davis was appointed to the Utah Court of Appeals in December 1993 by Gov. Michael O. Leavitt. He received his law degree from the University of Utah College of Law in 1968. He served in military intelligence in the U.S. Army until 1970. Judge Davis was in private practice from 1971 to 1977, Deputy Weber County Attorney and Weber County Police Legal Advisor from 1973 to 1982, a partner in Thatcher, Glasmann & Davis from 1977 to 1982, and a shareholder and director at Ray, Quinney & Nebeker from 1982 until his appointment to the bench. Judge Davis was president of the Utah State Bar from 1991 to 1992. He completed a two-year term as presiding judge in January 1999.

**Judge Davis's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- Circulated not more than six principal opinions more than 6 months after submission; and achieved a final average time to circulation of a principal opinion of not more than 120 days after submission.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 81 attorney survey respondents for Judge Davis.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 63 | 61 | 60 | 44 | 40 | 40 | 47 | 43 | 53 | 52 | 60 | 45 | 41 | 39 | 47 |
| MORE THAN ADEQUATE     | % | 19 | 20 | 24 | 26 | 26 | 27 | 20 | 21 | 23 | 19 | 20 | 29 | 20 | 21 | 22 |
| ADEQUATE               | % | 16 | 15 | 15 | 21 | 23 | 23 | 21 | 20 | 21 | 19 | 19 | 26 | 25 | 22 | 21 |
| LESS THAN ADEQUATE     | % | 2  | 4  | 2  | 6  | 9  | 8  | 9  | 10 | 2  | 9  | 1  | 0  | 8  | 12 | 4  |
| INADEQUATE             | % | 0  | 0  | 0  | 3  | 3  | 3  | 4  | 6  | 0  | 2  | 0  | 0  | 5  | 6  | 6  |



**Judge Pamela T. Greenwood**  
COURT OF APPEALS

JUDGE PAMELA T. GREENWOOD OF THE COURT OF APPEALS FOR THE STATE OF UTAH, SERVING ALL COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.

Judge Pamela T. Greenwood was appointed to the Utah Court of Appeals in January 1987 by Gov. Norman H. Bangerter, where she served as Presiding Judge from 2000 to 2002. She received her law degree in 1972 from the University of Utah College of Law. Judge Greenwood served as general counsel and vice president of First Interstate Bank of Utah for seven years. She was counsel for the Utah State Bar and an attorney with the law firm of Roe and Fowler. She is a past president of the Utah State Bar, was a member of the Gender and Justice Task Force, and served as vice Chair of the Utah Judicial Council from 1992 to 1998. She was acting State Court Administrator from January 1995 to September 1995. She was honored as the Utah Woman Lawyer of the Year in 1993, received a Special Service Award from the Utah State Bar in 1996, and the Dorothy Merrill Brothers Award in 2002. She currently chairs the Court Improvement Project and is a member of the Judicial Ethics Advisory Committee.

**Judge Greenwood's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- Circulated not more than six principal opinions more than 6 months after submission; and achieved a final average time to circulation of a principal opinion of not more than 120 days after submission.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 89 attorney survey respondents for Judge Greenwood.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 61 | 57 | 61 | 45 | 39 | 43 | 38 | 36 | 42 | 40 | 54 | 41 | 34 | 34 | 37 |
| MORE THAN ADEQUATE     | % | 26 | 28 | 26 | 33 | 36 | 38 | 36 | 35 | 36 | 38 | 31 | 38 | 41 | 34 | 44 |
| ADEQUATE               | % | 10 | 12 | 12 | 16 | 17 | 15 | 19 | 17 | 15 | 17 | 12 | 19 | 20 | 22 | 15 |
| LESS THAN ADEQUATE     | % | 2  | 2  | 1  | 5  | 6  | 2  | 3  | 9  | 5  | 3  | 1  | 1  | 3  | 9  | 2  |
| INADEQUATE             | % | 0  | 1  | 0  | 1  | 2  | 1  | 3  | 3  | 2  | 2  | 1  | 1  | 1  | 1  | 2  |

**COURT OF APPEALS**



**Judge Norman H. Jackson**  
COURT OF APPEALS

JUDGE NORMAN H. JACKSON OF THE COURT OF APPEALS FOR THE STATE OF UTAH, SERVING ALL COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.

Judge Norman H. Jackson was appointed to the Utah Court of Appeals in January 1987 by Gov. Norman H. Bangerter. He received his law degree from the University of Utah College of Law in 1962 and was senior partner in Jackson, McIff & Mower in Richfield before his appointment to the bench. He has Masters and Bachelors degrees in Economics from Brigham Young University. He formerly served on the Utah State Bar Commission, Utah Legal Services Board, Board of Visitors at J. Reuben Clark School of Law, Utah Air Travel Commission, as President of American Inn of Court I and as President of the Utah Bar Foundation. Judge Jackson was Chair of the Judicial Council's Standing Committee on Information, Automation and Records. He is serving on the Alternative Dispute Resolution Committee. He is the presiding judge of the Court.

**Judge Jackson's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- Circulated not more than six principal opinions more than 6 months after submission; and achieved a final average time to circulation of a principal opinion of not more than 120 days after submission.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 75 attorney survey respondents for Judge Jackson.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 61 | 57 | 60 | 39 | 32 | 37 | 37 | 31 | 43 | 33 | 46 | 33 | 26 | 27 | 29 |
| MORE THAN ADEQUATE     | % | 21 | 23 | 26 | 29 | 23 | 27 | 22 | 27 | 25 | 25 | 30 | 33 | 31 | 24 | 32 |
| ADEQUATE               | % | 18 | 20 | 13 | 31 | 39 | 30 | 32 | 32 | 25 | 33 | 21 | 32 | 36 | 38 | 36 |
| LESS THAN ADEQUATE     | % | 0  | 0  | 0  | 1  | 5  | 5  | 10 | 9  | 7  | 8  | 3  | 1  | 4  | 9  | 3  |
| INADEQUATE             | % | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 3  | 1  | 0  |



**Judge Gregory K. Orme**  
COURT OF APPEALS

JUDGE GREGORY K. ORME OF THE COURT OF APPEALS FOR THE STATE OF UTAH, SERVING ALL COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.

Judge Gregory K. Orme was appointed to the Utah Court of Appeals in January 1987 by Gov. Norman H. Bangerter. He graduated from the University of Utah in 1975. He received his law degree, with high honors, from George Washington University in Washington D.C. in 1978. He served as a law clerk to Judge Monroe G. McKay, Tenth Circuit Court of Appeals. He was a partner in the law firm of VanCott, Bagley, Cornwall & McCarthy. Judge Orme completed a two-year term as presiding judge in January 1997. Judge Orme served two terms on the Judicial Council and six years as Chair of the Ethics Advisory Committee. He currently serves on the Judicial Performance Evaluation Committee, the Committee on Rules of Appellate Procedure, and the Committee on Professionalism. He is on the editorial board of the Utah Bar Journal.

**Judge Orme's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- Circulated not more than six principal opinions more than 6 months after submission; and achieved a final average time to circulation of a principal opinion of not more than 120 days after submission.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 95 attorney survey respondents for Judge Orme.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 57 | 53 | 63 | 60 | 55 | 62 | 56 | 48 | 62 | 57 | 54 | 42 | 50 | 48 | 53 |
| MORE THAN ADEQUATE     | % | 26 | 28 | 26 | 22 | 29 | 22 | 26 | 31 | 24 | 28 | 32 | 36 | 29 | 29 | 31 |
| ADEQUATE               | % | 13 | 14 | 8  | 9  | 7  | 8  | 8  | 7  | 10 | 11 | 11 | 19 | 14 | 13 | 9  |
| LESS THAN ADEQUATE     | % | 3  | 3  | 3  | 7  | 5  | 4  | 6  | 9  | 3  | 3  | 2  | 3  | 6  | 7  | 4  |
| INADEQUATE             | % | 1  | 2  | 0  | 2  | 3  | 3  | 3  | 4  | 1  | 1  | 1  | 0  | 1  | 3  | 3  |



## FIRST JUDICIAL DISTRICT



### Judge Ben H. Hadfield

**DISTRICT COURT  
FIRST JUDICIAL DISTRICT  
(BOX ELDER, CACHE, RICH)**

JUDGE BEN H. HADFIELD OF THE DISTRICT COURT FOR THE FIRST JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.

Judge Ben H. Hadfield was appointed to the First District Court in March 1993 by Gov. Michael O. Leavitt. After graduating from the J. Reuben Clark College of Law at Brigham Young University in 1978, he joined the firm of Mann, Hadfield & Thorne and later became a partner. Judge Hadfield is a past president of the Rex E. Lee Inn of Court and has been a member of the Board of District Court Judges. He has served as chair of the Ethics Advisory Committee. He currently serves as a member of the Judicial Council and on the Policy and Planning Subcommittee.

#### Judge Hadfield's compliance with performance standards:

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

#### Survey of Attorneys

There were 84 attorney survey respondents for Judge Hadfield.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 44 | 35 | 45 | 29 | 26 | 39 | 49 | 46 | 42 | 30 | 27 | 31 | 35 | 30 | 36 |
| MORE THAN ADEQUATE     | % | 31 | 33 | 32 | 43 | 38 | 40 | 35 | 36 | 37 | 38 | 43 | 42 | 38 | 41 | 44 |
| ADEQUATE               | % | 21 | 25 | 18 | 21 | 24 | 13 | 14 | 16 | 17 | 22 | 25 | 19 | 19 | 23 | 12 |
| LESS THAN ADEQUATE     | % | 2  | 4  | 3  | 4  | 6  | 5  | 0  | 1  | 1  | 6  | 3  | 1  | 5  | 5  | 5  |
| INADEQUATE             | % | 1  | 4  | 1  | 4  | 6  | 4  | 1  | 1  | 2  | 4  | 3  | 6  | 3  | 1  | 4  |

#### Survey of Jurors

There were 109 jurors survey respondents for Judge Hadfield.

|     |   |    |    |    |     |    |     |     |     |     |     |     |     |     |    |     |
|-----|---|----|----|----|-----|----|-----|-----|-----|-----|-----|-----|-----|-----|----|-----|
| YES | % | 97 | 98 | 99 | 100 | 99 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 99 | 100 |
| NO  | % | 3  | 2  | 1  | 0   | 1  | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 1  | 0   |



### Judge Larry E. Jones

**JUVENILE COURT  
FIRST JUDICIAL DISTRICT  
(BOX ELDER, CACHE, RICH)**

JUDGE LARRY E. JONES OF THE JUVENILE COURT FOR THE FIRST JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.

Judge Larry E. Jones was appointed to the First District Juvenile Court in September 1999 by Gov. Michael O. Leavitt. He received his law degree from the University of Utah College of Law in 1981. Judge Jones was with the law firm of Hillyard, Anderson & Olsen (Formerly Hillyard, Low & Anderson) from 1981 until his appointment to the bench. He is a member of the Judicial Council Standing Committee on Children and Family Law and is a member of the Restorative Justice Steering Committee. He is a member of the Utah State Bar Family Law Executive Committee where he has served since 1986 and was the Family Law Section's Family Law Lawyer of the Year in 1993. He is a former president of the Cache County Bar, has served on civic and university boards and committees, and is currently a member of the Capitol Arts Alliance Board of Directors. Judge Jones also taught a Family Law Course at Utah State University from 1992 to 1995.

#### Judge Jones's compliance with performance standards:

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

#### Survey of Attorneys

There were 35 attorney survey respondents for Judge Jones.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 50 | 47 | 50 | 29 | 35 | 46 | 49 | 47 | 47 | 46 | 46 | 44 | 34 | 30 | 89 |
| MORE THAN ADEQUATE     | % | 29 | 29 | 23 | 31 | 15 | 26 | 31 | 29 | 29 | 20 | 29 | 28 | 37 | 33 |    |
| ADEQUATE               | % | 12 | 15 | 27 | 23 | 41 | 23 | 11 | 21 | 18 | 23 | 14 | 20 | 17 | 24 |    |
| LESS THAN ADEQUATE     | % | 3  | 3  | 0  | 9  | 3  | 3  | 6  | 0  | 0  | 3  | 9  | 4  | 6  | 6  | No |
| INADEQUATE             | % | 6  | 6  | 0  | 9  | 6  | 3  | 3  | 3  | 6  | 9  | 3  | 4  | 6  | 6  | 11 |

**FIRST JUDICIAL DISTRICT**



**Judge Gordon J. Low**  
**DISTRICT COURT**  
**FIRST JUDICIAL DISTRICT**  
 (BOX ELDER, CACHE, RICH)

JUDGE GORDON J. LOW OF THE DISTRICT COURT FOR THE FIRST JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.

Judge Gordon J. Low was appointed to the First District Court in 1987 by Gov. Norman H. Bangerter. After receiving his Juris Doctorate at Arizona State University in 1973, he joined the law firm of Hillyard & Gunnell as an associate and later became a partner. Judge Low is a former member of the Judicial Performance Evaluation Committee and the Commission on Justice in the 21st Century. He is a past chair and current member of the Board of District Court Judges, has served as a member of the Supreme Court Advisory Committee on Evidence, and is past chair and current member of the Judicial Conduct Commission.

**Judge Low's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 99 attorney survey respondents for Judge Low.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 53 | 46 | 53 | 58 | 45 | 48 | 58 | 55 | 49 | 46 | 49 | 40 | 42 | 44 | 52 |
| MORE THAN ADEQUATE     | % | 35 | 35 | 31 | 30 | 37 | 35 | 32 | 38 | 39 | 36 | 35 | 43 | 35 | 39 | 36 |
| ADEQUATE               | % | 9  | 11 | 12 | 9  | 12 | 13 | 7  | 6  | 8  | 10 | 12 | 12 | 17 | 14 | 7  |
| LESS THAN ADEQUATE     | % | 1  | 3  | 2  | 3  | 3  | 3  | 3  | 1  | 3  | 5  | 3  | 3  | 6  | 2  | 3  |
| INADEQUATE             | % | 2  | 4  | 1  | 0  | 2  | 0  | 0  | 0  | 0  | 2  | 1  | 1  | 0  | 1  | 2  |

**Survey of Jurors**

There were 39 jurors survey respondents for Judge Low.

|     |   |    |     |    |     |    |     |    |     |     |     |    |     |    |    |     |
|-----|---|----|-----|----|-----|----|-----|----|-----|-----|-----|----|-----|----|----|-----|
| YES | % | 95 | 100 | 97 | 100 | 91 | 100 | 97 | 100 | 100 | 100 | 97 | 100 | 97 | 97 | 100 |
| NO  | % | 5  | 0   | 3  | 0   | 8  | 0   | 3  | 0   | 0   | 0   | 3  | 0   | 3  | 3  | 0   |



**Judge Thomas L. Willmore**  
**DISTRICT COURT**  
**FIRST JUDICIAL DISTRICT**  
 (BOX ELDER, CACHE, RICH)

JUDGE THOMAS L. WILLMORE OF THE DISTRICT COURT FOR THE FIRST JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.

Judge Thomas L. Willmore was appointed to First District Court in January 1999 by Gov. Michael O. Leavitt. Judge Willmore received his law degree from the University of Pacific McGeorge School of Law. At the time of his appointment to the bench, he was an attorney/shareholder with the law firm of Olson & Hoggan. In July 2000, Judge Willmore started the First District Drug Court and continues to preside over it. Because of his concern about the effect of divorce on children, he has created and implemented a "Children's Bill of Rights." Judge Willmore currently serves on the Board of District Court Judges, the Advisory Committee on the Rules of Criminal Procedure and the Judicial Education Committee.

**Judge Willmore's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 72 attorney survey respondents for Judge Willmore.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 53 | 49 | 48 | 32 | 33 | 41 | 40 | 46 | 45 | 41 | 36 | 36 | 34 | 38 | 93 |
| MORE THAN ADEQUATE     | % | 21 | 29 | 32 | 43 | 41 | 39 | 36 | 35 | 32 | 31 | 33 | 36 | 30 | 33 |    |
| ADEQUATE               | % | 21 | 16 | 20 | 22 | 22 | 14 | 19 | 16 | 20 | 22 | 24 | 20 | 30 | 23 |    |
| LESS THAN ADEQUATE     | % | 1  | 3  | 0  | 1  | 3  | 4  | 1  | 3  | 3  | 4  | 6  | 5  | 3  | 3  | No |
| INADEQUATE             | % | 3  | 4  | 0  | 1  | 1  | 1  | 4  | 0  | 0  | 1  | 1  | 2  | 3  | 3  | 7  |

**Survey of Jurors**

There were 56 jurors survey respondents for Judge Willmore.

|     |   |    |     |     |    |    |     |     |     |     |     |    |     |    |     |     |
|-----|---|----|-----|-----|----|----|-----|-----|-----|-----|-----|----|-----|----|-----|-----|
| YES | % | 93 | 100 | 100 | 98 | 96 | 100 | 100 | 100 | 100 | 100 | 98 | 100 | 98 | 100 | 100 |
| NO  | % | 7  | 0   | 0   | 2  | 4  | 0   | 0   | 0   | 0   | 0   | 2  | 0   | 2  | 0   | 0   |

**SECOND JUDICIAL DISTRICT**



**Judge Parley R. Baldwin**  
**DISTRICT COURT**  
**SECOND JUDICIAL DISTRICT**  
 (WEBER, DAVIS, MORGAN)

JUDGE PARLEY R. BALDWIN OF THE DISTRICT COURT FOR THE SECOND JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.

