

**HOUSE JOURNAL**  
**of the**  
**FIFTY-SIXTH LEGISLATURE**  
**of the**  
**STATE OF UTAH**  
  
**THIRD SPECIAL SESSION**

House Chamber  
State Capitol Complex  
Salt Lake City, Utah  
Wednesday, May 24, 2006

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

Prayer and Pledge of Allegiance by Representative David Cox.

**JOINT CONVENTION**

A Joint Convention of the Legislature was held in the House Chamber at 11:00 a.m. on May 24, 2006, to hear from President Vicente Fox of Mexico. Representative Alexander moved to have the speech by President Fox printed in the House and Senate Journals.

**REMARKS BY PRESIDENT VICENTE FOX OF MEXICO**

Honorable Jon Huntsman Jr., Governor of the State of Utah; Senator John L. Valentine, President of the Senate; Representative Greg J. Curtis, Speaker of the House; Distinguished legislative leaders; Members of this Honorable Legislature; Members of the Mexican Delegation; Ladies and Gentlemen:

On behalf of the people and the government of Mexico, a nation which is a partner and a friend of the United States of America, I express my most sincere appreciation for the opportunity to address this joint session of the legislature of Utah.

I bring to the people of this wonderful state, renowned for its natural beauty and rich heritage, the warmest greetings from all Mexicans.

Let this historic occasion mark my country's pledge to a stronger relationship between Mexico and Utah.

Let this historic occasion mark our joint commitment to making this relationship one in which we seek understanding while respecting our

differences..and working together to achieve the prosperity and security of our peoples, as we face the global challenges of the 21st century.

Mexico has long strived to build democracy and economic stability. The road has certainly not been an easy one, but every single step has been worth it. And today, our 103 million people live next door to you in peace and freedom.

Consider just how far we have come in six short years. Today your neighbor is a Mexico with free and fair elections; a Mexico with clear separation of power among the branches of government; a Mexico with the utmost respect for the rule of law, freedom of religion and freedom of speech; with government accountability and transparency as the rule and not the exception.

Today, Mexicans are free to express their opinions...and believe me, they do! If you doubt whether we have achieved freedom of the press in Mexico, I would be glad to read you some of the things they write about us in the Mexican newspapers.

But today we live in a completely different Mexico than we did just six years ago...a Mexico where every citizen has a say in government...a Mexico where those voters require that government serves the people.

Nothing less than a fully democratic Mexico is demanded by its citizens; nothing less than a fully democratic Mexico is demanded by its citizens; nothing less than a fully democratic Mexico has been the guiding principle of our administration.

Over the past five years, the promotion of human rights has been a centerpiece of government policy. This policy upholds a human rights culture in Mexico's society and aims at prosecuting all cases of human rights abuse by government authorities.

Moreover, we have opened ourselves to international scrutiny. During my administration, for the first time, Mexico called for the establishment of an office of the United Nations High Commissioner on Human Rights.

In recognition, last week Mexico was elected to preside over the new United Nations Human Rights Council...underscoring our commitment to human rights for all.

But no democracy can flourish fully unless it provides economic freedom; unless it frees the energy and hard work of its people...unless it unleashes a true entrepreneurial spirit.

Until recently, Mexico was trapped in a vicious cycle of economic crisis. But we have set out to change that...and today, Mexico has the soundest, safest, most stable economy of our lifetimes.

Thanks to a responsible management of public finances, we have achieved an inflation rate of 3.3%, the lowest in thirty seven years. We have single digit interest rates...and our economy is growing at a healthy 5.3%.

Mexicans want a government that costs less, and works better. Our administration's public deficit will be the lowest in thirty years, it will have spent more on improving the lives of our people than any other administration in Mexico's history.

Through the program, "Oportunidades", our federal government's main social program, over five million Mexican families in poverty – some twenty five million poor people – now receive health, education and nutritional support.

Over the last six years, spending on education has increased over 70%...we've put more than a billion books in Mexican classrooms...and today, one of every four students enrolled in our public system receives a scholarship to continue their studies. At the end of my administration, Mexico will be allocating at least 7.5% of its Gross Domestic Product to education.

