

**HOUSE JOURNAL
of the
FIFTY-FIFTH LEGISLATURE
of the
STATE OF UTAH

FOURTH SPECIAL SESSION**

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House Chamber
State Capitol Complex
Salt Lake City, Utah
September 15, 2004

The House was called to order by Speaker Stephens at 2:10 p.m.

Roll call showed all members present except Representative Philpot, excused.

Pledge of Allegiance and prayer by Representative Fred Hunsaker.

On motion of Representative Curtis, the House voted to continue with the same organization for the 2004 Fourth Special Session of the 55th Legislature as set up and constituted during the 2004 Annual General Session of the Legislature insofar as it pertains to the Speakership, Majority Leadership and Minority Leadership.

Speaker Martin R. Stephens appointed Carole E. Peterson as Chief Clerk.

The Chief Clerk read the following:

CERTIFICATION

I, GAYLE F. McKEACHNIE, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of September 10th, 2004, and signed by Governor Olene S. Walker, is a true and correct copy of the original Proclamation calling the Fifty-Fifth Legislature of the State of Utah into a Special Session at the Capitol Complex at Salt Lake City, Utah, on the 15th day of September, 2004, at 2:00 o'clock in the afternoon, for the purposes named in the Proclamation.

IN TESTIMONY WHEREOF,
I have hereunto set my hand and
caused to be affixed the Great
Seal of the State of Utah. Done
at the State Capitol in Salt Lake
City, Utah, this 10th day of
September, 2004.
GAYLE F. McKEACHNIE
Lieutenant Governor

Communication filed.

PROCLAMATION

WHEREAS, since the adjournment of the 2004 General Session of the Fifty-Fifth Legislature of the State of Utah, matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, Olene S. Walker, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the Laws of the State of Utah, do by this Proclamation call the Fifty-Fifth Legislature of the State of Utah into a Fourth Special Session at the Capitol Complex at Salt Lake City, Utah, on the 15th day of September, 2004, at 2:00 p.m., for the following purposes:

1. To consider allocating funds to improve the state correctional facilities in Draper;
2. To consider allocating funds to care for, preserve, and provide for the security of state lands at Range Creek;
3. To consider amendments to Title 75 regarding out-of-state trustees;
4. To consider certain deductions from income tax for persons called to active service in the military;
5. For the Senate to consent to appointments made by the governor to positions within state government of the State of Utah since the close of the 2004 General Session; and
6. To consider such other measures as may be brought to the attention of the Legislature by supplemental communication from the Governor before or during the Special Session hereby called.

IN TESTIMONY WHEREOF,
I have hereunto set my hand and
caused to be affixed the Great
Seal of the State of Utah. Done
at the Capitol Complex in Salt
Lake City, Utah, this 10th day
of September, 2004.

OLENE S. WALKER
Governor

GAYLE F. McKEACHNIE
Lieutenant Governor

Communication filed.

MISCELLANEOUS BUSINESS

On motion of Representative Dillree, the House voted to adopt the same House Rules and Joint Rules for the 2004 Fourth Special Session as adopted in the 2004 Annual General Session.

On motion of Representative Goodfellow, the House voted to authorize the Speaker to appoint a committee to wait upon the Senate to inform that Honorable Body that the House is organized and ready to do business.

The Speaker appointed Representatives Seitz, Webb, and Litvack.

On motion of Representative Alexander, the House voted to authorize the Speaker to appoint a committee to meet with a like committee from the Senate to wait upon the Governor to inform Her Excellency that the House is organized and ready to do business.

The Speaker appointed Representatives Donnelson, Peterson, and Jones.

On motion of Representative Dillree, under suspension of the rules, the House voted, as provided by the Utah Constitution, to suspend the requirement that every bill be read by title three separate times in the House of Representatives. It was further moved that this suspension apply to all bills and resolutions introduced during the legislative session, except that a majority of the House may direct the reading of the long title, short title, or both of any House or Senate bill or resolution.

Representative Seitz informed the House of Representatives that his committee had waited upon the Senate and informed them that the House was organized and ready to do business.

Representative Donnelson informed the House of Representatives that the joint committee had waited upon the Governor and informed her that the Legislature was organized and ready to do business.

Senators Hale, Walker, and Allen formally notified the House of Representatives that the Senate was organized and ready to do business.

INTRODUCTION OF BILL

H.B. 4001, Supplemental Appropriations Act III - Range Creek (R. Bigelow), read the first time by short title and referred to the Rules Committee.

MISCELLANEOUS BUSINESS

On motion of Representative Curtis, under suspension of the rules, the House voted to consider **H.B. 4001** read the second time by short title and placed on the calendar for third reading.