Judge Parley R. Baldwin was appointed to the Second Circuit Court in June 1987 by Gov. Norman H. Bangerter. He became a judge in the Second District Court in July 1996. He received his law degree from the University of Utah College of Law in 1972. Judge Baldwin was a partner in the Ogden law firm of Browning, Blackburn & Baldwin and Assistant Corporate Counsel to Ogden City. He is a past Presiding Judge of the Second Circuit Court and is a former member of the Utah Judicial Council.

**Judge Baldwin's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 100 attorney survey respondents for Judge Baldwin.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 55 | 56 | 51 | 44 | 44 | 47 | 63 | 54 | 56 | 54 | 42 | 45 | 41 | 45 | 51 |
| MORE THAN ADEQUATE     | % | 32 | 31 | 37 | 44 | 39 | 39 | 28 | 36 | 36 | 31 | 40 | 39 | 36 | 36 | 37 |
| ADEQUATE               | % | 13 | 10 | 11 | 9  | 9  | 12 | 9  | 10 | 8  | 12 | 12 | 12 | 19 | 18 | 9  |
| LESS THAN ADEQUATE     | % | 0  | 3  | 1  | 1  | 5  | 2  | 0  | 0  | 0  | 2  | 5  | 1  | 1  | 0  | 3  |
| INADEQUATE             | % | 0  | 0  | 0  | 1  | 2  | 0  | 0  | 0  | 0  | 1  | 0  | 3  | 2  | 1  | 0  |

**Survey of Jurors**

There were 88 jurors survey respondents for Judge Baldwin.

|     |   |    |     |     |    |    |     |     |     |     |     |    |     |    |    |     |
|-----|---|----|-----|-----|----|----|-----|-----|-----|-----|-----|----|-----|----|----|-----|
| YES | % | 95 | 100 | 100 | 99 | 97 | 100 | 100 | 100 | 100 | 100 | 99 | 100 | 98 | 99 | 100 |
| NO  | % | 5  | 0   | 0   | 1  | 3  | 0   | 0   | 0   | 0   | 0   | 1  | 0   | 2  | 1  | 0   |



**Judge Darwin C. Hansen**  
**DISTRICT COURT**  
**SECOND JUDICIAL DISTRICT**  
 (WEBER, DAVIS, MORGAN)

JUDGE DARWIN C. HANSEN OF THE DISTRICT COURT FOR THE SECOND JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.

Judge Darwin C. Hansen was appointed to the Second District Court in January 1998 by Governor Michael O. Leavitt. He received his law degree from the University of Utah in 1970. Judge Hansen's law practice emphasized litigation prior to his appointment. He served as a member of the Utah House of Representatives in 1972-74; as a member and Chairman of the Citizens Advisory Committee to the Utah Judicial Council, 1974-82; as a member and Chairman of the Board of Directors of Utah Legal Services, 1979-82; as a member and Chairman of the Judicial Performance Oversight Committee, 1986-87; as a member of the Utah Supreme Court Advisory Committee on the Rules of Civil Procedure, 1986-88 and 1999 to present; as a member and Chairman of the Utah Supreme Court Professional Responsibility Advisory Committee, 1989-90; and as a member of the Second District Judicial Nominating Commission, 1994-96. He is currently serving as Associate Presiding Judge of the Second District Court.

**Judge Hansen's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 85 attorney survey respondents for Judge Hansen.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15  |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|
| EXCELLENT              | % | 62 | 58 | 55 | 55 | 55 | 57 | 62 | 59 | 57 | 52 | 48 | 49 | 49 | 45 | 100 |
| MORE THAN ADEQUATE     | % | 29 | 28 | 33 | 32 | 27 | 32 | 29 | 32 | 29 | 35 | 37 | 37 | 35 | 37 |     |
| ADEQUATE               | % | 9  | 13 | 12 | 13 | 13 | 10 | 8  | 9  | 13 | 13 | 15 | 14 | 15 | 16 |     |
| LESS THAN ADEQUATE     | % | 0  | 1  | 0  | 0  | 5  | 1  | 1  | 0  | 1  | 0  | 0  | 0  | 1  | 1  | No  |
| INADEQUATE             | % | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 0   |

**Survey of Jurors**

There were 50 jurors survey respondents for Judge Hansen.

|     |   |    |    |     |    |     |     |     |     |    |     |     |     |    |    |     |
|-----|---|----|----|-----|----|-----|-----|-----|-----|----|-----|-----|-----|----|----|-----|
| YES | % | 98 | 98 | 100 | 98 | 100 | 100 | 100 | 100 | 98 | 100 | 100 | 100 | 98 | 96 | 100 |
| NO  | % | 2  | 2  | 0   | 2  | 0   | 0   | 0   | 0   | 2  | 0   | 0   | 0   | 2  | 4  | 0   |

**SECOND JUDICIAL DISTRICT**



**Judge Thomas L. Kay**

**DISTRICT COURT  
SECOND JUDICIAL DISTRICT  
(WEBER, DAVIS, MORGAN)**

**JUDGE THOMAS L. KAY OF THE DISTRICT COURT FOR THE SECOND JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.**

Judge Thomas L. Kay was appointed to the Second District Court in June 1998 by Gov. Michael O. Leavitt. He received his law degree from Brigham Young University in 1979 where he served as a Note and Comment Editor of the BYU Law Review. After a 1 1/2 year clerkship with U.S. District Judge David K. Winder, he maintained a civil trial practice with Ray, Quinney & Nebeker and Snell & Wilmer until his appointment to the bench. Judge Kay served on the Utah Supreme Court's Advisory Committee on the Rules of Professional Conduct, was a mediator in U.S. District Court and a judge pro tem in the Third District Court. He has served in the Litigation Sections of the Utah State Bar and the American Bar Association, and on the committee on Professional Liability Litigation of the American Bar Association. He is a Master of the Bench and former President of the Rex E. Lee American Inn of Court. Judge Kay currently serves on the Utah Supreme Court's Advisory Committee on the Rules of Evidence and the Committee on Improving Jury Service.

**Judge Kay's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 100 attorney survey respondents for Judge Kay.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 42 | 40 | 42 | 33 | 30 | 40 | 41 | 40 | 41 | 34 | 34 | 32 | 32 | 29 | 95 |
| MORE THAN ADEQUATE     | % | 34 | 33 | 39 | 39 | 38 | 37 | 33 | 40 | 38 | 35 | 33 | 40 | 42 | 39 |    |
| ADEQUATE               | % | 23 | 18 | 16 | 22 | 26 | 16 | 16 | 19 | 17 | 21 | 27 | 26 | 23 | 27 |    |
| LESS THAN ADEQUATE     | % | 1  | 7  | 4  | 6  | 5  | 5  | 7  | 2  | 3  | 8  | 6  | 2  | 2  | 4  | No |
| INADEQUATE             | % | 0  | 2  | 0  | 0  | 1  | 1  | 2  | 0  | 1  | 1  | 0  | 0  | 1  | 1  | 5  |

**Survey of Jurors**

There were 32 jurors survey respondents for Judge Kay.

|     |   |    |    |     |     |     |     |     |     |     |     |     |     |    |     |     |
|-----|---|----|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|-----|-----|
| YES | % | 97 | 97 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 97 | 100 | 100 |
| NO  | % | 3  | 3  | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 3  | 0   | 0   |



**Judge Michael D. Lyon**

**DISTRICT COURT  
SECOND JUDICIAL DISTRICT  
(WEBER, DAVIS, MORGAN)**

**JUDGE MICHAEL D. LYON OF THE DISTRICT COURT FOR THE SECOND JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.**

Judge Michael D. Lyon was appointed to the Second District Court in July 1992 by Governor Norman H. Bangerter. He has served as presiding judge of the Second District Court and chair of the Board of District Judges. He serves as a member of the Child Support Guidelines Advisory Committee. Prior to his judicial appointment, he practiced in general litigation with the law firm of Lyon, Helgesen, Waterfall & Jones in Ogden, Utah. He is a former deputy Weber County attorney, Clinton City attorney, and justice court judge for South Ogden City. He is also a former member of the Ethics & Disciplinary Committee (panel C) and the Courts and Judges Committee of the Utah State Bar. Judge Lyon received his bachelor's degree from Weber State College and his law degree from the University of Utah College of Law in 1971.

**Judge Lyon's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 116 attorney survey respondents for Judge Lyon.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 53 | 45 | 50 | 49 | 41 | 53 | 59 | 58 | 50 | 43 | 46 | 46 | 38 | 39 | 47 |
| MORE THAN ADEQUATE     | % | 31 | 33 | 34 | 35 | 37 | 35 | 28 | 33 | 40 | 34 | 31 | 35 | 39 | 34 | 35 |
| ADEQUATE               | % | 10 | 13 | 13 | 13 | 15 | 9  | 8  | 6  | 9  | 17 | 22 | 15 | 18 | 23 | 13 |
| LESS THAN ADEQUATE     | % | 4  | 7  | 1  | 3  | 6  | 2  | 3  | 2  | 1  | 2  | 1  | 2  | 3  | 3  | 2  |
| INADEQUATE             | % | 1  | 3  | 2  | 1  | 2  | 1  | 2  | 1  | 1  | 3  | 1  | 1  | 2  | 1  | 3  |

**Survey of Jurors**

There were 138 jurors survey respondents for Judge Lyon.

|     |   |    |    |     |     |    |     |    |    |    |    |    |     |    |    |    |
|-----|---|----|----|-----|-----|----|-----|----|----|----|----|----|-----|----|----|----|
| YES | % | 96 | 99 | 100 | 100 | 99 | 100 | 99 | 99 | 99 | 99 | 97 | 100 | 99 | 99 | 97 |
| NO  | % | 4  | 1  | 0   | 0   | 1  | 0   | 1  | 1  | 1  | 1  | 3  | 0   | 1  | 1  | 3  |

**SECOND JUDICIAL DISTRICT**



**Judge John M. Memmott**

**DISTRICT COURT  
SECOND JUDICIAL DISTRICT  
(WEBER, DAVIS, MORGAN)**

**JUDGE JON M. MEMMOTT OF THE DISTRICT COURT FOR THE SECOND JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.**

Judge Jon M. Memmott was appointed to the Second District Court in August, 1992 by Governor Norman H. Bangarter. Judge Memmott received his law degree from Arizona State University in 1974, then served as an Assistant Attorney General in Arizona. He returned to Utah in 1976 where he served as the Director of the Office of Legislative Research and General Counsel. He served as Governor Bangarter's Chief of Staff/General Counsel from 1984 to 1988, then he returned to private practice as a partner with Nielsen & Senior. He has served as presiding judge for the Second District, and is a past member of the Board of District Court Judges. Judge Memmott is a member of the Constitutional Revision Commission. Judge Memmott started the Drug Court in Davis County in 1999 and serves as a member of the National Drug Court Congress. Judge Memmott also is an adjunct professor at BYU where he teaches employment law.

**Judge Memmott's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 84 attorney survey respondents for Judge Memmott.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 40 | 36 | 37 | 30 | 30 | 41 | 48 | 43 | 40 | 33 | 30 | 36 | 31 | 27 | 31 |
| MORE THAN ADEQUATE     | % | 33 | 31 | 36 | 34 | 33 | 29 | 29 | 36 | 36 | 35 | 39 | 38 | 30 | 43 | 42 |
| ADEQUATE               | % | 23 | 24 | 24 | 29 | 24 | 24 | 23 | 18 | 20 | 24 | 20 | 14 | 35 | 28 | 21 |
| LESS THAN ADEQUATE     | % | 4  | 7  | 3  | 4  | 10 | 5  | 0  | 4  | 2  | 5  | 8  | 9  | 3  | 1  | 5  |
| INADEQUATE             | % | 0  | 1  | 1  | 2  | 2  | 1  | 1  | 0  | 1  | 4  | 4  | 4  | 1  | 1  | 1  |

**Survey of Jurors**

There were 21 jurors survey respondents for Judge Memmott.

|     |   |     |     |     |     |    |     |     |     |     |     |    |     |    |     |     |
|-----|---|-----|-----|-----|-----|----|-----|-----|-----|-----|-----|----|-----|----|-----|-----|
| YES | % | 100 | 100 | 100 | 100 | 94 | 100 | 100 | 100 | 100 | 100 | 90 | 100 | 95 | 100 | 100 |
| NO  | % | 0   | 0   | 0   | 0   | 6  | 0   | 0   | 0   | 0   | 0   | 10 | 0   | 5  | 0   | 0   |



**Judge Kathleen M. Nelson**

**JUVENILE COURT  
SECOND JUDICIAL DISTRICT  
(WEBER, DAVIS, MORGAN)**

**JUDGE KATHLEEN M. NELSON OF THE JUVENILE COURT FOR THE SECOND JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.**

Judge Kathleen M. Nelson was appointed to the Second District Juvenile Court in November 1998 by Gov. Michael O. Leavitt. She serves Davis, Morgan and Weber Counties. Judge Nelson received her law degree from the University of Utah College of Law in 1976. She was an attorney with the law firm of Diument, Harward & Nelson from 1976 to 1985, a sole practitioner from 1985 to 1994, and an attorney in the Second District Guardian ad Litem office at the time of her appointment to the bench. Judge Nelson is the Associate Presiding Judge in the Second District Juvenile Court, and currently serves on the Alternative Dispute Resolution Standing Committee and the Restorative Justice Steering Committee.

**Judge Nelson's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 65 attorney survey respondents for Judge Nelson.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 37 | 35 | 43 | 38 | 34 | 45 | 38 | 40 | 33 | 34 | 34 | 35 | 31 | 28 | 37 |
| MORE THAN ADEQUATE     | % | 35 | 29 | 33 | 25 | 28 | 27 | 31 | 34 | 41 | 31 | 31 | 30 | 31 | 38 | 31 |
| ADEQUATE               | % | 17 | 17 | 15 | 29 | 25 | 23 | 23 | 20 | 22 | 20 | 28 | 19 | 31 | 28 | 20 |
| LESS THAN ADEQUATE     | % | 5  | 12 | 3  | 3  | 9  | 0  | 3  | 2  | 0  | 8  | 2  | 8  | 3  | 2  | 8  |
| INADEQUATE             | % | 6  | 6  | 7  | 5  | 5  | 5  | 5  | 5  | 5  | 6  | 6  | 8  | 5  | 5  | 5  |

## THIRD JUDICIAL DISTRICT



### Judge William B. Bohling

**DISTRICT COURT  
THIRD JUDICIAL DISTRICT  
(SALT LAKE, SUMMIT, TOOELE)**

**JUDGE WILLIAM B. BOHLING OF THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.**

Judge William B. Bohling was appointed to the Third District Court by Gov. Michael O. Leavitt in June of 1993. He received a BSEE degree in 1965 and a JD degree in 1968, from the U. of Utah, an MA degree in Economics in 1977 from Texas Tech U., and an LLM degree in 1978 from the U. of Michigan School of Law. Judge Bohling was a trial attorney with the U.S. Department of Justice Antitrust Division from 1968 to 1971. He was a member of the faculty of Texas Tech U. School of Law from 1973 to 1978, and a fellow at the U. of Michigan School of Law, from 1977 to 1978. He was in private practice in Salt Lake City from 1971 to 1973 and from 1979 until taking the bench in 1993. While in practice he chaired the Utah Bar's Litigation Section and Courts and Judges Committee. In 1993 he was named the bar's Distinguished Lawyer of the Year. Judge Bohling serves as the chair of the Judicial Council's Alternative Dispute Resolution Committee and as a member of the Judicial Conduct Commission. He also serves as the judge of the Salt Lake County pilot Mental Health Court.

#### Judge Bohling's compliance with performance standards:

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

#### Survey of Attorneys

There were 126 attorney survey respondents for Judge Bohling.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 61 | 54 | 60 | 46 | 42 | 46 | 60 | 52 | 58 | 46 | 45 | 45 | 43 | 45 | 48 |
| MORE THAN ADEQUATE     | % | 23 | 22 | 22 | 26 | 28 | 31 | 24 | 31 | 25 | 30 | 26 | 27 | 29 | 25 | 29 |
| ADEQUATE               | % | 10 | 14 | 15 | 24 | 21 | 17 | 12 | 17 | 15 | 14 | 22 | 24 | 22 | 27 | 17 |
| LESS THAN ADEQUATE     | % | 3  | 6  | 3  | 3  | 7  | 6  | 3  | 0  | 1  | 6  | 6  | 3  | 5  | 2  | 5  |
| INADEQUATE             | % | 2  | 3  | 1  | 1  | 2  | 1  | 1  | 0  | 1  | 2  | 2  | 1  | 1  | 1  | 2  |

#### Survey of Jurors

There were 87 jurors survey respondents for Judge Bohling.

|     |   |    |     |     |     |     |     |     |     |     |     |     |     |     |    |    |
|-----|---|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|----|
| YES | % | 97 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 99 | 98 |
| NO  | % | 3  | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 1  | 2  |



### Judge Pat B. Brian

**DISTRICT COURT  
THIRD JUDICIAL DISTRICT  
(SALT LAKE, SUMMIT, TOOELE)**

**JUDGE PAT B. BRIAN OF THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.**

Judge Pat B. Brian was appointed to the Third District Court in May 1987 by Gov. Norman H. Bangerter. He was a Deputy District Attorney in California, an Assistant U.S. Attorney in Alaska and a partner in the law firm of Nielsen & Senior. He received his law degree from Vanderbilt University in 1965. He has served as a member of the Child Abuse Task Force, the Utah State D.U.I. Revision Commission and the Utah State Victim Restitution Commission. He currently serves as a member of the Statewide Grand Jury Panel of Judges and the Utah State Bar Fee Arbitration Committee. He is a Master in the Inns of Court and an adjunct professor at Brigham Young University Law School.

