

**HOUSE JOURNAL**  
**of the**  
**FIFTY–SIXTH LEGISLATURE**  
**of the**  
**STATE OF UTAH**  
  
**FIFTH SPECIAL SESSION**

House Chamber  
State Capitol Complex  
Salt Lake City, Utah  
Monday, December 4, 2006

The House was called to order by Speaker Curtis at 10:55 a.m.

Roll call showed all members present except Representatives Sheryl Allen, Bradley Last, Carol Spackman Moss, and Kerry Gibson, excused.

Prayer and Pledge of Allegiance by Representative Doug Aagard.

On motion of Representative Alexander, the House voted to continue with the same organization for the 2006 Fifth Special Session of the 56th Legislature as was constituted during the 2006 General Session of the Legislature insofar as it pertains to the Speakership, Majority Leadership and Minority Leadership.

Speaker Curtis appointed Sandy D. Tenney as Chief Clerk.

The Chief Clerk read the following:

**CERTIFICATION**

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued on the 30th day of November, 2006 and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Fifty–Sixth Legislature of the State of Utah into a Fifth Special Session at the Capitol Complex at Salt Lake City, Utah on the 4th day of December, 2006, at 10:30 a.m., for the purposes named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State House of Representatives has not changed from that of the Certification of the 2006 General Session with the following exception:

TWENTY-THIRD DISTRICT: County of Salt Lake  
Jennifer M. Seelig

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
affixed the Great Seal of the  
State of Utah, at Salt Lake  
City, this 30th day of  
November, 2006.

GARY R. HERBERT  
Lieutenant Governor

Communication filed.

### PROCLAMATION

WHEREAS, since the adjournment of the 2006 General Session of the Fifty-Sixth Legislature of the State of Utah, matters have arisen that 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, Jon M. Huntsman, Jr., 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-Sixth Legislature of the State of Utah into a Fifth Special Session at the State Capitol Complex, in Salt Lake City, Utah, on the 4th day of December 2006, at 10:30 a.m., for the following purposes:

1. To consider redistricting Utah into four Congressional districts based upon the 2000 census;
2. To consider amendments to the statutes governing uniform fees on boats, recreational vehicles, and certain smaller motor vehicles;

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 30th day  
of November, 2006.

JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

Communication filed.

**PROCLAMATION**

WHEREAS, the undersigned issued a Proclamation on November 30, 2006, calling the Fifty–Sixth Legislature of the State of Utah, into a Fifth Special Session beginning on the 4th day of December, 2006; and

WHEREAS, the undersigned has since been informed of the need to include an additional item of business for consideration in this Fifth Special Session;

NOW, THEREFORE, I, Jon M. Huntsman, Jr., 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 include the following third item for Legislative action:

1. To consider delaying the effective date of the 2006 General Session Senate Bill 161, Mechanic’s Lien and Payment Amendments.

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 1st day of December, 2006.

JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

Communication filed.

**MISCELLANEOUS BUSINESS**

On motion of Representative Lockhart, the House voted to adopt the same House Rules and Joint Rules for the 2006 Fifth Special Session as adopted in the 2006 General Session.

On motion of Representative Urquhart, 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 Noel, Walker, and Morgan.

On motion of Representative Becker, 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 him that the House is organized and ready to do business.

The Speaker appointed Representatives Hogue, Mathis, and Shurtliff.

On motion of Representative Lockhart, the House voted to consider all House and Senate bills and resolutions acted upon during the 2006 Fifth Special Session be considered under suspension of the rules.

On motion of Representative Lockhart, as allowed by the Utah Constitution and Joint Rules of the Legislature, the House voted to continue its practice of reading only the short title of bills and resolutions as they are introduced or considered on a House Calendar and not read the long title of the bills and resolutions unless a majority of the House directs the reading of the long title, short title, or both of any House or Senate bill or resolution.

On motion of Representative Lockhart, the House voted to consider all House and Senate bills and resolutions acted upon during the 2006 Fifth Special Session be considered read for the second time and placed on the Third Reading Calendars for immediate consideration.

Representative Noel informed the House of Representatives that her committee has waited upon the Senate and informed them that the House is organized and ready to do business.