THIRD READING CALENDAR

H.B. 4001, SUPPLEMENTAL APPROPRIATIONS ACT III - RANGE CREEK, read the third time by short title and placed on its final passage.

On motion of Representative Bigelow, the House voted to delete **H.B. 4001** in title and body and insert **Sub. H.B. 4001** in lieu thereof.

Representative Bigelow proposed the following amendment:

1. Page 2, Lines 44 through 46

44 It is the intent of the Legislature that the Museum of Natural History use \$150,000 of the

45 appropriated funds to survey and catalogue the Range Creek site, and to identify, record, and

46 preserve sites and artifacts at the Range Creek site.

Representative Bigelow's motion to amend passed on a voice vote.

Sub. H.B. 4001, as amended, then passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives

Aagard	Adams	Alexander	S. Allen
Anderson	Barrus	Bennion	Bigelow

Biskupski	Bourdeaux	Bowman	Buffmire
Bush	Buttars	Buxton	Christensen
D. Clark	S. Clark	D. Cox	Curtis
Daniels	Dayton	Dee	Dillree
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Frank	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Love	Mascaro
McCartney	McGee	Morgan	Morley
Moss	Murray	Newbold	Noel
Peterson	Seitz	Shurtliff	G. Snow
Styler	Thompson	Tilton	Ure
Urquhart	Wallace	Webb	M. Stephens

Absent or not voting were: Representatives

Becker	Bryson	Philpot
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Sub. H.B. 4001, as amended, transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Curtis, the House voted to recess for 10 minutes.

Speaker Stephens called the House to order at 3:15 p.m.

COMMUNICATION FROM THE SENATE

Mr. Speaker: September 15, 2004

The Senate passed, as substituted, **1st Sub. S.B. 4001**, TRUST BUSINESS AMENDMENTS, by Senator Hillyard, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. **Sub. S.B. 4001**, read the first time by short title and referred to the Rules Committee. On motion of Representative Bigelow, under suspension of the rules, the House voted to consider **Sub. S.B. 4001**, read the second time by short title and placed on the Third Reading Calendar.

MISCELLANEOUS BUSINESS

On motion of Representative Bigelow, the House voted to move to the Senate Third Reading Calendar.

THIRD READING CALENDAR

Sub. S.B. 4001, TRUST BUSINESS AMENDMENTS, read the third time by short title and placed on its final passage.

Sub. S.B. 4001 then passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting 4.

Voting in the affirmative were: Representatives

Aagard	Adams	Alexander	S. Allen
Anderson	Barrus	Bennion	Bigelow
Biskupski	Bourdeaux	Bowman	Buffmire
Bush	Buttars	Buxton	Christensen
D. Clark	S. Clark	D. Cox	Curtis
Daniels	Dayton	Dee	Dillree
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Frank	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Love	Mascaro
McCartney	McGee	Morgan	Morley
Moss	Murray	Newbold	Noel
Peterson	Shurtliff	G. Snow	Styler
Thompson	Tilton	Ure	Urquhart
Wallace	Webb	M. Stephens	

Absent or not voting were: Representatives

Becker	Bryson	Philpot	Seitz
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Sub. S.B. 4001 was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

MISCELLANEOUS BUSINESS

On motion of Representative Curtis, the House voted to recess for 10 minutes.

Speaker Stephens called the House to order at 3:50 p.m.

COMMUNICATION FROM THE SENATE

Mr. Speaker: September 15, 2004

The Senate passed, as amended (amendment attached), **S.B. 4002**, INDIVIDUAL INCOME TAX - TREATMENT OF CERTAIN MILITARY INCOME, by Senator C. Bramble, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. **S.B. 4002**, read the first time by short title and referred to the Rules Committee. On motion of Representative Curtis, under suspension of the rules, the House voted to consider **S.B. 4002** read the second time by short title and placed on the Third Reading Calendar.

THIRD READING CALENDAR

S.B. 4002, INDIVIDUAL INCOME TAX - TREATMENT OF CERTAIN MILITARY INCOME, read the third time by short title and placed on its final passage.