#### Judge Brian's compliance with performance standards:

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

#### Survey of Attorneys

There were 65 attorney survey respondents for Judge Brian.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 32 | 29 | 33 | 27 | 23 | 28 | 26 | 42 | 21 | 22 | 25 | 21 | 25 | 25 | 23 |
| MORE THAN ADEQUATE     | % | 32 | 29 | 33 | 30 | 30 | 25 | 25 | 36 | 34 | 34 | 27 | 25 | 32 | 33 | 34 |
| ADEQUATE               | % | 29 | 28 | 30 | 30 | 27 | 24 | 27 | 16 | 23 | 20 | 29 | 36 | 33 | 25 | 22 |
| LESS THAN ADEQUATE     | % | 2  | 8  | 2  | 6  | 12 | 10 | 16 | 3  | 11 | 12 | 9  | 9  | 4  | 10 | 11 |
| INADEQUATE             | % | 6  | 7  | 2  | 8  | 8  | 13 | 6  | 3  | 11 | 12 | 8  | 9  | 6  | 7  | 9  |

**THIRD JUDICIAL DISTRICT**



**Judge Michael K. Burton**  
**DISTRICT COURT**  
**THIRD JUDICIAL DISTRICT**  
 (SALT LAKE, SUMMIT, TOOELE)

JUDGE MICHAEL K. BURTON OF THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.

Judge Michael K. Burton was appointed to the Third Circuit Court in July 1983 by Gov. Scott M. Matheson. He became a judge in the Third District Court in 1996. He received his law degree from the J. Reuben Clark School of law at Brigham Young University in 1976. From 1973 to 1982 he was a Prosecutor and City Attorney for Sandy City and he was a Deputy Salt Lake County Attorney from 1982 until his appointment to the bench. Judge Burton served as chair of the Board of Circuit Court Judges from September 1992 until September 1994, when he was elected to the Judicial Council. He served on the Judicial Council until September 1999. He is a former member of the Judicial Branch Education Standing Committee and the Curriculum Planning Committee.

**Judge Burton's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 100 attorney survey respondents for Judge Burton.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 50 | 46 | 46 | 38 | 31 | 36 | 39 | 43 | 46 | 37 | 39 | 34 | 32 | 30 | 37 |
| MORE THAN ADEQUATE     | % | 29 | 24 | 33 | 34 | 34 | 26 | 28 | 35 | 29 | 29 | 28 | 28 | 37 | 34 | 34 |
| ADEQUATE               | % | 11 | 17 | 17 | 19 | 18 | 26 | 19 | 19 | 18 | 22 | 18 | 31 | 24 | 31 | 18 |
| LESS THAN ADEQUATE     | % | 3  | 6  | 3  | 7  | 10 | 8  | 5  | 1  | 6  | 6  | 10 | 2  | 4  | 4  | 7  |
| INADEQUATE             | % | 7  | 7  | 1  | 1  | 6  | 4  | 9  | 2  | 1  | 6  | 5  | 5  | 2  | 1  | 4  |

**Survey of Jurors**

There were 77 jurors survey respondents for Judge Burton.

|     |   |    |    |    |     |    |     |     |     |     |     |    |     |    |     |    |
|-----|---|----|----|----|-----|----|-----|-----|-----|-----|-----|----|-----|----|-----|----|
| YES | % | 93 | 99 | 99 | 100 | 98 | 100 | 100 | 100 | 100 | 100 | 97 | 100 | 99 | 100 | 97 |
| NO  | % | 7  | 1  | 1  | 0   | 2  | 0   | 0   | 0   | 0   | 0   | 3  | 0   | 1  | 0   | 3  |



**Judge Dennis M. Fuchs**  
**DISTRICT COURT**  
**THIRD JUDICIAL DISTRICT**  
 (SALT LAKE, SUMMIT, TOOELE)

JUDGE DENNIS M. FUCHS OF THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.

Judge Dennis M. Fuchs was appointed to the Third Circuit Court in December 1986 by Gov. Norman H. Bangerter. He became a judge in Third District Court in July 1996. He received his law degree from Boston University School of Law in 1973. He worked for the Law Enforcement Assistance Administration from 1974 to 1977. He was a Deputy Attorney in the Salt Lake County Attorney's Office from 1977 to 1981, and he was in private practice from 1981 to 1983. From 1983 to 1986, he served on the Utah State Board of Pardons and was Chairman from 1985 to 1986. He is a member of the Supreme Court Ethics Advisory Committee has served on the Criminal Procedures Task Force and the Judicial Education Committee. Judge Fuchs is a former member of the Board of Circuit Court Judges. He helped establish the Third District Drug Court in 1996 and has presided over that court since its inception. In 1997 he was awarded the Governor's Award for outstanding service in the area of substance abuse and anti-violence.

**Judge Fuchs's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 88 attorney survey respondents for Judge Fuchs.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 33 | 34 | 28 | 27 | 24 | 27 | 34 | 28 | 29 | 31 | 28 | 30 | 33 | 29 | 30 |
| MORE THAN ADEQUATE     | % | 30 | 24 | 30 | 34 | 30 | 29 | 33 | 39 | 35 | 29 | 28 | 30 | 29 | 31 | 32 |
| ADEQUATE               | % | 30 | 29 | 29 | 31 | 39 | 34 | 21 | 30 | 25 | 28 | 34 | 33 | 34 | 30 | 31 |
| LESS THAN ADEQUATE     | % | 4  | 8  | 10 | 7  | 4  | 9  | 10 | 2  | 6  | 6  | 7  | 2  | 1  | 5  | 5  |
| INADEQUATE             | % | 2  | 6  | 4  | 1  | 2  | 1  | 2  | 0  | 6  | 6  | 3  | 6  | 3  | 5  | 3  |

**Survey of Jurors**

There were 99 jurors survey respondents for Judge Fuchs.

|     |   |    |     |     |    |    |    |     |     |    |    |     |     |    |     |    |
|-----|---|----|-----|-----|----|----|----|-----|-----|----|----|-----|-----|----|-----|----|
| YES | % | 97 | 100 | 100 | 98 | 96 | 99 | 100 | 100 | 99 | 99 | 100 | 100 | 99 | 100 | 99 |
| NO  | % | 3  | 0   | 0   | 2  | 4  | 1  | 0   | 0   | 1  | 1  | 0   | 0   | 1  | 0   | 1  |



**THIRD JUDICIAL DISTRICT**



**Judge Glenn K. Iwasaki**

**DISTRICT COURT  
THIRD JUDICIAL DISTRICT  
(SALT LAKE, SUMMIT, TOOELE)**

**JUDGE GLENN K. IWASAKI OF THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.**

Judge Glenn K. Iwasaki was appointed to the Third District Court in July 1992 by Governor Norman H. Bangerter. Judge Iwasaki graduated in 1971 from the University of Utah College of Law and served as a Deputy Salt Lake County Attorney. He was also trial attorney for the Salt Lake Legal Defenders Association and was a partner in the law firm of Collard, Pixton, Iwasaki & Downes. Judge Iwasaki has been an Adjunct Professor of Law at the University of Utah and has served on the Board of Trustees, University of Utah College of Law Alumni Association and chair of the Youth Parole Authority. During his tenure as deputy Salt Lake County Attorney, he served as Unit Chief for the Special Victims Prosecution Unit. Judge Iwasaki has served as a member of the Utah Supreme Court Advisory Committee on the Rules of Criminal Procedure, the Utah Task Force on Racial and Ethnic Fairness in the Judicial System, and the Committee on Improving Jury Service.

**Judge Iwasaki's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 131 attorney survey respondents for Judge Iwasaki.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 63 | 62 | 61 | 54 | 50 | 55 | 63 | 63 | 62 | 53 | 57 | 47 | 52 | 48 | 56 |
| MORE THAN ADEQUATE     | % | 24 | 22 | 29 | 30 | 29 | 30 | 28 | 26 | 26 | 33 | 26 | 33 | 22 | 31 | 30 |
| ADEQUATE               | % | 11 | 9  | 9  | 12 | 14 | 13 | 8  | 11 | 10 | 9  | 13 | 17 | 24 | 17 | 11 |
| LESS THAN ADEQUATE     | % | 3  | 7  | 2  | 2  | 6  | 0  | 2  | 0  | 2  | 4  | 2  | 2  | 2  | 3  | 2  |
| INADEQUATE             | % | 0  | 1  | 0  | 2  | 2  | 2  | 0  | 0  | 0  | 2  | 2  | 1  | 1  | 2  | 1  |

**Survey of Jurors**

There were 53 jurors survey respondents for Judge Iwasaki.

|     |   |    |     |     |     |     |     |     |     |     |     |     |     |     |    |    |
|-----|---|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|----|
| YES | % | 98 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 98 | 96 |
| NO  | % | 2  | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 2  | 4  |



**Judge Denise Posse-Blanco Lindberg**

**DISTRICT COURT  
THIRD JUDICIAL DISTRICT  
(SALT LAKE, SUMMIT, TOOELE)**

**JUDGE DENISE POSSE-BLANCO LINDBERG OF THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.**

Judge Denise Posse-Blanco Lindberg was appointed in September 1998 by Governor Michael O. Leavitt. She received her bachelor's degree from Brigham Young University, and earned masters' and doctoral degrees from the University of Utah before returning to BYU for a law degree. She received her J.D., magna cum laude in 1988, was elected to the Order of the Coif, and was Articles Editor for the BYU Law Review. After graduation she clerked for Monroe G. McKay, U.S. Court of Appeals for the Tenth Circuit, and for Sandra Day O'Connor, Supreme Court of the United States. Following her clerkships she practiced appellate and healthcare law in Washington, D.C., returning to Salt Lake City in 1994 as general counsel for a healthcare company. Later she maintained a private practice advising healthcare providers on regulatory matters. She is member of the American Law Institute and an Adviser to the Institute's Criminal Sentencing Revision Project. She is also a member of the Utah Bar's Ethics Advisory Opinion Committee, the Judicial Council's Committee on Improving Jury Service, and is a Master of the Bench with the American Inns of Court.

**Judge Lindberg's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 80 attorney survey respondents for Judge Lindberg.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 21 | 16 | 21 | 16 | 15 | 28 | 19 | 16 | 19 | 19 | 18 | 31 | 16 | 14 | 14 |
| MORE THAN ADEQUATE     | % | 35 | 31 | 34 | 31 | 23 | 28 | 29 | 31 | 30 | 22 | 30 | 31 | 31 | 31 | 29 |
| ADEQUATE               | % | 30 | 29 | 34 | 26 | 33 | 35 | 28 | 43 | 40 | 29 | 36 | 24 | 33 | 38 | 34 |
| LESS THAN ADEQUATE     | % | 6  | 11 | 6  | 18 | 19 | 1  | 13 | 6  | 8  | 16 | 9  | 7  | 9  | 10 | 13 |
| INADEQUATE             | % | 8  | 13 | 4  | 9  | 11 | 9  | 13 | 4  | 4  | 14 | 8  | 8  | 11 | 8  | 11 |

**Survey of Jurors**

There were 44 jurors survey respondents for Judge Lindberg.

|     |   |    |     |     |     |    |     |    |     |     |     |     |     |    |     |     |
|-----|---|----|-----|-----|-----|----|-----|----|-----|-----|-----|-----|-----|----|-----|-----|
| YES | % | 98 | 100 | 100 | 100 | 97 | 100 | 98 | 100 | 100 | 100 | 100 | 100 | 93 | 100 | 100 |
| NO  | % | 2  | 0   | 0   | 0   | 3  | 0   | 2  | 0   | 0   | 0   | 0   | 0   | 7  | 0   | 0   |



## THIRD JUDICIAL DISTRICT



### Judge Paul G. Maughan

**DISTRICT COURT  
THIRD JUDICIAL DISTRICT  
(SALT LAKE, SUMMIT, TOOELE)**

**JUDGE PAUL G. MAUGHAN OF THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.**

Judge Paul G. Maughan was appointed to the Third District Court in December 1998 by Governor Michael O. Leavitt. Judge Maughan received his law degree from the S.J. Quinney College of Law in 1974. At the time of his appointment to the bench he was a deputy district attorney for Salt Lake County assigned to litigation and transaction matters involving the county's real estate and economic development issues. Prior to that, he was an associate in the law firm of Bradley, Arrowsmith & Jackson. He is also a former assistant city attorney for Salt Lake City. He has served on the Courts and Judges Committee and the Alternative Dispute Resolution Committee of the Utah State Bar, and as a member of the executive committee of the Bar's Litigation Section. Judge Maughan is a Master of the Bench in the Sherman A. Christensen American Inn of Court.

#### Judge Maughan's compliance with performance standards:

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

#### Survey of Attorneys

There were 82 attorney survey respondents for Judge Maughan.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 22 | 23 | 25 | 17 | 20 | 21 | 28 | 26 | 23 | 19 | 17 | 24 | 23 | 21 | 16 |
| MORE THAN ADEQUATE     | % | 33 | 29 | 28 | 22 | 21 | 26 | 24 | 32 | 25 | 25 | 24 | 24 | 26 | 21 | 30 |
| ADEQUATE               | % | 33 | 33 | 38 | 35 | 31 | 40 | 33 | 39 | 43 | 38 | 30 | 35 | 44 | 46 | 37 |
| LESS THAN ADEQUATE     | % | 5  | 9  | 6  | 12 | 16 | 7  | 7  | 1  | 5  | 6  | 18 | 9  | 5  | 9  | 9  |
| INADEQUATE             | % | 6  | 6  | 3  | 15 | 11 | 6  | 7  | 2  | 5  | 12 | 10 | 9  | 3  | 4  | 9  |

#### Survey of Jurors

There were 88 jurors survey respondents for Judge Maughan.

|     |   |    |     |     |    |    |     |     |     |     |     |     |     |    |     |    |
|-----|---|----|-----|-----|----|----|-----|-----|-----|-----|-----|-----|-----|----|-----|----|
| YES | % | 99 | 100 | 100 | 99 | 99 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 99 | 100 | 98 |
| NO  | % | 1  | 0   | 0   | 1  | 1  | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 1  | 0   | 2  |



### Judge Tyrone E. Medley

**DISTRICT COURT  
THIRD JUDICIAL DISTRICT  
(SALT LAKE, SUMMIT, TOOELE)**

**JUDGE TYRONE E. MEDLEY OF THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.**

Judge Tyrone E. Medley was appointed to the Third District Court in December 1992 by Governor Norman Bangert and to the Third Circuit Court in July 1984 by Governor Scott M. Matheson. He received his undergraduate degree as a student-athlete from the University of Utah in 1974 and his law degree from the University of Utah College of Law in 1977. Judge Medley was a Research Attorney for the Third District Court and a former Deputy Salt Lake County Attorney. He is a former member of the Utah Supreme Court's Advisory Committee on Criminal Procedure, the Utah State Sentencing Commission, the Board of District Court Judges and Co-Chair of the Utah Task Force on Race and Ethnic Fairness in the Legal System. He served as a member of the Crimson Club Board of Directors, the Salt Lake Boys and Girls Clubs and currently serves as a member of the Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System and the Public Outreach Committee. He has been inducted into the University of Utah Crimson Club Hall of Fame, South Jersey High School Basketball Hall of Fame and in 1998 he received the Utah State Bar Judge of the Year Award.