Representative Hogue informed the House of Representatives that the joint committee has waited upon the Governor and informed him that the Legislature is organized and ready to do business.

Senators Hickman, Arent, and Eastman formally notified the House of Representatives that the Senate was organized and ready to do business.

### **REDISTRICTING PRINCIPLES**

On motion of Representative David Clark, the House voted to adopt the same redistricting principles to govern drawing congressional maps that the Redistricting Committee adopted. They are as follows:

1. Congressional districts must be as nearly equal as practicable with a deviation not greater than  $\pm 0.5\%$ .

2. Districts will be single member districts.

3. Plans will be drawn to create 4 Congressional Districts.

4. In drawing districts, the official population enumeration of the 2000 decennial census will be used.

5. Districts will be contiguous and reasonably compact.

### INTRODUCTION OF BILL

**H.B. 5001, Uniform Fees on Personal Property Amendments** (P. Painter), read the first time by short title. On motion of Representative Lockhart, under suspension of the rules, the House considered **H.B. 5001** read the second time by short title and placed on the Third Reading Calendar.

### THIRD READING CALENDAR

**H.B. 5001, UNIFORM FEES ON PERSONAL PROPERTY AMENDMENTS**, read the third time by short title and placed on its final passage.

Representative Painter proposed the following amendment:

1. Page 1, Lines 23 through 25

23 Other Special Clauses:

24 This bill provides an {~~immediate~~} effective date.

25 This bill provides revisor instructions.

2. Page 15, Line 458 through Page 16, Line 462:

458 Section 2. Effective date.

459 If approved by two-thirds of all the members elected to each  
house, this bill takes effect on December 30, 2006.

460 upon approval by the governor, or the day following the  
constitutional time limit of Utah

461 Constitution Article VII, Section 8, without the governor's  
signature, or in the case of a veto,

462 the date of veto override.

Representative Painter’s motion to amend passed on a voice vote.

On motion of Representative Hogue, the House voted to circle **H.B. 5001**.

**MISCELLANEOUS BUSINESS**

On motion of Representative Alexander, the House voted to recess until 1:30 p.m.

Speaker Curtis called the House to order at 2:50 p.m.

**UNFINISHED BUSINESS**

On motion of Representative Painter, the House voted to uncircle **H.B. 5001**.

**H.B. 5001**, UNIFORM FEES ON PERSONAL PROPERTY AMENDMENTS, was before the House on its final passage.

**H.B. 5001**, as amended, passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bowman
Buttars	Buxton	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
J. M. Fisher	Julie Fisher	Fowlke	Frank
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	B. Johnson	Jones	King
Kiser	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Murray	Newbold
Noel	Painter	Romero	Seelig
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

S. Allen	Gibson	E. Hutchings	Last
Moss	Oda	Ray	

**H.B. 5001**, as amended, transmitted to the Senate for its consideration.

\* \* \*

On motion of Representative Alexander, the House voted to saunter.

On motion of Representative Alexander, the House voted to cease to saunter.

Speaker Curtis called the House to order at 3:10 p.m.

**COMMUNICATION FROM THE SENATE**

Mr. Speaker: December 4, 2006  
The Senate passed **S.B. 5001**, CONGRESSIONAL FOUR MEMBER REDISTRICTING PLAN, by Senator C. Bramble, et al, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **S.B. 5001** read the first time by short title. On motion of Representative Lockhart, under suspension of the rules, the House voted to consider **S.B. 5001** read the second time by short title and placed on the Third Reading Calendar.

**THIRD READING CALENDAR**

**S.B. 5001**, CONGRESSIONAL FOUR MEMBER REDISTRICTING PLAN, read the third time by short title and placed on its final passage.

Representative Julie Fisher proposed the following amendment:

- 1. Page 3, Lines 61 through 74

61 Section 4. Contingent effective date.

62 (1) If approved by two-thirds of all the members elected to each  
63 house, Section 2.

63 Repealer, of this bill takes effect immediately upon approval by the  
64 governor, or the day

64 following the constitutional time limit of Utah Constitution Article  
65 VII, Section 8, without the

65 governor's signature, or in the case of a veto, the date of veto  
override.

