

HOUSE JOURNAL
of the
FIFTY–SEVENTH LEGISLATURE
of the
STATE OF UTAH

FIRST SPECIAL SESSION

House Chamber
State Capitol Complex
Salt Lake City, Utah
Wednesday, August 22, 2007

The House was called to order by Speaker Curtis at 10:20 a.m.

Prayer and Pledge of Allegiance by Representative Craig Frank.

On motion of Representative D. Clark, the House voted to continue with the same organization for the 2007 First Special Session of the 57th Legislature as set up and constituted during the 2007 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:

PROCLAMATION

WHEREAS, since the adjournment of the 2007 General Session of the Fifty–Seventh 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–Seventh Legislature of the State of Utah into a First Special Session at the State Capitol Complex, in Salt Lake City, Utah, on the 22nd day of August, 2007, at 10:00 a.m., for the following purposes:

1. To consider legislation modifying provisions related to the creation of a new school district;
2. To consider legislation regarding equalization of funding for school district capital outlay in counties of the first class;
3. To consider legislation providing for enhanced penalties for animal cruelty: and
4. To consider a resolution approving Garfield County expansion of corrections facilities.

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 16th day
of August, 2007.

JON M. HUNTSMAN, JR.
Governor
GARY R. HERBERT
Lieutenant Governor

Communication filed.

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 16th day of August, 2007 and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Fifty–Seventh Legislature of the State of Utah into a First Special Session at the Capitol Complex at Salt Lake City, Utah on the 22nd day of August, 2007, at 10:00 a.m., for the purpose 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 2007 General Session with the following exceptions:

TWELFTH DISTRICT: County of Weber
Richard Greenwood

SIXTY–EIGHTH DISTRICT: Counties of Millard, Juab, and Sanpete
Bradley Winn

IN TESTIMONY WHEREOF,
I have hereunto set my hand and
affixed the Great Seal of the
State of Utah, at Salt Lake City,
this 20th day of August, 2007.

GARY R. HERBERT
Lieutenant Governor

Communication filed.

COMMUNICATIONS FROM THE GOVERNOR

Dear Mr. Brad Winn:

July 25, 2007

It is my pleasure to appoint you to the Utah House of Representatives, to fill the seat in House District 68, which was vacated by Richard Wheeler. I am confident that as a State Representative you will serve our state and the citizens in your district with discernment and decorum.

Jon M. Huntsman, Jr.
Governor

Mr. Brad Winn was administered the Oath of Office by Speaker Curtis.

* * *

Dear Mr. Richard Greenwood

April 27, 2007

It is my pleasure to appoint you to the Utah House of Representatives, to fill the seat in House District 12, which was vacated by Gregg Buxton. I am confident that as a State Representative you will serve our state and the citizens in your district with discernment and decorum.

Jon M. Huntsman, Jr.
Governor

Mr. Richard Greenwood was administered the Oath of Office by Speaker Curtis on Wednesday, June 20, 2007.

MISCELLANEOUS BUSINESS

Roll call showed all members present.

On motion of Representative Urquhart, the House voted to adopt the same House Rules and Joint Rules for the 2007 First Special Session as adopted in the 2007 General Session.

On motion of Representative Snow, 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 Kerry Gibson, Jack Draxler, and Carol Spackman Moss.

Representative Gibson reported that his committee waited upon the Senate and informed them that the House is organized and ready to do business.

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 Legislature is organized and ready to do business.

The Speaker appointed Representatives Bud Bowman, Paul Neuenschwander, and Christine Johnson.

Representative Bowman reported that his committee waited upon the Governor and informed him that the House is organized and ready to receive any communication he has to offer.

On motion of Representative Urquhart, 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.

Senators Christensen, Madsen, and Goodfellow formally notified the House of Representatives that the Senate was organized and ready to do business.

INTRODUCTION OF BILLS

H.B. 1001, Creation of New School District Amendments (J. Dougall), read the first time by short title and referred to the Rules Committee.

H.B. 1002, Interlocal Agreement Participant Requirements for Creation of New School District (K. Morgan), read the first time by short title and referred to the Rules Committee.

H.B. 1003, School Capital Outlay Equalization (G. Hughes), read the first time by short title and referred to the Rules Committee.