#### Judge Medley's compliance with performance standards:

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

#### Survey of Attorneys

There were 127 attorney survey respondents for Judge Medley.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 62 | 59 | 59 | 49 | 46 | 55 | 65 | 62 | 59 | 52 | 53 | 44 | 44 | 47 | 56 |
| MORE THAN ADEQUATE     | % | 26 | 23 | 28 | 33 | 30 | 26 | 24 | 27 | 29 | 25 | 21 | 27 | 29 | 26 | 27 |
| ADEQUATE               | % | 9  | 11 | 12 | 11 | 13 | 14 | 9  | 11 | 10 | 15 | 17 | 18 | 18 | 19 | 10 |
| LESS THAN ADEQUATE     | % | 2  | 6  | 1  | 4  | 5  | 2  | 2  | 0  | 2  | 5  | 6  | 8  | 6  | 6  | 6  |
| INADEQUATE             | % | 0  | 1  | 0  | 2  | 6  | 2  | 0  | 0  | 0  | 3  | 2  | 3  | 3  | 2  | 2  |

#### Survey of Jurors

There were 48 jurors survey respondents for Judge Medley.

|     |   |     |     |     |     |    |     |    |     |     |     |     |     |     |    |     |
|-----|---|-----|-----|-----|-----|----|-----|----|-----|-----|-----|-----|-----|-----|----|-----|
| YES | % | 100 | 100 | 100 | 100 | 98 | 100 | 98 | 100 | 100 | 100 | 100 | 100 | 100 | 98 | 100 |
| NO  | % | 0   | 0   | 0   | 0   | 2  | 0   | 2  | 0   | 0   | 0   | 0   | 0   | 0   | 2  | 0   |

## THIRD JUDICIAL DISTRICT



### Judge Frank G. Noel

**DISTRICT COURT  
THIRD JUDICIAL DISTRICT  
(SALT LAKE, SUMMIT, TOOELE)**

**JUDGE FRANK G. NOEL OF THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.**

Judge Frank G. Noel was appointed to the Third District Court in October 1986 by Gov. Norman H. Bangerter. He was a Judge in the Fifth Circuit Court for three years. He received his law degree from the University of Utah College of Law in 1972 and was an attorney with the Salt Lake law firm of Strong & Hanni. He is a former member of the Task Force on Child Support Guidelines and the Legislative Task Force on Domestic Violence. Judge Noel was a Presiding Judge for the Circuit Court from 1985 to 1986. He is a member of the Supreme Court Advisory Committee on Rules of Evidence, the Automation, Information, and Records Committee and is a former member of the Board of District Court Judges. Judge Noel was chair of the Judicial Council's Ad Hoc Committee on Access to Electronic Records. Judge Noel was Presiding Judge in the Third District from July 1998 to July 2001.

#### Judge Noel's compliance with performance standards:

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

#### Survey of Attorneys

There were 93 attorney survey respondents for Judge Noel.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 57 | 55 | 58 | 51 | 44 | 46 | 59 | 55 | 51 | 52 | 47 | 41 | 36 | 40 | 47 |
| MORE THAN ADEQUATE     | % | 32 | 27 | 31 | 28 | 24 | 25 | 29 | 30 | 32 | 23 | 25 | 25 | 32 | 28 | 29 |
| ADEQUATE               | % | 9  | 13 | 8  | 17 | 21 | 23 | 11 | 14 | 14 | 16 | 20 | 27 | 28 | 24 | 18 |
| LESS THAN ADEQUATE     | % | 2  | 4  | 1  | 4  | 9  | 7  | 1  | 1  | 2  | 8  | 6  | 5  | 1  | 5  | 4  |
| INADEQUATE             | % | 0  | 1  | 1  | 0  | 2  | 0  | 0  | 0  | 1  | 2  | 2  | 1  | 2  | 3  | 1  |

#### Survey of Jurors

There were 31 jurors survey respondents for Judge Noel.

|     | % | 1  | 2  | 3   | 4  | 5  | 6  | 7   | 8   | 9  | 10  | 11  | 12  | 13  | 14 | 15  |
|-----|---|----|----|-----|----|----|----|-----|-----|----|-----|-----|-----|-----|----|-----|
| YES | % | 97 | 97 | 100 | 97 | 90 | 97 | 100 | 100 | 97 | 100 | 100 | 100 | 100 | 93 | 100 |
| NO  | % | 3  | 3  | 0   | 3  | 10 | 3  | 0   | 0   | 3  | 0   | 0   | 0   | 0   | 7  | 0   |



### Judge Robin W. Reese

**DISTRICT COURT  
THIRD JUDICIAL DISTRICT  
(SALT LAKE, SUMMIT, TOOELE)**

**JUDGE ROBIN W. REESE OF THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.**

Judge Robin W. Reese was appointed to the Third Circuit Court in March 1987 by Governor Norman H. Bangerter. He became a Third District Court judge in July 1996. He received his law degree from the University of Utah College of Law in 1980. He was an attorney in the law firm of Tibbals, Adamson, Peters and Howell from 1980 to 1981, and a deputy Salt Lake County attorney from 1981 until his appointment to the bench. Judge Reese is a former member of the Utah State Bar Association's Courts and Judges Committee, and Supreme Court's Advisory Committee on the Rules of Criminal Procedure. Judge Reese served as the presiding judge of the Third Circuit Court from July 1992 to July 1996, and as an associate presiding judge of the Third District Court from then until July 2001.

#### Judge Reese's compliance with performance standards:

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

#### Survey of Attorneys

There were 88 attorney survey respondents for Judge Reese.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 42 | 37 | 41 | 36 | 27 | 33 | 47 | 41 | 33 | 30 | 33 | 31 | 26 | 29 | 31 |
| MORE THAN ADEQUATE     | % | 37 | 37 | 37 | 29 | 34 | 39 | 31 | 38 | 40 | 35 | 34 | 31 | 39 | 29 | 38 |
| ADEQUATE               | % | 20 | 21 | 21 | 23 | 23 | 24 | 21 | 20 | 25 | 26 | 22 | 29 | 28 | 33 | 26 |
| LESS THAN ADEQUATE     | % | 1  | 6  | 1  | 11 | 13 | 5  | 1  | 1  | 2  | 8  | 10 | 6  | 5  | 7  | 5  |
| INADEQUATE             | % | 0  | 0  | 0  | 1  | 2  | 0  | 0  | 0  | 0  | 1  | 1  | 2  | 1  | 1  | 1  |

#### Survey of Jurors

There were 117 jurors survey respondents for Judge Reese.

|     | % | 1  | 2   | 3   | 4   | 5  | 6   | 7   | 8   | 9  | 10  | 11  | 12  | 13 | 14 | 15 |
|-----|---|----|-----|-----|-----|----|-----|-----|-----|----|-----|-----|-----|----|----|----|
| YES | % | 98 | 100 | 100 | 100 | 95 | 100 | 100 | 100 | 99 | 100 | 100 | 100 | 97 | 99 | 97 |
| NO  | % | 2  | 0   | 0   | 0   | 5  | 0   | 0   | 0   | 1  | 0   | 0   | 0   | 3  | 1  | 3  |

## THIRD JUDICIAL DISTRICT



### Judge Andrew A. Valdez

JUVENILE COURT  
THIRD JUDICIAL DISTRICT  
(SALT LAKE, SUMMIT, TOOELE)

JUDGE ANDREW A. VALDEZ OF THE JUVENILE COURT FOR THE THIRD JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.

Governor Michael O. Leavitt appointed Judge Andrew A. Valdez to the Third District Juvenile court in June of 1993. He graduated from the University of Utah College of Law in 1977. Judge Valdez was a commissioned Captain in the U.S. Army J.A.G. Corps and trial counsel with the Legal Defenders Association Felony/Homicide Division. He was chair of the statewide Youth Parole Authority. Judge Valdez has served on the Utah Sentencing Commission, Juvenile Justice Task Force, Board of Juvenile Court Judges and Board of Trustees for Primary Children's Hospital. He is currently a member of the National Youth Gang Center and the statewide Judicial Council responsible for setting policy for the state's judicial system. Judge Valdez has developed a court based mentoring program, partnerships with community education schools and opportunities for female juvenile offenders to work off restitution obligations. Awards include, Board of Youth Corrections Distinguished Service Award; American Red Cross Lifesaver Award; Minority Bar Association Leadership Awards; Lillian Smith "Youth Advocate of the Year" Award; "Peace in the Streets" Award; U.C.L.R. Leadership Award; Catholic Community Service Award; and Honorary Doctorate Degree of Human Letters - Salt Lake Community College.

#### Judge Valdez's compliance with performance standards:

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

#### Survey of Attorneys

There were 83 attorney survey respondents for Judge Valdez.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 27 | 22 | 38 | 40 | 34 | 39 | 23 | 41 | 28 | 29 | 31 | 38 | 36 | 31 | 34 |
| MORE THAN ADEQUATE     | % | 29 | 27 | 30 | 26 | 29 | 36 | 27 | 37 | 36 | 26 | 33 | 29 | 36 | 35 | 27 |
| ADEQUATE               | % | 22 | 22 | 25 | 26 | 20 | 19 | 16 | 14 | 24 | 22 | 24 | 23 | 23 | 27 | 28 |
| LESS THAN ADEQUATE     | % | 18 | 23 | 5  | 7  | 11 | 5  | 22 | 6  | 8  | 12 | 9  | 8  | 4  | 4  | 6  |
| INADEQUATE             | % | 5  | 7  | 1  | 1  | 6  | 1  | 13 | 1  | 4  | 11 | 4  | 2  | 1  | 3  | 6  |

**THIRD JUDICIAL DISTRICT**



**Judge David S. Young**

**DISTRICT COURT  
THIRD JUDICIAL DISTRICT  
(SALT LAKE, SUMMIT, TOOELE)**

**JUDGE DAVID S. YOUNG OF THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.**

Judge David S. Young was appointed to the Third District Court in February 1987 by Gov. Norman H. Bangerter. He received his law degree from the University of Utah College of Law in 1969. He worked in the Utah Attorney General's Office and was Chief Assistant Attorney General heading the Criminal Division prior to 1973. He organized and was the original director of the Statewide Association of Prosecutors. He was an attorney with the law firms of Stewart, Young, Paxton & Russell; Marsden, Orton & Liljenquist; and Backman, Marsh & Clark in Salt Lake City. Judge Young is a member of the Supreme Court Advisory Committee on Rules of Criminal Procedure. He is a former member of the Utah Board of Pardons and Board of Corrections. He is also a former member of the Board of District Court Judges and the Utah Judicial Council.

**Judge Young's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 129 attorney survey respondents for Judge Young.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 26 | 22 | 30 | 26 | 24 | 28 | 26 | 37 | 22 | 20 | 22 | 28 | 25 | 25 | 22 |
| MORE THAN ADEQUATE     | % | 20 | 19 | 20 | 32 | 23 | 23 | 19 | 34 | 27 | 20 | 24 | 19 | 33 | 22 | 19 |
| ADEQUATE               | % | 29 | 30 | 33 | 28 | 24 | 32 | 23 | 27 | 27 | 26 | 33 | 36 | 35 | 40 | 34 |
| LESS THAN ADEQUATE     | % | 14 | 14 | 9  | 6  | 19 | 12 | 21 | 0  | 14 | 20 | 14 | 11 | 4  | 6  | 13 |
| INADEQUATE             | % | 11 | 15 | 8  | 8  | 10 | 6  | 11 | 2  | 10 | 14 | 7  | 7  | 3  | 7  | 12 |

**Survey of Jurors**

There were 81 jurors survey respondents for Judge Young.

|     |   |    |    |    |     |    |     |     |    |    |    |    |     |     |    |    |
|-----|---|----|----|----|-----|----|-----|-----|----|----|----|----|-----|-----|----|----|
| YES | % | 96 | 97 | 96 | 100 | 97 | 100 | 100 | 99 | 97 | 96 | 99 | 100 | 100 | 97 | 93 |
| NO  | % | 4  | 3  | 4  | 0   | 3  | 0   | 0   | 1  | 3  | 4  | 1  | 0   | 0   | 3  | 7  |

The Utah Supreme Court has ordered two public reprimands of Judge Young since January 1, 1991. The following is a summary of the supporting reasons for each violation of the Code of Judicial Conduct.

An order of public reprimand was issued on August 27, 1999. Canon 3B(7) of the Code of Judicial Conduct prohibits a judge from initiating ex parte communications concerning a pending proceeding. Canon 3B(9) of the Code of Judicial Conduct prohibits a judge, while a proceeding is pending or impending in any court, from making any nonpublic comment that might substantially interfere with a fair trial or hearing. The Supreme Court found that Judge Young violated Canon 3B(7) by initiating an ex parte telephone conversation with an attorney in a case over which he had presided, while the case was still pending. Further, the Supreme Court found that Judge Young's telephone conversation with the attorney also violated Canon 3B(7) because it provided information to that attorney, as to an issue in the proceeding that had not yet been resolved, that was not provided to the other party, and which had the potential of giving one side an advantage in settlement

An order of public reprimand was issued on November 7, 2000. Canon 3B(10) of the Code of Judicial Conduct prohibits a judge from commending or criticizing jurors for their verdict other than in a court order or an opinion in a proceeding. In two separate criminal cases, Judge Young made on-the-record comments in the courtroom that were critical of the jurors' verdict.

**FOURTH JUDICIAL DISTRICT**



**Judge John C. Backlund**

**DISTRICT COURT  
FOURTH JUDICIAL DISTRICT**  
(WASATCH, UTAH, JUAB,  
MILLARD)

**JUDGE JOHN C. BACKLUND  
OF THE DISTRICT COURT  
FOR THE FOURTH JUDICIAL  
DISTRICT HAS BEEN  
CERTIFIED BY THE UTAH  
JUDICIAL COUNCIL TO HAVE  
MET OR EXCEEDED THE  
STANDARDS OF  
PERFORMANCE FOR THE  
OFFICE OF JUDGE AND IS  
QUALIFIED FOR RETENTION  
IN THE 2002 GENERAL  
ELECTION.**

John C. Backlund was appointed to the Fourth Circuit Court in July 1983 by Gov. Scott M. Matheson. He became a judge in Fourth District Court in July 1996. He received his law degree from the University of Utah College of Law in 1974. He was in private practice from 1974 to 1979 and he was a partner in the law firm of Young, Backlund, Harris & Carter from 1979 to 1982. He served as City Attorney for Pleasant Grove, Alpine, and Lindon. Judge Backlund is a former member of the Court Reorganization Committee, a former chair of the Misdemeanor Reclassification Committee, and a former member of the State Courts Capital Facilities Task Force. He is a former chair of the Board of Circuit Court Judges. He also served as a member of the Committee on Improving Jury Service.

**Judge Backlund's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 85 attorney survey respondents for Judge Backlund.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 40 | 31 | 37 | 34 | 29 | 37 | 36 | 42 | 34 | 22 | 27 | 27 | 29 | 27 | 26 |
| MORE THAN ADEQUATE     | % | 20 | 19 | 21 | 28 | 23 | 31 | 21 | 34 | 35 | 23 | 23 | 18 | 35 | 28 | 28 |
| ADEQUATE               | % | 26 | 26 | 36 | 28 | 36 | 27 | 21 | 22 | 27 | 33 | 44 | 50 | 32 | 42 | 29 |
| LESS THAN ADEQUATE     | % | 7  | 13 | 0  | 4  | 7  | 4  | 14 | 1  | 4  | 10 | 1  | 4  | 3  | 1  | 12 |
| INADEQUATE             | % | 7  | 12 | 7  | 6  | 6  | 1  | 8  | 1  | 1  | 13 | 4  | 2  | 1  | 1  | 5  |

**Survey of Jurors**

There were 24 jurors survey respondents for Judge Backlund.

|     | % | 1   | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13  | 14 | 15  |
|-----|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|-----|
| YES | % | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 95 | 100 |
| NO  | % | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 5  | 0   |



**Judge Guy R. Burningham**

**DISTRICT COURT  
FOURTH JUDICIAL DISTRICT**  
(WASATCH, UTAH, JUAB,  
MILLARD)

**JUDGE GUY R. BURNINGHAM  
OF THE DISTRICT COURT  
FOR THE FOURTH JUDICIAL  
DISTRICT HAS BEEN  
CERTIFIED BY THE UTAH  
JUDICIAL COUNCIL TO HAVE  
MET OR EXCEEDED THE  
STANDARDS OF  
PERFORMANCE FOR THE  
OFFICE OF JUDGE AND IS  
QUALIFIED FOR RETENTION  
IN THE 2002 GENERAL  
ELECTION.**

Judge Guy R. Burningham was appointed to the Fourth District Court in December 1992 by Governor Norman H. Bangerter. He received his law degree from the University of Utah College of Law in 1973. Prior to his appointment to the bench, he served as Chief Deputy County Attorney, Civil Division, at the Utah County Attorney's Office. He was a partner with the firm of Burningham and Taylor from 1975 to 1977. Judge Burningham is a former member and Chairman of the Board of District Court Judges. He is also a member of the Grand Jury Panel of Judges, former member of the Court Technology Committee, member of the Task Force on Collection of Victim Restitution and Court Ordered Debt and newly appointed member of the Standing Committee on Children and Family Law. Judge Burningham is a Master of the Bench and past President of the A. Sherman Christensen Chapter of the American Inns of Court. He has served in the past as the Presiding Judge of Fourth District. He was selected by the Utah State Bar as Judge of the year in 2000.