S.B. 4002 then passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives

Aagard	Adams	Alexander	S. Allen
Anderson	Barrus	Becker	Bennion
Bigelow	Biskupski	Bourdeaux	Bowman
Buffmire	Bush	Buttars	Buxton
Christensen	D. Clark	S. Clark	D. Cox
Curtis	Daniels	Dayton	Dee
Dillree	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Frank
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	Kiser	Last	Lawrence
Litvack	Lockhart	Love	Mascaro
McCartney	McGee	Morgan	Morley
Moss	Murray	Newbold	Noel
Peterson	Seitz	Shurtliff	G. Snow
Styler	Thompson	Tilton	Ure
Urquhart	Wallace	Webb	M. Stephens

Absent or not voting were: Representatives
Bryson King Philpot

S.B. 4002 was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

INTENT LANGUAGE FOR S.B. 4002

On motion of Representative Peterson, the House voted to print the following intent language in the House Journal.

In passing **S.B. 4002**, INDIVIDUAL INCOME TAX - TREATMENT OF CERTAIN MILITARY INCOME, the Legislature intends the following:

The Legislature finds that the National Guard and other reserve components of the armed forces are separate and distinct from the active components of the armed forces. The Legislature also finds that members of the active components of the armed forces have a greater expectation of being ordered to leave their homes and serve their country than do members of the National Guard or other reserve components of the armed forces. The deployment of members of the National Guard or other reserve components of the armed forces is particularly disruptive to regular civilian employment and activities. Therefore, it is the intent of the Legislature to apply the benefits allowed by this bill only to members of the National Guard or other reserve components of the armed forces.

COMMUNICATION FROM THE SENATE

Mr. Speaker:

September 15, 2004

The Senate passed, as substituted, **2nd Sub. S.B. 4003**, SUPPLEMENTAL APPROPRIATIONS ACT II AMENDMENTS - REDIRECTION OF CERTAIN FEDERAL FUNDS TO INMATE HOUSING, by Senator Blackham, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. **2nd Sub. S.B. 4003**, read the first time by short title and referred to the Rules Committee. On motion of Representative Curtis, under suspension of the rules, the House voted to consider **2nd Sub. S.B. 4003** read the second time by short title and placed on the Third Reading Calendar.

THIRD READING CALENDAR

2nd Sub. S.B. 4003, SUPPLEMENTAL APPROPRIATIONS ACT II AMENDMENTS - REDIRECTION OF CERTAIN FEDERAL FUNDS TO

INMATE HOUSING, read the third time by short title and placed on its final passage.

2nd Sub. S.B. 4003 then passed on the following roll call:

Yeas, 71; Nays, 1; Absent or not voting 3.

Voting in the affirmative were: Representatives

Aagard	Adams	Alexander	S. Allen
Anderson	Barrus	Becker	Bennion
Bigelow	Biskupski	Bourdeaux	Bowman
Bryson	Buffmire	Bush	Buttars
Buxton	D. Clark	S. Clark	D. Cox
Curtis	Daniels	Dayton	Dee
Dillree	Donnelson	Dougall	Duckworth
Dunnigan	Ferry	Frank	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
Kiser	Last	Lawrence	Litvack
Lockhart	Love	Mascaro	McCartney
McGee	Morgan	Morley	Moss
Murray	Newbold	Noel	Peterson
Seitz	Shurtliff	G. Snow	Styler
Thompson	Tilton	Ure	Urquhart
Wallace	Webb	M. Stephens	

Voting in the negative was: Representative
Ferrin

Absent or not voting were: Representatives

Christensen	King	Philpot
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2nd Sub. S.B. 4003 was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

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On motion of Representative Curtis, the Speaker was authorized to appoint a committee to wait upon the Senate and inform that Honorable Body that the House of Representatives has completed its business and is ready to adjourn sine die. The Speaker appointed Representatives Last, Tilton, and Shurtliff.

Representative Last reported that his committee had waited upon the Senate and informed them that the House of Representatives was prepared to adjourn sine die.

On motion of Representative Curtis, the Speaker was authorized to appoint a committee to meet with a like committee from the Senate to wait upon the Governor and inform Her Excellency that the Legislature has completed its business and is ready to adjourn sine die. The Speaker appointed Representatives Hardy, Lawrence, and Morgan.

Representative Hardy reported that her committee had waited upon the Governor and informed her that the Legislature was prepared to adjourn sine die.

COMMUNICATION FROM THE SENATE

Mr. Speaker:

September 15, 2004

The Senate passed, **1st Sub. H.B. 4001**, SUPPLEMENTAL APPROPRIATIONS ACT III - RANGE CREEK, by Representative R. Bigelow, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communication filed. **Sub. H.B. 4001** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

MISCELLANEOUS BUSINESS

Senators Walker, Hale, and Allen formally notified the House of Representatives that the Senate had completed its business and were prepared to adjourn sine die.

On motion of Representative Curtis, the House of Representatives of the Fifty-fifth Legislature, adjourned sine die at 4:45 p.m.

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