MISCELLANEOUS BUSINESS

On motion of Representative Urquhart, under suspension of the rules, the House voted to consider **H.B. 1001** and **H.B. 1002** read the second time by short title and placed at the top of the Third Reading Calendar.

THIRD READING CALENDAR

H.B. 1001, CREATION OF NEW SCHOOL DISTRICT AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Dougall, the House voted to delete **H.B. 1001** in title and body and insert **1st Sub. H.B. 1001** in lieu thereof.

Representative Bird proposed the following amendment:

1. Page 6, Line 156:
Delete "proposed new" and insert "existing"
2. Page 6, Line 161:
Delete "proposed new" and insert "existing"

Representative Bird's motion to amend failed on the following roll call:

Yeas, 32; Nays, 41; Absent or not voting, 2.

Voting in the affirmative were: Representatives

| | | | |
|-----------|----------------|---------------|-----------|
| Allen | Becker | Bird | Biskupski |
| Bowman | S. Clark | Cosgrove | Draxler |
| Duckworth | Dunnigan | Janice Fisher | Gowans |
| Hansen | Harper | Hemingway | Holdaway |
| Hunsaker | Johnson | King | Litvack |
| Mascaro | McGee | McIff | Menlove |
| Moss | Neuenschwander | Newbold | Riesen |
| Seelig | Shurtliff | Wheatley | Wiley |

Voting in the negative were: Representatives

| | | | |
|-----------|----------|---------|--------------|
| Aagard | Andersen | Barrus | Bigelow |
| Brown | D. Clark | Daw | Dee |
| Donnelson | Dougall | Ferry | Julie Fisher |
| Fowlke | Frank | Froerer | Garn |
| Greenwood | Grover | Herrod | Hughes |
| Hutchings | Kiser | Last | Lockhart |
| Mathis | Morgan | Morley | Noel |
| Oda | Painter | Ray | Sandstrom |
| Snow | Sumsion | Tilton | Urquhart |
| Walker | Wimmer | Winn | Wyatt |
| Curtis | | | |

Absent or not voting were: Representatives

| | |
|--------|-------------|
| Gibson | Hendrickson |
|--------|-------------|

Sub. H.B. 1001 passed on the following roll call:

Yeas, 59; Nays, 14; Absent or not voting, 2.

Voting in the affirmative were: Representatives

| | | | |
|--------------|----------------|-----------|-----------|
| Aagard | Allen | Andersen | Barrus |
| Bigelow | Bowman | Brown | D. Clark |
| S. Clark | Daw | Dee | Donnelson |
| Dougall | Draxler | Dunnigan | Ferry |
| Julie Fisher | Fowlke | Frank | Froerer |
| Garn | Gibson | Greenwood | Grover |
| Hansen | Harper | Herrod | Hughes |
| Hunsaker | Hutchings | Johnson | King |
| Kiser | Last | Lockhart | Mathis |
| McIff | Menlove | Morgan | Morley |
| Moss | Neuenschwander | Newbold | Noel |
| Oda | Painter | Ray | Sandstrom |
| Shurtliff | Snow | Sumsion | Tilton |
| Urquhart | Walker | Wheatley | Wimmer |
| Winn | Wyatt | Curtis | |

Voting in the negative were: Representatives

| | | | |
|-----------|---------------|-----------|-----------|
| Becker | Bird | Biskupski | Cosgrove |
| Duckworth | Janice Fisher | Gowans | Hemingway |
| Holdaway | Mascaro | McGee | Riesen |
| Seelig | Wiley | | |

Absent or not voting were: Representatives

| | |
|-------------|---------|
| Hendrickson | Litvack |
|-------------|---------|

Sub. H.B. 1001 transmitted to the Senate for its consideration.

* * *

H.B. 1002, INTERLOCAL AGREEMENT PARTICIPANT REQUIREMENTS FOR CREATION OF NEW SCHOOL DISTRICT, read the third time by short title and placed on its final passage.

H.B. 1002 passed on the following roll call:

Yeas, 62; Nays, 11; Absent or not voting, 2.