**Judge Burningham's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 105 attorney survey respondents for Judge Burningham.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 53 | 45 | 50 | 38 | 36 | 44 | 56 | 47 | 50 | 41 | 40 | 36 | 35 | 36 | 44 |
| MORE THAN ADEQUATE     | % | 33 | 39 | 31 | 32 | 31 | 34 | 29 | 31 | 33 | 32 | 34 | 33 | 34 | 31 | 36 |
| ADEQUATE               | % | 10 | 11 | 13 | 26 | 25 | 20 | 12 | 18 | 14 | 21 | 21 | 24 | 22 | 29 | 16 |
| LESS THAN ADEQUATE     | % | 0  | 1  | 3  | 2  | 5  | 1  | 1  | 2  | 1  | 3  | 3  | 2  | 5  | 1  | 0  |
| INADEQUATE             | % | 3  | 4  | 3  | 2  | 3  | 1  | 2  | 2  | 2  | 4  | 3  | 4  | 5  | 3  | 4  |

**Survey of Jurors**

There were 8 jurors survey respondents for Judge Burningham.

|     | % | 1   | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13  | 14  | 15 |
|-----|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|
| YES | % | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 88 |
| NO  | % | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 12 |

**FOURTH JUDICIAL DISTRICT**



**Judge Lynn W. Davis**

**DISTRICT COURT  
FOURTH JUDICIAL DISTRICT**  
(WASATCH, UTAH, JUAB,  
MILLARD)

**JUDGE LYNN W. DAVIS OF  
THE DISTRICT COURT FOR  
THE FOURTH JUDICIAL  
DISTRICT HAS BEEN  
CERTIFIED BY THE UTAH  
JUDICIAL COUNCIL FOR  
RETENTION IN THE 2002  
GENERAL ELECTION.**

Judge Lynn W. Davis was appointed to the Fourth Circuit Court in April 1987 and the Fourth District Court in June 1992 by Governor Norman H. Bangerter. He received his law degree from J. Reuben Clark College of Law at Brigham Young University in 1976. He served as chair of the Board of Circuit Court Judges, Board of District Court Judges and Presiding Judge for the Fourth District Court. He currently serves as a member of the Utah Judicial Council. He is the recipient of the Utah State Bar Judge of the Year Award in 1999, and the Utah State Bar Distinguished Service Award/Special Service Award in 1998.

**Judge Davis's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Judge Davis held one case under advisement for more than 6 months, contrary to the performance standard, but the Judicial Council certified Judge Davis based on a showing of good cause.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 95 attorney survey respondents for Judge Davis.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 51 | 43 | 42 | 43 | 39 | 47 | 57 | 50 | 43 | 41 | 40 | 42 | 38 | 34 | 43 |
| MORE THAN ADEQUATE     | % | 24 | 23 | 30 | 27 | 28 | 27 | 22 | 24 | 34 | 28 | 34 | 23 | 28 | 24 | 26 |
| ADEQUATE               | % | 14 | 19 | 16 | 19 | 18 | 18 | 15 | 20 | 17 | 20 | 19 | 19 | 22 | 33 | 18 |
| LESS THAN ADEQUATE     | % | 7  | 11 | 6  | 7  | 8  | 5  | 4  | 2  | 3  | 5  | 4  | 5  | 4  | 4  | 6  |
| INADEQUATE             | % | 4  | 4  | 6  | 4  | 6  | 2  | 2  | 3  | 2  | 5  | 3  | 10 | 8  | 5  | 6  |

**Survey of Jurors**

There were 63 jurors survey respondents for Judge Davis.

|     |   |    |     |     |    |     |     |     |     |    |     |     |     |     |     |     |
|-----|---|----|-----|-----|----|-----|-----|-----|-----|----|-----|-----|-----|-----|-----|-----|
| YES | % | 97 | 100 | 100 | 98 | 100 | 100 | 100 | 100 | 98 | 100 | 100 | 100 | 100 | 100 | 100 |
| NO  | % | 3  | 0   | 0   | 2  | 0   | 0   | 0   | 0   | 2  | 0   | 0   | 0   | 0   | 0   | 0   |



**Judge Steven L. Hansen**

**DISTRICT COURT  
FOURTH JUDICIAL DISTRICT**  
(WASATCH, UTAH, JUAB,  
MILLARD)

**JUDGE STEVEN L. HANSEN  
OF THE DISTRICT COURT  
FOR THE FOURTH JUDICIAL  
DISTRICT HAS BEEN  
CERTIFIED BY THE UTAH  
JUDICIAL COUNCIL TO HAVE  
MET OR EXCEEDED THE  
STANDARDS OF  
PERFORMANCE FOR THE  
OFFICE OF JUDGE AND IS  
QUALIFIED FOR RETENTION  
IN THE 2002 GENERAL  
ELECTION.**

Judge Steven L. Hansen was appointed to the Fourth District Court in August 1993 by Gov. Michael O. Leavitt. He serves Juab, Millard, Utah and Wasatch Counties. He received his law degree from the Cumberland School of Law at Samford University in 1976. He was a law clerk at the Utah Supreme Court in 1976, after which he went into private law practice. He was Wasatch County Attorney from 1986 until his appointment to the bench. Judge Hansen has served as a member of the Judicial Performance Evaluation Committee and on the Board of District Court Judges. Judge Hansen served as presiding judge of the Fourth District Court from 1998 to 1999. He currently serves as a member of the Divorce Education Oversight Committee and as a drug court judge for Wasatch County.

**Judge Hansen's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 81 attorney survey respondents for Judge Hansen.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 53 | 45 | 53 | 39 | 34 | 44 | 48 | 46 | 41 | 37 | 37 | 38 | 32 | 37 | 37 |
| MORE THAN ADEQUATE     | % | 31 | 31 | 30 | 31 | 33 | 30 | 33 | 33 | 39 | 40 | 30 | 25 | 31 | 24 | 38 |
| ADEQUATE               | % | 16 | 19 | 18 | 29 | 26 | 24 | 17 | 21 | 20 | 17 | 28 | 31 | 33 | 35 | 23 |
| LESS THAN ADEQUATE     | % | 0  | 5  | 0  | 0  | 8  | 3  | 1  | 0  | 0  | 6  | 5  | 4  | 0  | 4  | 1  |
| INADEQUATE             | % | 0  | 0  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 0  | 0  | 1  | 4  | 0  | 0  |

**Survey of Jurors**

There were 8 jurors survey respondents for Judge Hansen.

|     |   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
|-----|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| YES | % | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |
| NO  | % | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   |

**FOURTH JUDICIAL DISTRICT**



**Judge Kay A. Lindsay**

**JUVENILE COURT  
FOURTH JUDICIAL DISTRICT**  
(WASATCH, UTAH, JUAB,  
MILLARD)

**JUDGE KAY A. LINDSAY OF THE JUVENILE COURT FOR THE FOURTH JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.**

Judge Kay Aldrich Lindsay was appointed to represent the Fourth District Juvenile Court in December 1992 by Governor Norman H. Bangerter. She serves Utah, Wasatch, Juab and Millard counties. Judge Lindsay received her law degree from the University of Utah College of Law in 1967. Prior to her appointment to the bench, she served as the Guardian ad Litem for the Fourth District Juvenile Court. She was also a Deputy County Attorney and an Associate with the Provo firm of Taylor, Moody and Thorne. Judge Lindsay was a member of the Board of Juvenile Judges from 1992-1997. She was Chair of that Board from 1996-1997. She served as a member of the Judicial Council from 1997-2000. She is currently the presiding Judge of the Fourth District Juvenile Court, a member of the Commission of Criminal and Juvenile Justice and a member of the Supreme Court's Civility Committee. In addition, Judge Lindsay is an Adjunct Professor at the J. Reuben Clark Law School teaching Child Advocacy.

**Judge Lindsay's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 43 attorney survey respondents for Judge Lindsay.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 47 | 35 | 30 | 27 | 35 | 33 | 45 | 40 | 36 | 33 | 36 | 33 | 35 | 28 | 35 |
| MORE THAN ADEQUATE     | % | 26 | 23 | 33 | 32 | 28 | 28 | 34 | 40 | 29 | 33 | 26 | 30 | 26 | 26 | 30 |
| ADEQUATE               | % | 23 | 28 | 30 | 29 | 23 | 33 | 14 | 19 | 26 | 21 | 31 | 27 | 32 | 33 | 23 |
| LESS THAN ADEQUATE     | % | 2  | 9  | 5  | 7  | 7  | 2  | 7  | 0  | 2  | 7  | 5  | 7  | 6  | 13 | 7  |
| INADEQUATE             | % | 2  | 5  | 3  | 5  | 7  | 5  | 0  | 0  | 7  | 7  | 2  | 3  | 0  | 0  | 5  |



**Judge Anthony W. Schofield**

**DISTRICT COURT  
FOURTH JUDICIAL DISTRICT**  
(WASATCH, UTAH, JUAB,  
MILLARD)

**JUDGE ANTHONY W. SCHOFIELD OF THE DISTRICT COURT FOR THE FOURTH JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.**

Judge Anthony W. Schofield was appointed to the Fourth District Court in August 1993 by Gov. Michael O. Leavitt. He received his law degree from the J. Reuben Clark College of Law at Brigham Young University in 1976. He was a law clerk in the U.S. District Court for one year, was an attorney with Ferez, Bramhall, Williams & Gruskin in Guam for two years, and was in private practice in 1979 to 1980. Judge Schofield was an associate with Jardine, Linebraugh, Brown & Dunn 1980 to 1981, was shareholder/director of Ray, Quinney & Nebeker until January 1993, and was Deputy Commissioner of the Utah State Insurance Department until his appointment to the bench.

**Judge Schofield's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 95 attorney survey respondents for Judge Schofield.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 53 | 51 | 54 | 55 | 45 | 52 | 57 | 59 | 49 | 45 | 40 | 45 | 47 | 42 | 46 |
| MORE THAN ADEQUATE     | % | 33 | 31 | 32 | 33 | 35 | 32 | 29 | 32 | 36 | 33 | 40 | 32 | 31 | 39 | 40 |
| ADEQUATE               | % | 14 | 17 | 12 | 12 | 15 | 15 | 11 | 9  | 11 | 16 | 20 | 21 | 18 | 16 | 12 |
| LESS THAN ADEQUATE     | % | 1  | 1  | 1  | 0  | 5  | 2  | 2  | 0  | 3  | 5  | 1  | 1  | 3  | 2  | 2  |
| INADEQUATE             | % | 0  | 1  | 0  | 1  | 0  | 0  | 0  | 0  | 0  | 1  | 0  | 0  | 1  | 0  | 0  |

**Survey of Jurors**

There were 24 jurors survey respondents for Judge Schofield.

|     |   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |    |
|-----|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|
| YES | % | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 96 |
| NO  | % | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 4  |



**FOURTH JUDICIAL DISTRICT / FIFTH JUDICIAL DISTRICT**



**Judge James R. Taylor**

**DISTRICT COURT  
FOURTH JUDICIAL DISTRICT**  
(WASATCH, UTAH, JUAB,  
MILLARD)

**JUDGE JAMES R. TAYLOR OF THE DISTRICT COURT FOR THE FOURTH JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.**

Judge James R. Taylor was appointed to the Fourth District Court in February 1999 by Gov. Michael O. Leavitt. He serves Juab, Millard, Utah and Wasatch Counties. Judge Taylor was a Joseph Fielding Smith Scholar at Brigham Young University in 1973. He received his law degree from the University of Utah College of Law in 1980. He was the Spanish Fork City Attorney from 1982 until 1987. At the time of his appointment to the bench, he was Interim Division Chief of the Criminal Division of the Utah County Attorney's Office. Judge Taylor presides over the Drug Court for the Fourth District Court in Utah County. Judge Taylor has previously served as the judicial representative on the Utah State Children's Justice Advisory Board and as a member of the Judicial Council Standing Committee on Children and Family Law. Judge Taylor is a Master of the Bench in the A. Sherman Christiansen Inn of Court (American Inns of Court I) and a former president of the Central Utah Bar Association.

**Judge Taylor's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 112 attorney survey respondents for Judge Taylor.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 62 | 54 | 60 | 46 | 34 | 50 | 51 | 57 | 42 | 41 | 47 | 40 | 47 | 44 | 94 |
| MORE THAN ADEQUATE     | % | 27 | 31 | 32 | 35 | 38 | 30 | 34 | 31 | 39 | 33 | 31 | 38 | 32 | 29 |    |
| ADEQUATE               | % | 9  | 11 | 6  | 14 | 20 | 14 | 11 | 12 | 12 | 19 | 16 | 16 | 18 | 25 |    |
| LESS THAN ADEQUATE     | % | 0  | 2  | 1  | 2  | 4  | 4  | 3  | 0  | 5  | 4  | 6  | 3  | 2  | 1  | No |
| INADEQUATE             | % | 2  | 3  | 0  | 3  | 4  | 2  | 1  | 0  | 2  | 4  | 1  | 3  | 1  | 1  | 6  |

**Survey of Jurors**

There were 89 jurors survey respondents for Judge Taylor.

|     |   |    |     |     |     |    |     |     |     |     |     |    |     |     |    |    |
|-----|---|----|-----|-----|-----|----|-----|-----|-----|-----|-----|----|-----|-----|----|----|
| YES | % | 99 | 100 | 100 | 100 | 99 | 100 | 100 | 100 | 100 | 100 | 99 | 100 | 100 | 99 | 99 |
| NO  | % | 1  | 0   | 0   | 0   | 1  | 0   | 0   | 0   | 0   | 0   | 1  | 0   | 0   | 1  | 1  |



**Judge J. Phillip Eves**

**DISTRICT COURT  
FIFTH JUDICIAL DISTRICT**  
(BEAVER, IRON, WASHINGTON)

**JUDGE J. PHILIP EVES OF THE DISTRICT COURT FOR THE FIFTH JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.**

Judge J. Phillip Eves was appointed to the Fifth District Court in April 1987 by Gov. Norman H. Bangerter after serving as a Judge in the Ninth Circuit Court for 18 months. He received his law degree from the University of California at Davis in 1973 and served as a Ventura County Deputy District Attorney from 1973 to 1978. He was in private practice in Iron County from 1978 until his appointment to the bench, also serving as a Deputy Iron County Attorney as well as Parawon and Enoch City Attorney. Judge Eves is currently the Presiding Judge in the Fifth District Court and a former two-term member of the Judicial Council, where he chaired the Policy and Planning Committee for four years. He has recently served as a member of the Committee on Improving Jury Service and currently chairs that committee. He is now in his 17th year as a judge.

**Judge Eves's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 86 attorney survey respondents for Judge Eves.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 67 | 59 | 59 | 55 | 45 | 49 | 56 | 56 | 51 | 45 | 44 | 51 | 47 | 39 | 50 |
| MORE THAN ADEQUATE     | % | 22 | 25 | 28 | 31 | 34 | 30 | 33 | 36 | 35 | 31 | 35 | 22 | 35 | 39 | 34 |
| ADEQUATE               | % | 11 | 10 | 11 | 15 | 16 | 18 | 8  | 8  | 13 | 17 | 18 | 22 | 17 | 21 | 14 |
| LESS THAN ADEQUATE     | % | 0  | 5  | 2  | 0  | 5  | 1  | 2  | 0  | 0  | 2  | 0  | 5  | 1  | 1  | 1  |
| INADEQUATE             | % | 0  | 1  | 0  | 0  | 0  | 2  | 0  | 0  | 1  | 3  | 4  | 0  | 0  | 0  | 1  |

**Survey of Jurors**

There were 199 jurors survey respondents for Judge Eves.

|     |   |    |    |     |     |     |    |    |     |    |     |    |    |    |    |     |
|-----|---|----|----|-----|-----|-----|----|----|-----|----|-----|----|----|----|----|-----|
| YES | % | 97 | 99 | 100 | 100 | 100 | 99 | 99 | 100 | 99 | 100 | 99 | 99 | 98 | 99 | 100 |
| NO  | % | 3  | 1  | 0   | 0   | 0   | 1  | 1  | 0   | 1  | 0   | 1  | 1  | 2  | 1  | 0   |



**SIXTH JUDICIAL DISTRICT / SEVENTH JUDICIAL DISTRICT**



**Judge David L. Mower**  
**DISTRICT COURT**  
**SIXTH JUDICIAL DISTRICT**  
 (SANPETE, SEVIER, PIUTE,  
 WAYNE, GARFIELD, KANE)

**JUDGE DAVID L. MOWER OF THE DISTRICT COURT FOR THE SIXTH JUDICIAL DISTRICT, SERVING COUNTIES, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.**

Judge David L. Mower was appointed to the Circuit Court in December 1986 by Gov. Norman H. Bangerter. He became a District Court Judge in January 1992. He received his law degree from the University of Utah College of Law in 1974. He was in private practice until his appointment to the bench, during which time he was a County Attorney, a Deputy County Attorney, a public defender and a juvenile court referee. While in the judiciary he has served on the Forms and Sentencing Guidelines Committees and the Circuit Court Users' Group. Other committee assignments include; the Utah Sentencing Commission, the Standing Committee on Judicial Branch Education, the Task Force on Video Recordings in the Courtroom and the Small Claims Procedures and Rules Committee.