- 66        (2) Section 1, Section 3, and Section 5 of this bill take effect:
- 67        (a) when one of the following occurs:
  - (i) Congress retrocedes those parts of the District of Columbia where persons reside back to Maryland;
  - (ii) the District of Columbia becomes a state; or
  - (iii) the United States Constitution is amended to grant congressional representation to the District of Columbia; and
- (b) for purposes of nominating and electing members of the United States House of
- 68        Representatives, when the Clerk of the United States House of Representatives certifies to the
- 69        state of Utah that it is entitled to four representatives in the United States House of
- 70        Representatives; and
- 71        {-~~(b)~~ } (c) for all other purposes, on the date that the state board of canvassers declares four
- 72        Congressional representatives from Utah elected after the first statewide special or regular
- 73        general election held after the date that certification from the Clerk of the United States House
- 74        of Representatives is received.

Representative Julie Fisher’s motion to amend failed on a voice vote.

**S.B. 5001** passed on the following roll call:

**Yeas, 51; Nays, 19; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	Becker	Bigelow
Biskupski	Bowman	Christensen	D. Clark
S. Clark	Cosgrove	Daw	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferry	J. M. Fisher	Fowlke	Hansen
Harper	Hogue	Holdaway	Hughes
Hunsaker	Jones	King	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Murray	Newbold
Noel	Painter	Ray	Romero



Seelig	Shurtliff	G. Snow	Tilton
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Curtis	

**Voting in the negative were:** Representatives

Adams	Barrus	Buttars	Buxton
D. Cox	Dayton	Ferrin	Julie Fisher
Frank	Gowans	Hardy	Hendrickson
B. Johnson	Kiser	Morgan	Morley
Oda	Ure	Wyatt	

**Absent or not voting were:** Representatives

S. Allen	Gibson	E. Hutchings	Last
Moss			

**S.B. 5001** was signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

**COMMUNICATION FROM THE SENATE**

Mr. Speaker: December 4, 2006

The Senate passed **S.B. 5002**, MECHANICS' LIEN PAYMENT AMENDMENTS, by Senator S. Jenkins, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. **S.B. 5002** read the first time by short title. On motion of Representative Lockhart, under suspension of the rules, the House voted to consider **S.B. 5002** read the second time by short title and placed on the Third Reading Calendar.

**THIRD READING CALENDAR**

**S.B. 5002**, MECHANICS' LIEN PAYMENT AMENDMENTS, read the third time by short title and placed on its final passage.

**S.B. 5002** passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bowman
Buttars	Buxton	Christensen	D. Clark

S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
J. M. Fisher	Julie Fisher	Fowlke	Frank
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	B. Johnson	Jones	King
Kiser	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Morley	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Seelig	G. Snow	Tilton
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

S. Allen	Gibson	E. Hutchings	Last
Moss	Shurtliff	Ure	

**S.B. 5002** was signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

### COMMUNICATION FROM THE SENATE

Mr. Speaker: December 4, 2006

The Senate passed, **H.B. 5001**, UNIFORM FEES ON PERSONAL PROPERTY AMENDMENTS, by Representative P. Painter, et al, 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. **H.B. 5001** signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

### MISCELLANEOUS BUSINESS

On motion of Representative Ferry, the House voted to authorize the Speaker to appoint a committee to wait upon the Governor and inform him that the House of Representatives has completed its business and is prepared to adjourn sine die.

The Speaker appointed Representatives Barrus, Newbold, and Seelig.

Representative Barrus reported that his committee has waited upon the Governor and informed him that the House of Representatives is prepared to adjourn sine die. The Governor has no further business to bring before the House.

On motion of Representative Alexander, the House voted to authorize the Speaker to appoint a committee to wait upon the Senate and inform them that the House of Representatives has completed its business and is prepared to adjourn sine die.

The Speaker appointed Representatives Morley, Oda, and Litvack.

Representative Morley reported that his committee has waited upon the Senate and informed them that the House of Representatives has completed its business and is prepared to adjourn sine die.

Speaker Curtis directed Sandy Tenney to read, revise and make minor corrections to the daily House Journal and be responsible for certifying the bound copy as the accurate record of the proceedings of the 2006 Fifth Special Session of the Fifty–Sixth Legislature.

On motion of Representative Alexander, the Fifth Special Session of the Fifty–Sixth Legislature adjourned sine die.

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