Voting in the affirmative were: Representatives

| | | | |
|---------|-----------|--------|----------|
| Aagard | Andersen | Barrus | Becker |
| Bigelow | Biskupski | Bowman | D. Clark |

| | | | |
|-----------|---------------|----------------|-----------|
| S. Clark | Daw | Dee | Donnelson |
| Dougall | Draxler | Duckworth | Dunnigan |
| Ferry | Janice Fisher | Julie Fisher | Fowlke |
| Frank | Froerer | Garn | Greenwood |
| Grover | Hansen | Hemingway | Herrod |
| Holdaway | Hughes | Johnson | King |
| Kiser | Last | Litvack | Lockhart |
| Mathis | McGee | McIff | Morgan |
| Morley | Moss | Neuenschwander | Noel |
| Oda | Painter | Ray | Riesen |
| Sandstrom | Seelig | Shurtliff | Snow |
| Sumsion | Tilton | Urquhart | Walker |
| Wheatley | Wiley | Wimmer | Winn |
| Wyatt | Curtis | | |

Voting in the negative were: Representatives

| | | | |
|---------|---------|----------|-----------|
| Allen | Bird | Brown | Cosgrove |
| Gowans | Harper | Hunsaker | Hutchings |
| Mascaro | Menlove | Newbold | |

Absent or not voting were: Representatives

| | |
|--------|-------------|
| Gibson | Hendrickson |
|--------|-------------|

H.B. 1002 transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

On motion of Representative D. Clark, and at 11:35 a.m., the House voted to recess until 1:00 p.m.

The House was called to order by Speaker Curtis at 3:20 p.m.

COMMUNICATION FROM THE SENATE

Mr. Speaker:

August 22, 2007

The Senate passed, as amended, **S.J.R. 101**, JOINT RESOLUTION SUPPORTING GARFIELD COUNTY JAIL EXPANSION, by Senator D. Stowell, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. **S.J.R. 101** read the first time by short title and referred to the Rules Committee.

INTRODUCTION OF BILL

H.B. 1004, New School District Creation Amendments (J. Dunnigan), read the first time by short title and referred to the Rules Committee.

MISCELLANEOUS BUSINESS

On motion of Representative Clark, under suspension of the rules, the House voted to lift **H.B. 1004** and **S.J.R. 101** from the Rules Committee, consider them read the second time by short title and placed on their respective Third Reading Calendars.

THIRD READING CALENDAR

H.B. 1004, NEW SCHOOL DISTRICT CREATION AMENDMENTS, read the third time by short title and placed on its final passage.

Representative Newbold proposed the following amendment:

- 1. Page 2, Line 29:
Delete "55,000" and insert "50,000"

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

H.B. 1004, as amended, passed on the following roll call:

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

Voting in the affirmative were: Representatives

| | | | |
|-----------|---------------|----------------|-----------|
| Agaard | Allen | Andersen | Barrus |
| Becker | Bigelow | Bird | Biskupski |
| Bowman | Brown | D. Clark | S. Clark |
| Cosgrove | Daw | Dee | Donnelson |
| Dougall | Draxler | Duckworth | Dunnigan |
| Ferry | Janice Fisher | Julie Fisher | Fowlke |
| Frank | Froerer | Gibson | Gowans |
| Greenwood | Grover | Hansen | Harper |
| Hemingway | Herrod | Holdaway | Hughes |
| Hunsaker | Hutchings | Johnson | Kiser |
| Last | Litvack | Lockhart | Mascaro |
| Mathis | McGee | McIff | Menlove |
| Morley | Moss | Neuenschwander | Newbold |
| Noel | Oda | Painter | Ray |
| Riesen | Sandstrom | Seelig | Shurtliff |

| | | | |
|--------|----------|--------|----------|
| Snow | Sumsion | Tilton | Urquhart |
| Walker | Wheatley | Wiley | Wimmer |
| Winn | Wyatt | Curtis | |

Voting in the negative was: Representative
King

Absent or not voting were: Representatives
Garn Hendrickson Morgan

H.B. 1004, as amended, transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

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

THIRD READING CALENDAR

S.J.R. 101, JOINT RESOLUTION SUPPORTING GARFIELD COUNTY JAIL EXPANSION, read the third time by short title and placed on its final passage.