**Judge Mower's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys** There were 77 attorney survey respondents for Judge Mower.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 51 | 39 | 40 | 23 | 22 | 31 | 44 | 42 | 42 | 32 | 30 | 28 | 23 | 28 | 29 |
| MORE THAN ADEQUATE     | % | 31 | 34 | 32 | 39 | 32 | 23 | 31 | 27 | 38 | 35 | 30 | 25 | 32 | 28 | 38 |
| ADEQUATE               | % | 13 | 17 | 25 | 28 | 32 | 38 | 19 | 22 | 19 | 23 | 35 | 31 | 30 | 37 | 25 |
| LESS THAN ADEQUATE     | % | 4  | 8  | 1  | 7  | 8  | 4  | 4  | 5  | 0  | 5  | 4  | 13 | 14 | 4  | 6  |
| INADEQUATE             | % | 1  | 3  | 1  | 4  | 5  | 4  | 1  | 4  | 1  | 4  | 1  | 3  | 1  | 3  | 3  |

**Survey of Jurors** There were 55 jurors survey respondents for Judge Mower.

|     |   |    |    |     |     |    |     |     |     |     |     |     |     |    |     |    |
|-----|---|----|----|-----|-----|----|-----|-----|-----|-----|-----|-----|-----|----|-----|----|
| YES | % | 94 | 98 | 100 | 100 | 88 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 90 | 100 | 98 |
| NO  | % | 6  | 2  | 0   | 0   | 12 | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 10 | 0   | 2  |



**Judge Lyle R. Anderson**  
**DISTRICT COURT**  
**SEVENTH JUDICIAL DISTRICT**  
 (CARBON, EMERY, GRAND,  
 SAN JUAN)

**JUDGE LYLE R. ANDERSON OF THE DISTRICT COURT FOR THE SEVENTH JUDICIAL DISTRICT, HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.**

Judge Lyle R. Anderson was appointed to the Seventh District Court in December 1992 by Gov. Norman H. Bangerter. He received his law degree from the University of Chicago Law School in 1982. Prior to his appointment to the bench, Judge Anderson was affiliated with the firm of Anderson & Anderson from 1982 to 1992 and was Grand County Attorney from 1991 to 1992. Judge Anderson was elected to the Utah House of Representatives in 1992. He served as presiding judge of the Seventh District from 1997 to 2001, as a member of the Court Security Committee in 1998, and as a member of the Utah Judicial Council from 1999 to 2002.

**Judge Anderson's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys** There were 53 attorney survey respondents for Judge Anderson.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 36 | 31 | 35 | 42 | 29 | 35 | 34 | 40 | 30 | 26 | 32 | 35 | 33 | 29 | 30 |
| MORE THAN ADEQUATE     | % | 23 | 19 | 40 | 28 | 33 | 35 | 30 | 38 | 38 | 26 | 26 | 23 | 31 | 37 | 30 |
| ADEQUATE               | % | 21 | 25 | 13 | 19 | 21 | 25 | 15 | 19 | 30 | 25 | 26 | 28 | 31 | 22 | 23 |
| LESS THAN ADEQUATE     | % | 11 | 13 | 5  | 6  | 8  | 2  | 15 | 0  | 0  | 15 | 10 | 5  | 2  | 7  | 9  |
| INADEQUATE             | % | 9  | 12 | 8  | 6  | 10 | 4  | 6  | 2  | 2  | 8  | 6  | 9  | 2  | 5  | 8  |

**Survey of Jurors** There were 171 jurors survey respondents for Judge Anderson.

|     |   |    |    |     |     |    |    |    |    |    |    |    |     |    |    |    |
|-----|---|----|----|-----|-----|----|----|----|----|----|----|----|-----|----|----|----|
| YES | % | 91 | 98 | 100 | 100 | 95 | 99 | 95 | 99 | 96 | 99 | 96 | 100 | 96 | 98 | 95 |
| NO  | % | 9  | 2  | 0   | 0   | 5  | 1  | 5  | 1  | 4  | 1  | 4  | 0   | 4  | 2  | 5  |

**SEVENTH JUDICIAL DISTRICT**



**Judge Bruce K. Halliday**  
**DISTRICT COURT**  
**SEVENTH JUDICIAL DISTRICT**  
 (CARBON, EMERY, GRAND,  
 SAN JUAN)

**JUDGE BRUCE K. HALLIDAY OF THE DISTRICT COURT FOR THE SEVENTH JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.**

Judge Bruce K. Halliday was appointed to the Seventh Circuit Court in February 1987 by Gov. Norman H. Bangerter. He became a District Court Judge in January 1992. Judge Halliday received his law degree from the University of Utah College of Law in 1965 and was in private practice from 1965 until 1979. He was the San Juan County Attorney from 1979 until his appointment to the bench.

**Judge Halliday's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 82 attorney survey respondents for Judge Halliday.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 34 | 30 | 33 | 26 | 24 | 24 | 35 | 33 | 38 | 33 | 29 | 19 | 26 | 24 | 23 |
| MORE THAN ADEQUATE     | % | 26 | 30 | 26 | 26 | 27 | 26 | 33 | 34 | 35 | 25 | 25 | 26 | 20 | 31 | 37 |
| ADEQUATE               | % | 26 | 25 | 32 | 30 | 24 | 33 | 20 | 28 | 24 | 21 | 27 | 32 | 32 | 34 | 20 |
| LESS THAN ADEQUATE     | % | 10 | 12 | 4  | 12 | 16 | 9  | 7  | 2  | 1  | 17 | 10 | 16 | 11 | 6  | 17 |
| INADEQUATE             | % | 5  | 4  | 4  | 6  | 9  | 9  | 5  | 4  | 1  | 4  | 9  | 7  | 12 | 6  | 4  |

**Survey of Jurors**

There were 16 jurors survey respondents for Judge Halliday.

|     |   |    |    |     |     |     |    |     |     |    |     |     |     |     |     |     |
|-----|---|----|----|-----|-----|-----|----|-----|-----|----|-----|-----|-----|-----|-----|-----|
| YES | % | 81 | 94 | 100 | 100 | 100 | 94 | 100 | 100 | 94 | 100 | 100 | 100 | 100 | 100 | 100 |
| NO  | % | 19 | 6  | 0   | 0   | 0   | 6  | 0   | 0   | 6  | 0   | 0   | 0   | 0   | 0   | 0   |



**Judge Scott N. Johansen**  
**JUVENILE COURT**  
**SEVENTH JUDICIAL DISTRICT**  
 (CARBON, EMERY, GRAND,  
 SAN JUAN)

**JUDGE SCOTT N. JOHANSEN OF THE JUVENILE COURT FOR THE SEVENTH JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.**

Judge Scott N. Johansen was appointed to the Seventh District Juvenile Court in January 1992, after serving as Emery County Attorney since 1979. He serves Carbon, Emery, Grand and San Juan Counties. He received his law degree from the J. Reuben Clark College of Law at BYU in 1977 and practiced with the Price law firm of Frandsen, Keller & Jensen from 1977 to 1979. He served as City Attorney for several cities and towns in Carbon, Emery and Sanpete Counties and is a former President of the Utah Association of Counties. Judge Johansen is a past chair of the Board of Juvenile Court Judges and past member of the Utah Sentencing Commission. He is a member of the Governor's Council on Victims and the Utah Judicial Council.

**Judge Johansen's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 29 attorney survey respondents for Judge Johansen.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 14 | 15 | 21 | 37 | 26 | 38 | 17 | 31 | 21 | 18 | 29 | 33 | 35 | 20 | 17 |
| MORE THAN ADEQUATE     | % | 32 | 22 | 38 | 30 | 19 | 28 | 34 | 48 | 41 | 25 | 39 | 43 | 42 | 44 | 34 |
| ADEQUATE               | % | 18 | 22 | 21 | 22 | 30 | 31 | 21 | 21 | 24 | 25 | 25 | 19 | 19 | 28 | 24 |
| LESS THAN ADEQUATE     | % | 18 | 7  | 8  | 7  | 11 | 3  | 14 | 0  | 10 | 11 | 4  | 5  | 4  | 0  | 7  |
| INADEQUATE             | % | 18 | 33 | 13 | 4  | 15 | 0  | 14 | 0  | 3  | 21 | 4  | 0  | 0  | 8  | 17 |

**SEVENTH JUDICIAL DISTRICT / EIGHTH JUDICIAL DISTRICT**



**Judge Mary L. Manley**

**JUVENILE COURT SEVENTH JUDICIAL DISTRICT**  
(CARBON, EMERY, GRAND, SAN JUAN)

JUDGE MARY L. MANLEY OF THE JUVENILE COURT FOR THE SEVENTH JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.

Judge Mary L. Manley was appointed to the Seventh District Juvenile Court in November 1999 by Gov. Michael O. Leavitt. Judge Manley received her law degree from the University of Idaho in 1988. At the time of her appointment to the bench, Judge Manley was Chief Deputy County Attorney in the Emery County Attorney's Office. She was Deputy County Attorney in the Washington County Attorney's Office from 1991 to 1994 and Deputy City Attorney in the St. George City Attorney's Office from 1992 to 1994. Judge Manley was a Child Abuse Team member in St. George and was a founding member of the Emery County Domestic Violence Coalition, and has been a Moot Court Judge with the Law Related Education Program. Judge Manley currently serves on the ad hoc committee to implement the Racial and Ethnic Task Force recommendations and the Juvenile Court Planning Committee.

**Judge Manley's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 18 attorney survey respondents for Judge Manley.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 70 | 65 | 61 | 60 | 50 | 55 | 70 | 65 | 65 | 60 | 68 | 67 | 50 | 53 | 89 |
| MORE THAN ADEQUATE     | % | 15 | 15 | 22 | 25 | 25 | 35 | 10 | 20 | 20 | 15 | 16 | 20 | 33 | 29 |    |
| ADEQUATE               | % | 0  | 0  | 11 | 10 | 15 | 10 | 15 | 15 | 15 | 10 | 11 | 13 | 17 | 18 |    |
| LESS THAN ADEQUATE     | % | 10 | 15 | 6  | 5  | 5  | 0  | 5  | 0  | 0  | 5  | 5  | 0  | 0  | 0  | No |
| INADEQUATE             | % | 5  | 5  | 0  | 0  | 5  | 0  | 0  | 0  | 0  | 10 | 0  | 0  | 0  | 0  | 11 |



**Judge John R. Anderson**

**DISTRICT COURT EIGHTH JUDICIAL DISTRICT**  
(DAGGETT, DUCHESENE, UINTAH)

JUDGE JOHN R. ANDERSON OF THE DISTRICT COURT FOR THE EIGHTH JUDICIAL DISTRICT HAS BEEN CERTIFIED BY THE UTAH JUDICIAL COUNCIL TO HAVE MET OR EXCEEDED THE STANDARDS OF PERFORMANCE FOR THE OFFICE OF JUDGE AND IS QUALIFIED FOR RETENTION IN THE 2002 GENERAL ELECTION.

Judge John R. Anderson was appointed to the Eighth District Court in August 1992 by Gov. Norman H. Bangerter. Judge Anderson received his law degree in 1966 from the University of Utah College of Law. He was with the firm of Beaslin, Nygaard, Coke & Vincent when he practiced law in Salt Lake City. Judge Anderson practiced law in Vernal with the law firm of Beaslin & Anderson from 1980 until his appointment to the bench. Judge Anderson served as a Vernal City Councilman from 1988 to 1991. Judge Anderson served on the Board of District Court Judges from 1997 to 2000. He is currently a member of the Judicial Ethics Committee.

**Judge Anderson's compliance with performance standards:**

- A favorable rating by at least 70% of the respondents on at least 75% of the attorney survey questions. See specific results below.
- A favorable rating by at least 70% of the respondents on at least 75% of the juror survey questions. See specific results below.
- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

**Survey of Attorneys**

There were 63 attorney survey respondents for Judge Anderson.

| QUESTION (see page 61) |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 |
|------------------------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| EXCELLENT              | % | 40 | 32 | 31 | 27 | 26 | 31 | 41 | 38 | 37 | 30 | 23 | 20 | 24 | 21 | 30 |
| MORE THAN ADEQUATE     | % | 27 | 30 | 36 | 30 | 31 | 29 | 33 | 41 | 37 | 30 | 25 | 22 | 45 | 35 | 35 |
| ADEQUATE               | % | 29 | 24 | 25 | 32 | 27 | 34 | 19 | 17 | 19 | 23 | 35 | 39 | 28 | 35 | 22 |
| LESS THAN ADEQUATE     | % | 5  | 14 | 8  | 5  | 8  | 5  | 5  | 3  | 8  | 13 | 13 | 15 | 3  | 7  | 11 |
| INADEQUATE             | % | 0  | 0  | 0  | 6  | 8  | 2  | 2  | 0  | 0  | 5  | 3  | 4  | 0  | 2  | 2  |

**Survey of Jurors**

There were 32 jurors survey respondents for Judge Anderson.

|     |   |    |    |     |     |     |     |     |     |     |     |     |     |    |    |     |
|-----|---|----|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|----|-----|
| YES | % | 94 | 97 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 97 | 97 | 100 |
| NO  | % | 6  | 3  | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 3  | 3  | 0   |

The following Judges from their respective County Courts, have been certified by the Utah Judicial Council to have met or exceeded the Standards of Performance for the Office of Judge and are qualified for retention in the 2002 General Election.

**Standards of Performance:**

- Fewer than 6 cases under advisement for more than 2 months.
- No cases under advisement for more than 6 months.
- At least 30 hours of continuing judicial education annually.
- Mentally and physically fit for office.
- In substantial compliance with the Code of Judicial Conduct.

### BEAVER COUNTY

**Judge Shadrach C. Bradshaw** was appointed as a Justice Court judge in January of 1995. He has been a lifetime resident of Beaver, with the exception of the time he spent in college and church service. He grew up working on the family dairy farm and currently owns and operates his own dairy. He has been active in Boy Scouts and the Director of Community Youth Programs for 25 years. He has served as the director Adopt a Highway and Scouting for Food served as President of Manderfield Irrigation Culinary Co. He has performed 120 weddings and served on a committee that authored a pamphlet explaining Justice Courts.

**Judge Jetta A. Davie**

was appointed to the Beaver County Justice Court in 1981. She has served as the Minersville City Justice of the Peace and has served two terms on the Utah State Bail Schedule Committee. She is currently the Beaver County Justice Court Judge for the Minersville Precinct.

**Judge Normand Thompson**

was appointed as Milford Justice Court Judge In January of 1999. He has been a lifetime resident of Beaver County. He has served on Milford City Council, Beaver County Travel Council, Planning and Zoning, Milford Hospital Board, as well as other civic organizations. In 1990 he retired from UP&L as District manager.

### BOX ELDER COUNTY

**Judge Kevin R. Christensen** was appointed to the Box Elder County Justice Court in May 1996. He is a graduate of Weber State University and the Gonzaga University School of Law. He was in private practice before being appointed to the bench. In addition to his judicial and family duties, Judge Christensen often speaks

to various youth and civic groups about the structure and function of the court system.

### CARBON COUNTY

**Judge Elayne Storrs** has served for eight years on the Justice Court Board, two terms on the Judicial Ethics Committee and was appointed by the Chief Justice to serve on the small claims subcommittee for the Supreme Court Advisory Committee on the rules of civil procedure. Serving on the board, her duties included education director for the Justice Court Judges in the State of Utah and also the editor of the Justice Court Newsletter. She is a graduate of the National Judicial College's Legal Institute and has completed various other courses at the College. Chosen as a participant in the National Leadership Conference for the National Highway Traffic and Safety Administration and Federal Highway Administration in 1999, she continues to participate in the continuing conference at the National Judicial College. The Utah Association of Justice Court Judges named her Justice Court Judge of the year in 1999.

### DAGGETT COUNTY

**Judge Claire Reed** was born in Rock Springs, Wyoming. She completed grades one through twelve at Manila, Utah, attended Brigham Young University, and took a general law course at Unitah Basin Applied Technology Center. After taking office in January 1987 she completed a training course for new judges at the Judicial College in Reno, Nevada. Judge Reed has represented the Eighth District Justice Court judges several times as representative to the Judicial Council and has served as educational representative. Every year since taking office Judge Reed has successfully completed at least thirty hours of continuing education.

**Judge Anne Schneidervin** was appointed Justice Court Judge for Dutch John, Daggett County, in January 1993. Two years prior to her appointment, she served as the Justice Court Clerk. She attended Utah State University and earned a Bachelor of Science in Public Health and pre-veterinary medicine. Judge Schneidervin has served two terms as Training Director for the Eighth District Justice Court Judges.

### DAVIS COUNTY

**Judge Jerald L. Jensen** was appointed to the bench in Davis County in 1991. He served on the Utah Judicial Council from 1991 through 1997, and is currently serving a third term on that body. He also served as a member of the Utah Justice Court Board in various capacities for the past 11 years including a two-year term as Board Chair. He has been extensively involved in judicial education and training, and has been instrumental in advancing the community court concept in Justice Courts. He has received several awards including the Quality of Justice Award.

### DUCHESNE COUNTY

**Judge Floyd L. Nielsen** was born and raised in Duchesne County. He graduated from Union High School and attended Junior College, Utah State University, and the National Judicial College in Reno, Nevada. Judge Nielsen was elected as a Justice of the Peace in 1982 and re-elected in 1986. He was then appointed as a Justice Court Judge. He has served a total of 20 years.

**Judge Clair M. Poulson**

was appointed to the bench in February, 1991. Coupled with previous law enforcement service, he has over 30 years of experience. The caseload in his court has grown considerably over the past eleven years and is currently handling nearly 300

## JUSTICE COURT JUDGES

cases per month. A lot of the increased caseload involves small claims, drug, DUI, and domestic violence cases. Judge Poulson has served several years on the Board of Justice Court Judges and is in his third year as a member of the Judicial Council. Judge Poulson also served for two years as the Education Chairman for the Justice Courts. He has worked hard to improve his court as well as justice courts statewide.

### EMERY COUNTY

**Judge Betty J. Burns** was appointed Justice Court Judge for Emery County 2nd Precinct in December 1990. Prior to that she had been the Court Clerk. In November 1992 she attended a two week course on Special Court Jurisdiction at the National Judicial College, in Reno, Nevada. She has served on the Justice Court Education Committee. Since her appointment Judge Burns has completed all the education requirements for justice court judges.

