

SENATE JOURNAL
FIFTH SPECIAL SESSION of the
FIFTY–SIXTH LEGISLATURE

December 4, 2006

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr, the Senate of the Fifty–Sixth Legislature of the State of Utah met in the Senate Chamber of the State Capitol Complex in a Special Session at 10:30 a.m. on Monday, December 4, 2006.

The Senate was called to order at 11:05 a.m., with President John Valentine presiding.

Prayer – Senator Karen Hale

Pledge of Allegiance – Senator Parley Hellewell

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

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Annette B. Moore read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the adjournment of the 2006 General Session of the Fifty–Sixth Legislature of the State of Utah, matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, 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;

3. 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 State Capitol Complex in
Salt Lake City, Utah this 30th
day of November 2006.
Jon M. Huntsman, Jr.
Governor
Gary R. Herbert
Lieutenant Governor

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 TESTIFY THAT the membership of the Utah State Senate has not changed from that Certification of 2006 General Session with the following exception:

NINTH DISTRICT: County of Salt Lake

Wayne Niederhauser

TWENTY-SIXTH DISTRICT: Counties of Daggett, Duchesne, Summit, Uintah, Wasatch

Kevin Van Tassell

TWENTY-EIGHTH DISTRICT: Counties of Beaver, Garfield, Iron, Kane, Millard, Washington

Dennis Stowell

IN TESTIMONY WHEREOF,
I have hereunto set my hand and
caused to be affixed the Great
Seal of the State of Utah at Salt
Lake City, this 30th day of
November, 2006.
Gary R. Herbert
Lieutenant Governor

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On motion of Senator Waddoups, the Senate voted to adopt the Senate Rules of the 2006 General Session of the Fifty-Sixth Legislature as the rules for the Fifth Special Session.

President Valentine appointed a committee comprised of Senators Sheldon Killpack, Parley Hellewell and Scott McCoy to notify Governor Jon M. Huntsman, Jr. that the Senate is convened in the Fifth Special Session in accordance with his proclamation and is organized and ready to receive any communication from him.

President Valentine appointed a committee comprised of Senator Bill Hickman, Dan Eastman, and Patrice Arent to notify the House of Representatives that the Senate is organized and ready to do business.

Senator Hickman reported that the House has been notified.

Senator Killpack reported that the Governor has been notified.

On motion of Senator Waddoups, and as provided by the Utah State Constitution and the Joint Rules of the Legislature, the Senate voted to suspend the reading of the titles of bills and resolutions on the Senate calendar as they are read for the first time and introduced and considered on Second Reading, Third Reading, and Consent Calendars. This suspension applies to all bills and resolutions introduced during this special legislative session, except that any senator may request the reading of the long title, short title, or both of any House or Senate bill or resolution.

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On motion of Senator Bramble, the Senate voted to adopt the following criteria:

A. The same Redistricting Principles adopted by the Redistricting Committee be adopted as principles governing any maps considered in this Fifth Legislative Special Session.

1. Congressional districts must be as nearly equal as practicable with a deviation not greater than +0.5%.
2. Districts will be single-member districts.
3. Plans will be drawn to create four 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.

Senators Arent and Waddoups commented.

INTRODUCTION OF BILLS

S.B. 5001, Congressional Four Member Redistricting Plan (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 5002, Mechanics' Lien Payment Amendments (S. Jenkins), read the first time by short title and referred to the Rules Committee.

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On motion of Senator Knudson, under suspension of the rules, **S.B. 5001** and **S.B. 5002** were placed on the Second Reading Calendar for immediate consideration.

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On motion of Senator Knudson, and at 11:30 a.m., the Senate recessed.

The Senate reassembled at 2:40 p.m., with President Valentine presiding.

SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, **S.B. 5001, CONGRESSIONAL FOUR MEMBER REDISTRICTING PLAN**, was

considered read the second and third times. Senator Bramble explained the bill. The bill passed on the following roll call:

Yeas, 23; Nays, 4; Absent, 2.

Voting in the affirmative were: Senators

Arent	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Hale	Hellewell	Hickman
Jenkins	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Stowell
VanTassell	Walker	Valentine	

Voting in the negative were: Senators

Bell	Peterson	Stephenson	Waddoups
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Absent or not voting were: Senators

Hillyard	Thomas
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S.B. 5001 was transmitted to the House.

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On motion of Senator Jenkins, under suspension of the rules, **S.B. 5002, MECHANICS' LIEN PAYMENT AMENDMENTS**, was considered read the second and third times. Senator Jenkins explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Buttars
Christensen	Davis	Dmitrich	Eastman
Fife	Goodfellow	Hale	Hellewell
Hickman	Jenkins	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Stephenson	Stowell	VanTassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Hillyard	Thomas
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S.B. 5002 was transmitted to the House.

On motion of Senator Knudson, and at 3:00 p.m., the Senate sauntered.

The Senate was called to order at 3:30 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: December 4, 2006

The House passed, as amended, **H.B. 5001**, UNIFORM FEES ON PERSONAL PROPERTY AMENDMENTS, by Representative P. Painter, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 5001** was read the first time.

On motion of Senator Stephenson, under suspension of rules, the Senate voted to place **H.B. 5001** at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Stephenson, under suspension of the rules, **H.B. 5001**, UNIFORM FEES ON PERSONAL PROPERTY AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Buttars
Christensen	Davis	Dmitrich	Eastman
Fife	Goodfellow	Hale	Hellewell
Hickman	Jenkins	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Stephenson	Stowell	VanTassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Hillyard	Killpack	Thomas
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H.B. 5001 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: December 4, 2006

The House passed, **S.B. 5001**, CONGRESSIONAL FOUR MEMBER REDISTRICTING PLAN, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 5002**, MECHANICS' LIEN PAYMENT AMENDMENTS, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 5001 and **S.B. 5002** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

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President Valentine appointed Senators Christensen, Bell, and McCoy to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Valentine appointed Senators Hickman, Eastman, and Arent to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

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

Senator Christensen reported that his committee had notified the Governor. The Governor asked that the committee convey to the Senate that he has no further business to bring before the legislature.

On motion of Senator Knudson and at 4:20 p.m., the Senate adjourned sine die.

PAGE INDEX

H.B. 5001 UNIFORM FEES ON PERSONAL PROPERTY AMENDMENTS (*P. Painter*)

 Read for the first time 6

 Placed on calendar 6

 Read the second and third time 6

 Signed by the President and returned to the House 6

S.B. 5001 CONGRESSIONAL FOUR MEMBER REDISTRICTING PLAN (*C. Bramble*)

 Read the first time by short title 4

 Placed on calendar 4

 Read the second and third time 4

 Transmitted to the House 5

 Signed by the President and transmitted to the Governor 7

S.B. 5002 MECHANICS' LIEN PAYMENT AMENDMENTS (*S. Jenkins*)

 Read the first time by short title 4

 Placed on calendar 4

 Read the second and third time 5

 Transmitted to the House 5

 Signed by the President and transmitted to the Governor 7