S.J.R. 101 passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives

| | | | |
|----------------|---------------|--------------|-----------|
| Agard | Allen | Andersen | Barrus |
| Becker | Bigelow | Bird | Biskupski |
| Bowman | Brown | D. Clark | S. Clark |
| Cosgrove | Daw | Dee | Donnelson |
| Dougall | Draxler | Duckworth | Dunnigan |
| Ferry | Janice Fisher | Julie Fisher | Fowlke |
| Frank | Froerer | Gibson | Gowans |
| Greenwood | Grover | Hansen | Harper |
| Hemingway | Herrod | Holdaway | Hughes |
| Hunsaker | Hutchings | Johnson | King |
| Kiser | Last | Litvack | Lockhart |
| Mascaro | Mathis | McGee | McIff |
| Menlove | Morgan | Morley | Moss |
| Neuenschwander | Newbold | Noel | Oda |
| Painter | Ray | Riesen | Sandstrom |
| Seelig | Shurtliff | Snow | Sumsion |

| | | | |
|--------|----------|--------|----------|
| Tilton | Urquhart | Walker | Wheatley |
| Wiley | Wimmer | Winn | Wyatt |
| Curtis | | | |

Absent or not voting were: Representatives
Garn Hendrickson

S.J.R. 101 signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

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On motion of Representative D. Clark, the House voted to saunter.

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

MISCELLANEOUS BUSINESS

On motion of Representative D. Clark, under suspension of the rules, the House voted to lift **H.B. 1003** from the Rules Committee, consider it read the second time by short title and placed on the Third Reading Calendar.

THIRD READING CALENDAR

H.B. 1003, SCHOOL CAPITAL OUTLAY EQUALIZATION, read the third time by short title and placed on its final passage.

On motion of Representative Hughes, the House voted to delete **H.B. 1003**, SCHOOL CAPITAL OUTLAY EQUALIZATION, in title and body and insert **2nd Sub. H.B. 1003**, EQUALIZATION TASK FORCE, in lieu thereof.

On motion of Representative Hughes, under suspension of the rules, the House voted to consider **2nd Sub. H.B. 1003** read the first, second, and third times by short title.

Representative Holdaway proposed the following amendment:

1. Page 2, Line 27:
Delete "14" and insert "16"
2. Page 2, Line 31:
Delete "seven" and insert "nine"
3. Page 2, Line 32:
Delete "five" and insert "six"

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

2nd Sub. H.B. 1003, as amended, passed on the following roll call:

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

Voting in the affirmative were: Representatives

| | | | |
|-----------|---------------|----------------|-----------|
| Aagard | Allen | Andersen | Barrus |
| Becker | Bigelow | Bird | Biskupski |
| Bowman | Brown | D. Clark | S. Clark |
| Cosgrove | Daw | Dee | Donnelson |
| Dougall | Draxler | Duckworth | Dunnigan |
| Ferry | Janice Fisher | Julie Fisher | Fowlke |
| Frank | Froerer | Gowans | Greenwood |
| Grover | Hansen | Harper | Hemingway |
| Herrod | Holdaway | Hughes | Hunsaker |
| Hutchings | Johnson | King | Kiser |
| Last | Litvack | Lockhart | Mascaro |
| Mathis | McIff | Menlove | Morgan |
| Morley | Moss | Neuenschwander | Newbold |
| Noel | Oda | Painter | Ray |
| Riesen | Sandstrom | Seelig | Shurtliff |
| Snow | Sumsion | Tilton | Urquhart |
| Walker | Wheatley | Wiley | Wimmer |
| Winn | Wyatt | Curtis | |

Voting in the negative was: Representative McGee

Absent or not voting were: Representatives

| | | |
|------|--------|-------------|
| Garn | Gibson | Hendrickson |
|------|--------|-------------|

2nd Sub. H.B. 1003, as amended, transmitted to the Senate for its consideration.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: August 22, 2007

The Senate passed, **1st Sub. H.B. 1001**, CREATION OF NEW SCHOOL DISTRICT AMENDMENTS, by Representative J. Dougall, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 1002**, INTERLOCAL AGREEMENT PARTICIPANT REQUIREMENTS FOR CREATION OF NEW SCHOOL