**Judge Stan W. Truman** was appointed as the Justice Court Judge for Emery County in 1975, and he has served the public and the courts in that capacity ever since. Prior to his service on the bench, he worked in law enforcement for over twelve years, including serving as Chief of Police for South Salt Lake and as a Detective in the Salt Lake County Sheriff's Department. Judge Truman has been very involved in Justice court legislation, advocating at the Legislature to promote the advancement and improvement of Justice Courts, and serving on a number of legislative committees. He served six years on the Judicial Council's Committee on Justice Court Standards. He was a member of the Justice Court Board of Judges and was twice elected Chairman of that Board. He also served three years on the Utah

Judicial Council, receiving the Judicial Council's Quality of Justice Award.

### GARFIELD COUNTY

**Judge John W. Yardley** has served as a Justice Court Judge since 1977. He was twice been elected President of the Justice of the Peace State Association. He has represented the Justice Courts as a member of the Utah Judicial Council. He has been the recipient of the Quality of Justice Award presented at the Annual Judicial Conference. In 1998 he originated and continues to host an annual workshop to train and assist other Judges. This Garfield County Traffic Court Seminar has proven to be a popular and worthwhile training event.

### GRAND COUNTY

**Judge Paul C. Cox** was born in Price, Utah and lived and attended school in Emery County. He moved to Moab in 1968 where he attended and graduated from Grand County High School in 1971. His employment with Contel Phone Co. sent him to the state of Washington in 1987, and he returned to Moab in 1989. Judge Cox was appointed by the Grand County Commissioners to serve as Grand County Justice Court Judge in 1991. He presides over the Grand County and Moab Municipal Justice Courts. He is actively involved in civic and church related activities. NOTE: Judge Cox had 15 hours of education in 2000, which is less than the minimum standard of 30 hours of education annually, but the Judicial Council certified Judge Cox based on a showing of good cause.

### IRON COUNTY

**Judge Kenneth H. Adams** has served as Iron County Justice Court Judge for the Parowan Precinct since January 1983. He has also served several years as a member of the

Justice Court Board of Directors. He has attended the National Judicial College in Reno, Nevada.

**Judge Margaret Miller** began working in the Cedar Precinct Justice Court in May, 1973. She has been District Director and Assistant Director for the Fifth District within the Justice Court Judges Association. Judge Miller has been on the Boards of ABLE, Inc. and the Cedar City Housing Authority. She has assisted with juvenile offender programs within the Fifth District and has served on the Board to Review Court Procedures. Judge Miller received the Cedar City Business and Professional Women's honor as Women of Achievement in 1986 and 1997 and the Utah Federation Business and Professional Women's State honor as Women of Achievement in 1986. She was named Judge of the Year in 1988 and 1992. She has received the Quality of Justice Award. She was named Iron County resource person of the year and Division of Youth Corrections Region III Outstanding Volunteer in 1998.

### JUAB COUNTY

**Judge Sharla T. Williams** was appointed to Nephi Precinct Court in Juab County in January 1991. She graduated from the National Judicial College in Reno, Nevada. She has been given the Honor of "Dedicated Service" in the year 1995.

### KANE COUNTY

**Judge F. Kirk Heaton** has served as the Kane County Justice Court Judge since April 1990. He previously served Kane County as its County Attorney for nine years. He received his law degree as a member of the charter class of the J. Reuben Clark Law School at Brigham Young University.

### MILLARD COUNTY

**Judge Ronald R. Hare** graduated from the University of Utah College of Law in June 1971. He practiced as a sole practitioner in Fillmore prior to being sworn in as Judge in January, 1979. He has been appointed to conduct preliminary hearings in felony cases as assigned by the Fourth District Court Judges. He has served on the Utah Judicial Council since October 1998.

**Judge Debra L. Haveron** was appointed in 1995 as the Justice Court Judge for the West Millard County Justice Court after having worked as the court clerk since 1991. She was born and raised and has spent most of her life in Delta. She has attended the National Judicial College in Reno, Nevada, and is a graduate of the Legal Institute for Justice Court Judges. She has served as a member of the Board of Justice Court Judges and the Justice Court Education Committee. She is a justice court representative on the Bail Committee and serves as an Assistant District Education Director.

### MORGAN COUNTY

**Judge Tony Hassell** was elected as Justice Court Judge for Morgan County in 1982. He retired from the Division of Youth Corrections in 1996 after 30 years. During that time, he held such positions as Director of Weber Valley Detention Center, manager of the Observation and Assessment Program, superintendent of Millcreek Youth Facility, and associate regional director of Northern Utah Youth Corrections. Judge Hassell is currently serving as Director of Farmington Bay Youth Center, a private youth corrections facility. He is a board member of the Juvenile Court Drug and Alcohol Program and a licensed certified social worker.

## JUSTICE COURT JUDGES

### PIUTE COUNTY

**Judge Brent Gottfredson** has lived in Piute county approximately seventy years. He attended the University of Utah for four years. Judge Gottfredson retired as a Chief Warrant Officer in electronic maintenance from the US Army in 1970. He retired as Piute County Sheriff in 1990. Judge Gottfredson has served as the Piute County Justice Court Judge since 1991.

### RICH COUNTY

**Judge Ross K. McKinnon** was appointed Rich County Justice Court Judge in February 1993. He owns a cattle ranch in Randolph, where he has been a lifetime resident. He attended Utah State University. He has been active in many civic organizations including Lions Club, City Council, Fair Board Chairman and various farming and ranching organizations.

### SALT LAKE COUNTY

**Judge Peggy Acomb** has served the Salt Lake County Justice Court since March, 1979. She is a graduate of the University of Utah, with a B.A. in Political Science, and has served on the Boards of Directors of various community organizations. She attended the National Judicial College in Nevada and received their Judicial Career Education Achievement Award. She has trained other judges, taught the New Judge Orientation, and has written a quarterly case law update for the justice court newsletter. Judge Acomb served three years on the Utah Judicial Council, receiving the Judicial Council's Quality of Justice Award. She was president of the Utah State Justice of the Peace Association and received the Judge of the Year award. She has been a member of the Governing Board of the Utah Justice Courts. Judge Acomb also presides over the Salt Lake County Misdemeanor Drug Court.

NOTE: The Utah Supreme Court has ordered one public reprimand of Judge Acomb since January 1, 1995. The following is a summary of the supporting reasons for the violation of the Code of Judicial Conduct.

An order of public reprimand was issued on May 4, 1998. Canon 3 of the Code of Judicial Conduct requires a judge to perform the duties of office impartially. The Supreme Court found that Judge Acomb violated Canon 3 when she advised an attorney, with whom she found herself personally at odds, that it might not be a good idea for him to practice in her court again. The Court held that the proper response of a judge in this sort of situation is to recuse herself in future cases involving attorneys with whom she finds herself personally at odds.

### Judge Kim T. Adamson

has served the Salt Lake County Justice Court since her appointment in March, 1997. She graduated from Westminster College with a B.S. Behavioral Science in 1979 and is currently completing her requirements for her Masters of Professional Communication. Judge Adamson completed several courses at the National Judicial College, and is a graduate of the Utah Legal Institute. A Chief Warrant Officer-4 in the United States Marine Corps Reserve, Judge Adamson was recalled to active duty in support of Operation Enduring Freedom as an Anti-Terrorism/Force Protection Officer. Judge Adamson serves as a Trustee for the American Red Cross Board, Westminster College Alumni Board, Law Related Education Board, Community Justice and Advisory Committee, and the Marine Corps University Foundation Board. Past Board and committee assignments include Community Outreach Committee, Adult and Juvenile

Adjudication Committee, Judicial Education Committee, and the YWCA Community Advisory Board.

### Judge Shauna Graves-Robertson

was appointed to the Salt Lake County Justice Court by the Salt Lake County Commission in January 1999. A native of Salt Lake City, she graduated from West High School. She received her Masters in Public Administration in 1987 and Law degree in 1990 from the University of Utah. Prior to taking the bench she worked for the Salt Lake Legal Defenders Association. She has attended The National Judicial College. She is a member of the Supreme Court's Advisory Committee on the Rules of Criminal Procedure. She is currently Salt Lake County's Presiding Judge.

### Judge Joanne L. Rigby

has served 20 years as a Salt Lake County Justice Court Judge. She has a B.S. degree from Westminster College, in Salt Lake City, Utah. She attended the National Judicial College at the University of Nevada-Reno and received the Judicial Career Education Achievement Award. Judge Rigby has served as Chair of the Governing Board of the Utah State Justice Court Judges and as President of the National Judges Association. She is a former member of the Commission on Justice in the 21st Century, the Judicial Ethics Advisory Committee and the Uniform Bail Committee.

### SAN JUAN COUNTY

**Judge Lyon W. Hazleton, II** is the Education Director for the Justice Court Judges and Clerks of the Seventh District. He was awarded the Justice Court Service Award for 2001. He has attended several classes at the National Judicial College, the most recent of which

concentrated on the commercial motor vehicle licensing laws. He is a member of the local volunteer fire department, County Search and Rescue Team, and member of the County Emergency Response Services.

### SANPETE COUNTY

#### Judge Sara Watson

is an attorney who also teaches business and criminal law at Snow College. Born and raised in Utah, she entered the University of Utah law school the same year her youngest daughter was in her first year of medical school. She spent part of her second year of law study at Oxford University, Oxford, England, where she focused on comparative constitutional law. After graduation from Law School, she worked for eighteen years as a career law clerk for Federal Bankruptcy Judge John H. Allen. She and Judge Allen instituted an internship program and launched, in conjunction with the Bankruptcy Section of the Utah State Bar, a successful and long running program called the Bench and Bar Dialogue Series.

### SEVIER COUNTY

#### Judge Kent Nielsen

was elected to the bench in 1983. He is the first to graduate from both the National and State Legal Institutes for Judges. He has instructed regularly at judicial conferences. Judge Nielsen served two terms on the Utah Judicial Council, was chairman of the State Board of Justice Court Judges and Director for the Six County Judges. He was on the Court Technology and Justice Court Education Committees. Judge Nielsen was awarded Justice Court Judge of the Year, Regional Director of the Year and the Quality of Justice Awards.

## JUSTICE COURT JUDGES

### SUMMIT COUNTY

#### **Judge Lynn H. Sadler**

was appointed Summit County Justice Court Judge in November 1990 by the Summit County Board of County Commissioners and took the bench in February 1991. He has since completed the National Judicial College's Special Court Jurisdiction Course and graduated from the Judicial College's Legal Institute. Judge Sadler is a former member of the Board of Justice Court Judges and served on the Judicial Performance Evaluation Committee.

### TOOELE COUNTY

#### **Judge LaMar F. Melville**

moved to Wendover, Tooele County in 1959. He worked for 25 years for the Utah Highway Patrol and as area supervisor for 13 years. He was appointed Judge for Tooele County Justice Court, Wendover Precinct in 1987. Judge Melville has been a member of the Board of Directors for the National Judges Association for the past 10 years and Treasurer of the National Judges Research and Education Foundation for past 4 years. Judge Melville has attended the National Judicial College at Reno, Nevada for 128 credit hours of Judicial education and 54 hours per year average at State and National Association's for Judicial training for 15 years.

#### **Judge William E. Pitt,**

Military Service, United States Marine Corps, Bachelor Degree Westminster College, Attended Federal Law Enforcement School Glinco, GA. Completed Legal Institute for Justice Court Judges, Deputy Sheriff, Elected County Sheriff, Presidential Appointment United States Marshal District of Utah, Director Utah State Medicaid Fraud, Coordinator of Investigation for the Department of Business Regulation (know as the Department of Commerce,)

Acting Director State Division of Contractors, State Division of Real Estate Investigator, Elected County Commissioner.

### UINTAH COUNTY

#### **Judge**

#### **Georganna A. "Jody" Petry**

was appointed to the Uintah County Justice Court in September, 1996. She is a graduate of the Utah Legal Institute and will obtain her Certificate in Special Court Trial Skills from the National Judicial College during 2002. Judge Petry is a past member of the Task Force on Racial and Ethnic Fairness in the Courts and current member of the Ad Hoc Implementation Committee. She was appointed by the Governor to serve on the Board of Youth Corrections. She is a member of the Board of Justice Court Judges and presenter at judges' education seminars. She has presented programs about the judicial system at several area schools and writes "Bench Press", a weekly column for the local newspaper. She is the recipient of the 2001 Justice Court Judge of the Year.

### UTAH COUNTY

#### **Scott J. Cullimore**

is a native of Utah. He graduated from Brigham Young University with a degree in Law Enforcement. His career employment has included working as a psychiatric aid at the Utah State Hospital, as a field investigator for the Department of Assistance Payments, as a drivers license examiner, and as a correctional officer at the Utah State Prison. He was employed for over twenty years as a law enforcement officer for the Utah State Department of Adult Probation and Parole. He has taught substance abuse classes at the Utah County jail and also taught drinking driver education classes for the Utah County Department of Human Services. He served two four-year terms

on the city council and one term as Mayor of Lindon City. He has served as a justice court judge for Utah County for six years.

### WASATCH COUNTY

#### **Judge Blain R. Hylton**

had 33 years of self employment, operating his own automotive business. Four years of advanced education at Brigham Young University, Utah State University and University of Utah. He served on the Heber City Board of Adjustments for 12 years, four years as Chairman of the Board. Judge Hylton was elected to serve his first term as Judge beginning in 1987. Has served a total of four terms (16 years). Also, he served as Justice Court Fourth District Director for the years 1990 and 1991.

### WASHINGTON COUNTY

#### **Judge Richard M. Dobson**

was born and educated in England and has been a Justice Court Judge for 16 years in Washington County, one of the busiest courts in the state, with 4,000 filings per month. Judge Dobson was one of the first judges in Utah to take and pass the Justice Court Legal Institute in 1991. The Judge is well known for his work with youth in the Washington County area, having started the Youth Soccer program in St. George over 25 years ago. He taught law-related education in the schools as a Juvenile Division Police Officer and still lectures when asked on patriotism. Twenty-eight years in law-related background has given him good training in contact with the public. He was presented an honorary life-long membership in the Utah P.T.A. for his work with the youth in the area.

#### **Judge Donald D. Gates**

came to the bench in 1999 after a long career in law enforcement. He was with the Orange County Sheriff's Office for 22

years and then was Sheriff of Laplata County in Durango, Colorado. Judge Gates was chief investigator for the 9th Judicial District in Colorado, Chief of Police in Ridgeway, Colorado and jailor and bailiff for Washington County, in Utah.

### WAYNE COUNTY

#### **Judge Roy Brown**

was born and has lived most of his life in Wayne County. After 35 years in the construction business, he recently retired. He was appointed to the Wayne County West Precinct Justice Court in 1988 and to the Wayne County Justice Court in 1992. Judge Brown has been active in church and civic activities.

### WEBER COUNTY

#### **Judge Craig D. Storey**

was appointed to the Weber County Justice Court at the Court's inception in 1984. He graduated from Weber State College, with honors, and from the University of Utah College of Law. Admitted to the bar in 1981, Judge Storey practice law with the firm of Gridley, Echard and Ward and the firm of Smith and Froerer in Ogden. He currently serves on the Bar Examiner's Committee (Criminal Law Section) of the Utah State Bar. He was a past director of the Justice Court Judge's Association, District Two.

**D.**

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**INSTRUCTIONS  
TO VOTERS**

**88**

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# INSTRUCTIONS TO VOTERS

In Beaver, Box Elder, Cache, Carbon, Davis, Duchesne, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Salt Lake, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, and Weber Counties.

## How to obtain a ballot for voting

1. Give your name and address to an election judge.
2. If your name is on the official register and your right to vote has not been challenged, the election judge will give you one or more ballots.

NOTE: If an election judge has reason to doubt your identity, the judge is required either, (a) to request identification from you, or (b) to have a known registered voter of the district identify you.

## How to vote your ballot

DO NOT vote a ballot that has been marked, spoiled, or defaced. Identification marks or a spoiled or defaced ballot will make your vote invalid. If you make a mistake, or if you have a spoiled or defaced ballot, return the ballot to the election judge who will issue you a new ballot.

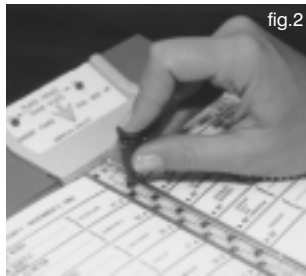
### STEP 1

**Using both hands**, slide the ballot card all the way into the ballot holder.



### STEP 2

**Be sure the two holes at the top of the ballot card fit over the two red pins on the ballot holder (see fig.1).**



### STEP 3

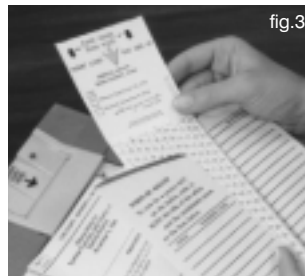
**To vote**, place the punch pin next to each of your choices on the ballot, hold the pin straight up, and push it through the ballot card (see fig.2). Follow the instructions, and vote all pages as instructed. **Use the punch pin provided. Do not use a pen or pencil.**

### STEP 4

**Voting for candidates of more than one party.** If you want to vote for candidates from more than one party, you may do so by punching the ballot card next to the candidate's name for whom you wish to vote.