We have also made progress regarding housing, based on the most ambitious program in Mexico's history.

In 2005 alone, we built 750 thousand houses for the same number of families. In less than six years, more than three million families have gained access to a decent home.

But as many of you know, before I became President of Mexico, I worked in a little small business you might have heard of in the United States...Coca Cola.

As a businessman, I learned that the best social program in the world is a good job at decent wages.

That's a big part of our mission here today...to promote investment, business and trade that create jobs both in Mexico and right here in Utah.

Free trade and investment agreements with over forty countries make Mexico one of the world's most open economies, one which trades over 435 billion dollars a year.

Over the past five years, Mexico has received over 87 billion dollars in Foreign Direct Investment, most of which comes from its North American trading partners, the United States and Canada.

At the same time, Mexico is the second largest trading partner of the U.S., buying more products from this country than Germany, Italy, France and the United Kingdom all combined.

During his visit to Mexico, in July 2005, Governor Huntsman expressed the importance of Mexico as a strategic partner in order to strengthen Utah's economic development and called on Mexican industry to work with an economy that is strong, modern and fast-advancing in sectors such as biotechnology, genetics, software development and medical equipment. He also insisted on the importance of deepening trade and investment ties with Mexico, as well as education and cultural exchange programs. In order to do this, we agreed to create the Utah-Mexico Partnership Working Group. To that end, during the last two days, I have had the opportunity to meet with many of Utah's business and political leaders. We have done business together. We have talked policy together. But more importantly, we have been truly moved by the personal commitment of your leaders to the Mexican people.

Thank you Governor Huntsman.

Dear friends:

Mexico and the United States have a strong, dynamic – and yes – complex relationship. Over the years we have moved away from a notion of distant neighbors to one of the strategic partners. A new democratic government could not produce an old foreign policy. Mexico's redefinition of foreign policy has included a constructive approach towards the United States.

Since the beginning of my administration two important goals have guided our relationship with the United States: furthering the North American Agenda and achieving a better bilateral management of the migration issue between our countries.

In the beginning of the 21st Century, the need for improving our regional competitiveness and the threat from terrorism and criminal organizations, call upon us to regard regional prosperity and security as two key elements in our shared agenda.

The Security and Prosperity Partnership of North America, created last year by Canada, Mexico, and the United States, seeks to reduce the cost of doing business between our countries, breaking the bottlenecks at the border with more efficient and secure trade corridors eliminating "the tyranny of small difference" between our regulations.

Now, let us talk frankly about our most pressing challenge....and our most promising opportunity....the key to real security and prosperity of these two neighbors.....migration.

One cannot underestimate the importance of this moment and how complex this issue is for our two nations. Therefore, I wish to clearly state my government's view on this matter.

Since the beginning of my administration, the government of Mexico has promoted the establishment of a new system that regulates the movement of people across our border in a manner which is legal, safe, and orderly. We have pursued this course with the firm conviction that a legal, safe, and orderly migration policy will benefit the security and prosperity of both of our nations. This belief is guided by a principle of shared responsibility, which acknowledges that both countries must do our share in the bilateral management of migration.

Through a joint initiative of the Executive Branch, federal legislators and civic society, a set of principles and recommendations were put forward to update Mexico's migration policy. This position was adopted as a joint resolution by our Congress in February of this year. Allow me to summarize its most important aspects.

1. Mexico does not promote nor support undocumented migration. In fact, Mexico absolutely must continue to expand jobs, economic growth and social opportunities so migration is no longer necessary.

2. Mexico acknowledges the sovereign right of each country to enforce its law and protect its borders, but considers, that among friends, neighbors, and partners, bilateral dialogue and cooperation is a key component for the successful management of migration.

3. Mexico must continue to develop and enforce migration laws and policy with full respect for human rights and the safety of citizens on both sides of the border and remains committed to fighting all forms of human smuggling and trafficking. Moreover, Mexico is working together with Mesoamerican countries to uphold these principles.