DISTRICT, by Representative K. Morgan, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 1004**, NEW SCHOOL DISTRICT CREATION AMENDMENTS, by Representative J. Dunnigan, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. **1st Sub. H.B. 1001**, **H.B. 1002**, and **H.B. 1004** signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

COMMUNICATION FROM THE SENATE

Mr. Speaker: August 22, 2007

The Senate passed, **2nd Sub. H.B. 1003**, EQUALIZATION TASK FORCE, by Representative G. Hughes, 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. **2nd Sub. H.B. 1003** signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

MISCELLANEOUS BUSINESS

On motion of Representative Clark, the House voted to strike the enacting clause on all House and Senate bills and resolutions in the possession of the House.

On motion of Representative Snow, the House voted to authorize Speaker Pro Tem Ferry to appoint a committee to meet with a like committee from the Senate to wait upon the Governor to inform him that the Legislature has completed its business and is prepared to adjourn sine die.

Speaker Pro Tem Ferry appointed Representatives John Dougall, Jim Bird, and Janice Fisher to meet with a like committee from the Senate to wait upon the Governor.

Senators Madsen, Christensen, and Goodfellow formally notified the House of Representatives that the Senate has completed its business and is prepared to adjourn sine die.

On motion of Representative Becker, the House voted to authorize Speaker Pro Tem Ferry to wait upon the Senate and inform that Honorable Body that the House has completed its business and is prepared to adjourn sine die.

Speaker Pro Tem Ferry appointed Representatives Ronda Menlove, Sylvia Andersen, and Wheatley.

Representative Menlove reported that her committee notified the Senate that the House of Representatives has completed its business and is prepared to adjourn sine die.

Representative Dougall reported that his committee met with a like committee from the Senate and informed the Governor that the Legislature has completed its business and is prepared to adjourn sine die. The Governor had no further communication to bring before the Legislature.

Speaker Pro Tem Ferry 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 2007 First Special Session of the Fifty–seventh Legislature.

On motion of Representative D. Clark, and at 5:55 p.m., the First Special Session of the Fifty–seventh Legislature adjourned sine die.

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H.B. 1001 — CREATION OF NEW SCHOOL DISTRICT AMENDMENTS (*J. Dougall*)

 Read the first time by short title and referred to the Rules Committee. 4

 Read the second time 4

 Read the third time 5

 Substituted 5

1st Sub. H.B. 1001 — CREATION OF NEW SCHOOL DISTRICT AMENDMENTS (*J. Dougall*)

 Amendments 5

 Transmitted to the Senate 6

 Signed by the Speaker and transmitted to the Governor 12

H.B. 1002 — INTERLOCAL AGREEMENT PARTICIPANT REQUIREMENTS FOR CREATION OF NEW SCHOOL DISTRICT
(*K. Morgan*)

 Read the first time by short title and referred to the Rules Committee. 4

 Read the second time 4

 Read the third time 6

 Transmitted to the Senate 7

 Signed by the Speaker and transmitted to the Governor 12

H.B. 1003 — SCHOOL CAPITAL OUTLAY EQUALIZATION (*G. Hughes*)

 Read the first time by short title and referred to the Rules Committee. 4

 Read the second time 10

 Read the third time 10

 Substituted 10

2nd Sub. H.B. 1003 — EQUALIZATION TASK FORCE (*G. Hughes*)

 Read the first time by short title and referred to Rules Committee 10

 Read the second time 10

 Read the third time 10

 Amendments 10

 Transmitted to the Senate 11

 Signed by the Speaker and transmitted to the Governor 12

H.B. 1004 — NEW SCHOOL DISTRICT CREATION AMENDMENTS (*J. Dummigan*)

 Read the first time by short title and referred to the Rules Committee. 8

 Read the second time 8

 Read the third time 8

 Amendments 8

 Transmitted to the Senate 9

 Signed by the Speaker and transmitted to the Governor 12

S.J.R. 101 — JOINT RESOLUTION SUPPORTING GARFIELD COUNTY JAIL EXPANSION (*D. Stowell*)

 Read the first time by short title and referred to Rules Committee 7

 Read the second time 8

 Read the third time 9

 Signed by the Speaker and returned to the Senate 10