### Voting for candidates of one party.

If you want to cast a "straight party" vote, you may do so by punching the ballot card next to the desired party at the beginning of the ballot. If you vote "straight party" and decide to vote for a candidate from a different party, you may do so by punching the ballot next to the candidate's name. A "straight party" vote is counted as a vote for all candidates of that party except where the voter punches the ballot next to the name of a candidate(s) from a different party.



### STEP 5

After voting, slide the ballot card out of the ballot holder and place it under the flap of the envelope provided with the ballot (see fig.3).

### STEP 6

When you have placed your ballot card under the flap of the envelope, **RETURN THE ENVELOPE CONTAINING THE BALLOT CARD TO THE ELECTION JUDGE.** The election judge will verify your identity and remove the stub from your ballot. Then deposit the envelope containing the ballot card in the ballot box. You have now finished voting.

## Write-in voting

You may also vote for a valid write-in candidate. To do this, you may either write the candidate's name and the title of the office for which the candidate is running on the envelope provided with the ballot card or place a sticker containing this information on the envelope. When voting for a write-in candidate, **DO NOT** punch a hole in the punch card for any candidate running for the same office.

## Non-partisan candidates

Judicial, state school board, local school board, and similar offices are non-partisan contests. Your ballot will contain instructions designating the numbers of candidates that should be voted for in each office.

## Constitutional amendments and Initiatives

Constitutional amendments and initiatives appear on the ballot in the form of a question. A vote "FOR" an amendment or initiative means that you want to answer "yes" to the question. A vote "AGAINST" an amendment or initiative means that you want to answer "no" to the question. To vote on constitutional amendments and initiatives, read the ballot title provided on the ballot card, decide whether you are "FOR" or "AGAINST" the amendment or initiative, and use the punch pin to punch a hole on the appropriate response.

## How to get help to mark your ballot

Voters who are blind, disabled, unable to read or write, unable to read or write the English language, or physically unable to enter a polling place, may be helped by someone of their choice provided that the person helping is not a candidate, the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union. The person helping cannot in any way request, persuade, or induce the voter to vote for or against any particular candidate or issue.

# INSTRUCTIONS TO VOTERS

In Daggett, Piute, Rich, and Wayne counties.

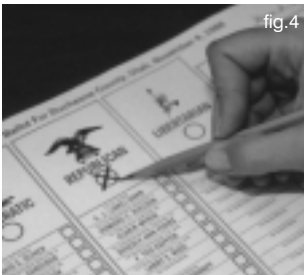
## How to obtain a ballot for voting

1. Give your name and address to an election judge.
2. If your name is on the official register and your right to vote has not been challenged, the election judge will give you one or more ballots.

NOTE: If an election judge has reason to doubt your identity, the judge is required either, (a) to request identification from you, or (b) to have a known registered voter of the district identify you.

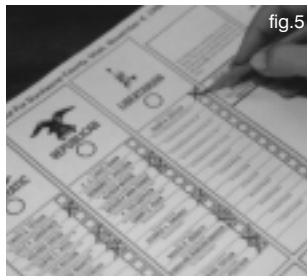
## How to vote your ballot

DO NOT vote a ballot that has been marked, spoiled, or defaced. Identification marks or a spoiled or defaced ballot will make your vote invalid. If you make a mistake, or if you have a spoiled or defaced ballot, return the ballot to the election judge who will issue you a new ballot.



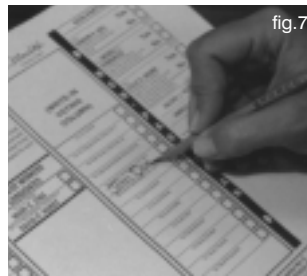
### Voting for candidates of one party.

If you want to cast a "straight party" vote, simply mark an "X" in the circle at the top of the list of that party's candidates (see fig.4). You may also mark an "X" in the box next to the candidate's name, but this is not necessary if you marked an "X" in the circle next to the party's symbol.



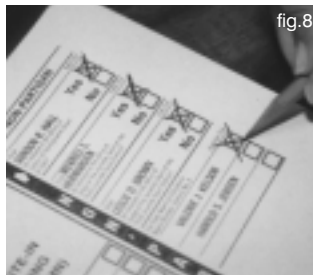
### Voting for candidates of more than one party.

If you want to vote for candidates from more than one party, mark an "X" in the square next to the names of the candidates for whom you want to vote (see fig.5). If you have already voted "straight party" and then decide to vote for a candidate from another party, you must mark an "X" next to the candidate for whom you want to vote, and then, under the party for whom you cast a "straight party" vote, cross out the name of the candidate(s) running for that office (see fig.6).



### Write-in voting

You may also vote for a valid write-in candidate. To do this, locate the write-in column and identify whether the candidate for whom you wish to vote is running for a partisan or non-partisan office. Write the candidate's name and the title of the office for which the candidate is running on the ballot or place a sticker containing this information on the ballot. An "X" does not need to be placed next to the write-in candidate's name (see fig.7). The appearance of the candidate's name constitutes a vote for that candidate.



### Non-partisan candidates

Judicial, state school board, local school board, and similar offices are non-partisan contests. They are located in the extreme right-hand column of the ballot (see fig.8). Your ballot will contain instructions designating the number of candidates that should be voted for in each office.

## Constitutional amendments and Initiatives

Constitutional amendments and initiatives appear on the ballot in the form of a question.

A vote "FOR" an amendment or initiative means that you want to answer "yes" to the question. A vote "AGAINST" an amendment or initiative means that you want to answer "no" to the question. To vote on constitutional amendments and initiatives, read the ballot title provided on the ballot, decide whether you are "FOR" or "AGAINST" the amendment or initiative, and mark an "X" on the appropriate response.

## How to get help to mark your ballot

Voters who are blind, disabled, unable to read or write, unable to read or write the English language, or physically unable to enter a polling place, may be helped by someone of their choice provided that the person helping is not a candidate, the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union. The person helping cannot in any way request, persuade, or induce the voter to vote for or against any particular candidate or issue.

# INSTRUCTIONS TO VOTERS

In Emery and San Juan counties.

## How to obtain a ballot for voting

1. Give your name and address to an election judge.
2. If your name is on the official register and your right to vote has not been challenged, the election judge will give you one or more ballots.

NOTE: If an election judge has reason to doubt your identity, the judge is required either (a) to request identification from you, or (b) to have a known registered voter of the district identify you.

## How to vote your ballot

Mark your ballot only with the marker provided by the election judge. If you use any other type of pen or pencil, your vote may not be counted by the optical scanner.

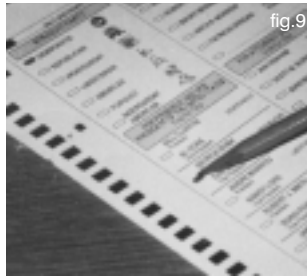
Completely fill in the oval next to the party or candidate of your choice. If an oval is not completely filled in, your vote may not be counted by the optical scanner.

Ballots may be printed on both the front and back. Do not forget to vote on issues that are listed on the reverse side of the ballot.

DO NOT vote a ballot that has been marked, spoiled, or defaced. Identification marks or a spoiled or defaced ballot will make your vote invalid. If you make a mistake, do not attempt to erase a mark. Instead, return your ballot to the election judge who will cancel the ballot and issue you a new ballot.

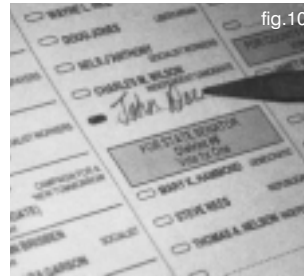
## Voting for candidates of one party.

If you want to cast a "straight party" vote for all the candidates of one party, fill in the oval next to the party symbol at the top of the list of that party's candidates. You may also fill in the ovals next to each candidate's name, but this is not necessary if you filled in the oval next to the party symbol.



## Voting for candidates of more than one party.

If you want to vote for candidates from more than one party, fill in the oval by the names of the candidates for whom you want to vote. If you have already voted "straight party" and then decide to vote for a candidate from another party, simply mark the oval next to the other candidate(s) of your choice (see fig.9). The optical scanner will interpret a "straight party" vote as a vote for all candidates of that party except where you fill in an oval for candidate(s) of a different party.



## Write-in voting

You may also vote for a valid write-in candidate. You do this by legibly writing the name of the write-in candidate in the space provided on the ballot or by placing in that space a sticker containing the office and write-in candidate's name. You should also fill in the oval next to the write-in candidate's name (see fig.10).

## Non-partisan candidates

Judicial, state school board, local school board, and similar offices are non-partisan contests. They are located either in the right column or on the reverse side of the ballot. The ballot contains instructions designating the number of candidates that should be voted for in each office.



## Constitutional amendments and Initiatives

Constitutional amendments and initiatives appear on the ballot in the form of a question. A vote "FOR" an amendment or initiative means that you want to answer "yes" to the question. A vote "AGAINST" an amendment or initiative means that you want to answer "no" to the question. To vote on constitutional amendments and initiatives, read the ballot title provided on the ballot, decide whether you are "FOR" or "AGAINST" the amendment or initiative, and fill in the oval for the appropriate response (see fig.11).

## How to get help to mark your ballot

Voters who are blind, disabled, unable to read or write, unable to read or write the English language, or physically unable to enter a polling place, may be helped by someone of their choice provided that the person helping is not a candidate, the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union. The person helping cannot in any way request, persuade, or induce the voter to vote for or against any particular candidate or issue.

# HOW DO I REGISTER TO VOTE

If you will be 18 years or older and will have been a resident of the State of Utah for 30 days preceding the election on November 5, 2002, you may register to vote by one of the following methods.

**You may register by mail until October 16th** by sending in a mail-in registration form. These forms may be obtained at any county clerk's office or political party office. They are also available at post offices, libraries, and other public location. You may also use the form provided in this pamphlet on page 93.

**You may register at any satellite registration location in your county from 8:00 a.m. to 8:00 p.m. on October 25th and 28th.** Please contact your county clerk (see page 94) for satellite registration locations.

**You may register at the County Clerk's office in your county of residence during regular working hours until October 28th.**

## FOR MORE INFORMATION

Please contact your county clerk or the State Elections Office at 1-800-995-VOTE.

# ABSENTEE VOTING

Utah law allows an individual to vote by absentee ballot if he or she:

- is physically, emotionally, or mentally impaired.
  - will be serving as an election judge, or if the voter has election duties in another precinct.
  - is detained or incarcerated in a jail or prison for committing a misdemeanor.
  - suffers a legal disability.
  - is prevented from voting in a particular location because of religious beliefs or their strongly-held personal values.
  - is called for jury duty in a state or federal court.
- otherwise expects to be absent from the voting precinct during the hours the polls are open on election day

## HOW DO I VOTE ABSENTEE?

You may vote absentee by mail or apply in person to the county clerks office. Any individual who would like to vote absentee must complete an absentee ballot application.

### By mail

Request an application for an absentee ballot from your county clerk (see page 94). The form must be returned to the county clerk no later than November 1st. The county clerk will send an absentee ballot to the address provided on the application. Absentee ballots must be postmarked **no later than November 4th.**

### Walk-in/County Clerks Office

Complete an application in the clerk's office in person **no later than November 1st** (or complete the application there and request to have the ballot sent via mail). Vote in person at the clerk's office. Ballots must be cast no later than November 4th (*applications cannot be submitted on this day*).

### MILITARY AND OVERSEAS CITIZENS

Request an application from your county clerk **no later than October 16.** Return the ballot postmarked (*or the voter has signed the mailing affidavit on the back of the ballot envelope*) **no later than November 4.** Must be received in the county clerks office before noon on the day of the official canvass.

## FOR MORE INFORMATION

Please contact your county clerk or the State Elections Office at 1-800-995-VOTE.

Mail-in Voter  
Registration  
Form

FPPO

# COUNTY CLERKS

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PAUL B. BARTON  
**BEAVER COUNTY CLERK**  
435-438-6463  
P.O. BOX 392  
BEAVER, UT 84713-0392

LUANN ADAMS  
**BOX ELDER COUNTY CLERK**  
435-734-2031  
01 S. MAIN STREET  
BRIGHAM CITY, UT 84302-2599

JILL ZOLLINGER  
**CACHE COUNTY CLERK**  
435-716-7150  
170 NO. MAIN STREET  
LOGAN, UT 84321-4567

ROBERT P. PERO  
**CARBON COUNTY CLERK/AUDITOR**  
435-636-3224  
120 EAST MAIN  
PRICE, UT 84501-3057

VICKY MCKEE  
**DAGGETT COUNTY CLERK/AUDITOR**  
435-784-3154  
P.O. BOX 218  
MANILA, UT 84046-0218

STEVE RAWLINGS  
**DAVIS COUNTY CLERK/AUDITOR**  
801-451-3213  
P.O. BOX 618  
FARMINGTON, UT 84025-0618

DIANE FRESTON  
**DUCHESNE COUNTY CLERK**  
435-738-1102  
DRAWER 270  
DUCHESNE, UT 84021-0270

BRUCE C. FUNK  
**EMERY COUNTY CLERK/AUDITOR**  
435-381-2465  
P.O. BOX 907  
CASTLE DALE, UT 84513-0907

CAMILLE MOORE  
**GARFIELD COUNTY CLERK/AUDITOR**  
435-676-8826  
P.O. BOX 77  
PANGUITCH, UT 84759-0077

FRAN TOWNSEND  
**GRAND COUNTY CLERK/AUDITOR**  
435-259-1322  
125 E. CENTER  
MOAB, UT 84532-2492

DAVID I. YARDLEY  
**IRON COUNTY CLERK**  
435-477-8340  
P.O. BOX 429  
PAROWAN, UT 84761-0429

PATRICIA INGRAM  
**JUAB COUNTY CLERK/AUDITOR**  
435-623-3410  
160 N. MAIN  
NEPHI, UT 84648-1412

KARLA JOHNSON  
**KANE COUNTY CLERK/AUDITOR**  
435-644-2458  
76 NORTH MAIN  
KANAB, UT 84741-0050

NORMA BRUNSON  
**MILLARD COUNTY CLERK**  
435-743-6223  
765 S. HIGHWAY 99  
FILLMORE, UT 84631-5002

STACY LAFITTE  
**MORGAN COUNTY CLERK/AUDITOR**  
801-845-4011  
P.O. BOX 886  
MORGAN, UT 84050-0886

VALEEN H. BROWN  
**PIUTE COUNTY CLERK/AUDITOR**  
435-577-2840  
P.O. BOX 99  
JUNCTION, UT 84740-0099

PAMELA SHAUL  
**RICH COUNTY CLERK/AUDITOR**  
435-793-2415  
20 SOUTH MAIN  
P.O. BOX 218  
RANDOLPH, UT 84064-0218

SHERRIE SWENSEN  
**SALT LAKE COUNTY CLERK ELECTIONS DIVISION**  
801-468-3427  
2001 S. STATE STREET, #S1100  
SALT LAKE CITY, UT 84190-1051

NORM JOHNSON  
**SAN JUAN COUNTY CLERK/AUDITOR**  
435-587-3223  
P.O. BOX 338  
MONTICELLO, UT 84535-0338

KRISTINE FRISCHNECT  
**SANPETE COUNTY CLERK**  
435-835-2131  
160 N. MAIN  
MANTI, UT 84642-1268

STEVEN C. WALL  
**SEVIER COUNTY CLERK**  
435-896-9262  
P.O. BOX 517  
RICHFIELD, UT 84701-0517

KENT JONES  
**SUMMIT COUNTY CLERK**  
435-336-4451  
P.O. BOX 128  
COALVILLE, UT 84017-0128

DENNIS D. EWING  
**TOOELE COUNTY CLERK**  
435-843-3140  
47 SO. MAIN  
TOOELE, UT 84074-2194

PAT S. MCNEILL  
**UINTAH COUNTY CLERK**  
435-781-5360  
147 EAST MAIN  
VERNAL, UT 84078-2643

ARLIN V. KUHNI  
**UTAH COUNTY CLERK**  
801-370-8128  
100 EAST CENTER, RM 3100  
PROVO, UT 84606-3106

BRENT R. TITCOMB  
**WASATCH COUNTY CLERK**  
435-654-3211  
25 NO. MAIN  
HEBER CITY, UT 84032-1827

CALVIN R. ROBISON  
**WASHINGTON COUNTY CLERK**  
435-634-5712  
197 E. TABERNACLE  
ST. GEORGE, UT 84770-3473

SANDRA REES  
**WAYNE COUNTY CLERK**  
435-836-2731  
P.O. BOX 189  
LOA, UT 84747-0189

LINDA LUNCEFORD  
**WEBER COUNTY CLERK/AUDITOR**  
801-399-8400  
2380 WASHINGTON BLVD.,  
3RD FLOOR  
OGDEN, UT 84401-1456

**OFFICE OF THE LIEUTENANT GOVERNOR**

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY that the foregoing measures will be submitted to the voters of the State of Utah at the election to be held on November 5, 2002, and that the foregoing ballot is complete and correct according to the law.

**FFPO**

DATED September 1, 2002

OLENE S. WALKER  
Lieutenant Governor

# **UTAH VOTER INFORMATION PAMPHLET**

General Election November 5, 2002

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