4. Mexico's migration policy must be adjusted in order to safeguard our borders under the principle of shared responsibility.

5. Mexico believes that it will take more than just enforcement to truly solve the challenges posed by the migration phenomenon, and that a comprehensive reform is in the interest of both nations.

Ladies and gentlemen, as never before, our societies call upon their governments to achieve a better management of migration and our border. Mexico want to be part of the solution, not part of the problem.

Comprehensive reform will help both countries to concentrate our efforts and resources on addressing our shared security and prosperity concerns. We are your partners in security against terrorism. We are your allies in the war on drugs and crime. We are your partners in the drive for economic prosperity. Let us work together as neighbors and friends.

The United States rightly prides itself as a country whose strength and character comes from its diversity. Mexico is proud of its people here, whose working spirit and moral values contribute everyday to the economy and society of this great nation.

Thank you very much.

### **MISCELLANEOUS BUSINESS**

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

Speaker Curtis appointed Sandy D. Tenney as Chief Clerk and she read the following:

### **CERTIFICATION**

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of the Proclamation issued on the 22nd day of May, 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 Third Special Session at the Capitol Complex at Salt Lake City, Utah, on the 24th day of May, 2006, at 2:00 p.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 Second Special 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 22nd day of May, 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 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 Third Special Session at the State Capitol Complex in Salt Lake City, Utah, on the 24th day of May 2006, at 2:00 p.m. for the following purposes:

1. To consider a provision authorizing (a) an appropriation of transportation funding, (b) an appropriation of funds from the Division of Housing and Community Development to the Division of Arts and Museums, (c) an appropriation for the Driver License Division, and (d) an appropriation for the Economic Development Incentive Fund;
2. To consider a provision appropriating \$2 million in Medicaid funding for emergency dental services for the aged, blind, and disabled;
3. To consider a provision authorizing funds for a parking structure at the State Capitol Complex in an amount not to exceed \$15 million;
4. To consider resolutions providing legislative authorization for (a) the receipt of a federal grant by the Utah Department of Natural Resources, and (b) the construction of a maintenance shed by the Utah Department of Transportation on property near Meadow, Utah;

5. To consider legislation authorizing the Utah Tax Commission to share confidential tax data with the Governor's Office of Planning and Budget, the Office of Legislative Fiscal Analyst, and the Office of Legislative Research and General Counsel;
6. To consider legislation requiring reporting of information and addressing causes of action regarding the exchange of securities;
7. To consider legislation to correct the transitional effective date provisions of the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act and to make technical corrections to the shelter hearing provisions of the Juvenile Court Act of 1996;
8. To consider legislation authorizing a cost-of-living adjustment for certain executive officers; and
9. To consider legislation to assist retail establishments as they respond to recent changes in Utah's sales-tax system.

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 22nd  
day of May, 2006.

JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

Communication filed.

### **MISCELLANEOUS BUSINESS**

Roll call showed all members present except Representatives Fred Hunsaker, Sheryl Allen, Lorie Fowlke, Karen Morgan, and Margaret Dayton, excused.

On motion of Representative Lockhart, the House voted to adopt the same House Rules and Joint Rules for the Third Special Session of the 56th Legislature as were adopted by 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 and inform that Honorable



Body that the House is organized and ready to do business. Speaker Curtis appointed Representatives David Clark, Peggy Wallace, and Ross Romero.

On motion of Representative Becker, the House voted to authorize the Speaker to appoint a committee to act with a like committee from the Senate to wait upon the Governor to inform him that the Legislature is organized and ready to receive any communication or message he may have to offer. Speaker Curtis appointed Representatives Stuart Adams, Craig Buttars, and Carol Spackman Moss.

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

On motion of Representative Lockhart, the House voted to continue its practice, as allowed by the Utah Constitution and the Joint Rules of the Legislature, 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.

### INTRODUCTION OF BILLS

**H.B. 3001, Technical Reallocation of Transportation Funding** (R. Bigelow), read the first time by short title and referred to the Rules Committee.

**H.B. 3002, Appropriation to Fund New Drivers License Programs** (R. Bigelow), read the first time by short title and referred to the Rules Committee.

**H.B. 3003, Shelter Hearing Technical Amendments** (W. Harper), read the first time by short title and referred to the Rules Committee.

**H.B. 3004, Sales and Use Tax Relating to Food** (B. Ferry), read the first time by short title and referred to the Rules Committee.

**H.J.R. 301, Resolution Approving Use of Federal Funds by the Department of Natural Resources** (D. Clark), read the first time by short title and referred to the Rules Committee.

\* \* \*

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

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

### RULES COMMITTEE REPORT

Mr. Speaker:

May 24, 2006

The Rules Committee recommends that, under suspension of the rules, the following bills and resolutions be considered read for the second time and placed on the Third Reading Calendar:

- |                   |  |
|-------------------|--|
| <b>H.B. 3004</b>  | Sales and Use Tax Relating to Food (Rep. B. Ferry)   |
| <b>H.B. 3001</b>  | Technical Reallocation of Transportation Funding (Rep. R. Bigelow)                               |
| <b>H.B. 3002</b>  | Appropriation to Fund New Drivers License Programs (Rep. R. Bigelow)                             |
| <b>H.B. 3003</b>  | Shelter Hearing Technical Amendments (Rep. W. Harper)  |
| <b>H.J.R. 301</b> | Resolution Approving Use of Federal Funds by the Department of Natural Resources (Rep. D. Clark) |

Rebecca Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

### MISCELLANEOUS BUSINESS

Senators Arent, Walker, and Killpack formally notified the House that the Senate was organized and ready to do business.

Representative Adams informed the body that his committee has waited upon the Governor and informed him that the Legislature is organized and ready to receive any communication or message he may have to offer.

Representative Clark informed the body that his committee had waited upon the Senate and informed that Honorable Body that the House is organized and ready to do business.

### THIRD READING CALENDAR

**H.B. 3004**, SALES AND USE TAX RELATING TO FOOD, read the third time by short title and placed on its final passage.

On motion of Representative Ferry, the House voted to circle **H.B. 3004**.

\* \* \*

**H.B. 3001**, TECHNICAL REALLOCATION OF TRANSPORTATION FUNDING, read the third time by short title and placed on its final passage.

On motion of Representative Bigelow, the House voted to circle **H.B. 3001**.

\* \* \*

**H.B. 3002**, APPROPRIATION TO FUND NEW DRIVERS LICENSE PROGRAMS, read the third time by short title and placed on its final passage.

**H.B. 3002** passed on the following roll call:

**Yeas, 65; Nays, 0; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Bigelow	Biskupski	Bowman	Buttars
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	J. M. Fisher	Julie Fisher	Frank
Gibson	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	E. Hutchings	Jones	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Seelig	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

S. Allen	Becker	Buxton	Dayton
Fowlke	Hunsaker	B. Johnson	King
Morgan	Romero		

**H.B. 3002** transmitted to the Senate for its consideration.

\* \* \*

**H.B. 3003**, SHELTER HEARING TECHNICAL AMENDMENTS, read the third time by short title and placed on its final passage.

**H.B. 3003** 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	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	J. M. Fisher	Julie Fisher
Frank	Gibson	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	E. Hutchings	B. Johnson
Jones	Kiser	Last	Lawrence
Litvack	Lockhart	Mascaro	Mathis
McGee	Menlove	Morley	Moss
Murray	Newbold	Noel	Oda
Painter	Ray	Romero	Seelig
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

S. Allen	Buxton	Dayton	Fowlke
Hunsaker	King	Morgan	

**H.B. 3003** transmitted to the Senate for its consideration.

\* \* \*

**H.J.R. 301**, RESOLUTION APPROVING USE OF FEDERAL FUNDS BY THE DEPARTMENT OF NATURAL RESOURCES, read the third time by short title and placed on its final passage.

**H.J.R. 301** passed on the following roll call:

**Yeas, 62; Nays, 7; Absent or not voting, 6.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bowman
Buttars	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dee
Donnelson	Dougall	Duckworth	Dunnigan

Ferry	J. M. Fisher	Julie Fisher	Frank
Gibson	Gowans	Hansen	Hardy
Harper	Hendrickson	Hughes	E. Hutchings
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	McGee
Menlove	Morley	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Seelig	Shurtliff
G. Snow	Tilton	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Voting in the negative were:** Representatives

Ferrin	Hogue	Holdaway	B. Johnson
Mascaro	Mathis	Ure	

**Absent or not voting were:** Representatives

S. Allen	Buxton	Dayton	Fowlke
Hunsaker	Morgan		

**H.J.R. 301** transmitted to the Senate for its consideration.

**UNFINISHED BUSINESS**

On motion of Representative Ferry, the House voted to uncircle **H.B. 3004**.

**H.B. 3004**, SALES AND USE TAX RELATING TO FOOD, was before the House on its final passage.

Representative Ferry proposed the following amendment:

1. Page 39, Lines 1179–1202:  
Delete all new language and reinstate existing language.

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

**H.B. 3004**, as amended, 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	Christensen	D. Clark	S. Clark

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

**Absent or not voting were:** Representatives

S. Allen	Buxton	Dayton	Fowlke
Hogue	Hunsaker	Morgan	

**H.B. 3004**, as amended, transmitted to the Senate for its consideration.

**UNFINISHED BUSINESS**

On motion of Representative Bigelow, the House voted to uncircle **H.B. 3001**.

**H.B. 3001**, TECHNICAL REALLOCATION OF TRANSPORTATION FUNDING, was before the House on its final passage.

Representative Bigelow proposed the following amendment:

1. Page 2, Line 38:  
After "Transportation Investment Fund" insert "of 2005"
2. Page 3, Line 81:  
After "Transportation Investment Fund" insert "of 2005"
3. Page 3, Line 84:  
After "Transportation Investment Fund" insert "of 2005"

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

###

Representative Harper proposed the following amendment:

1. Page 2, Line 64:

After Line 64, insert:

“The Legislature intends that the Department of Transportation expend at least \$30 million of the one time monies appropriated to State Construction – New for corridor preservation.”

Representative Harper’s motion to amend failed on the following roll call:

**Yeas, 29; Nays, 37; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	Barrus	Becker
Bigelow	D. Cox	Daw	Donnelson
Dougall	Duckworth	Dunnigan	J. M. Fisher
Julie Fisher	Harper	Hogue	Holdaway
Hughes	Kiser	Litvack	Morley
Moss	Newbold	Oda	Ray
Tilton	Walker	Wallace	Wiley
Curtis			

**Voting in the negative were:** Representatives

Adams	Bowman	Buttars	Christensen
D. Clark	S. Clark	Cosgrove	Dee
Ferrin	Ferry	Frank	Gibson
Gowans	Hansen	Hardy	Hendrickson
E. Hutchings	B. Johnson	Jones	King
Last	Lawrence	Mascaro	Mathis
McGee	Menlove	Murray	Noel
Painter	Romero	Seelig	Shurtliff
G. Snow	Ure	Urquhart	Wheatley
Wheeler			

**Absent or not voting were:** Representatives

S. Allen	Biskupski	Buxton	Dayton
Fowlke	Hunsaker	Lockhart	Morgan
Wyatt			

**H.B. 3001**, as amended, passed on the following roll call:

**Yeas, 51; Nays, 16; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Bigelow	Bowman	Buttars	Christensen

D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	J. M. Fisher
Julie Fisher	Frank	Hansen	Hardy
Harper	Hogue	Holdaway	Hughes
E. Hutchings	B. Johnson	Jones	Kiser
Last	Litvack	Lockhart	Morley
Murray	Newbold	Oda	Ray
Romero	Seelig	Shurtliff	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wyatt	Curtis	

**Voting in the negative were:** Representatives

Becker	Dee	Gibson	Gowans
Hendrickson	King	Lawrence	Mathis
McGee	Menlove	Moss	Noel
Painter	G. Snow	Wheeler	Wiley

**Absent or not voting were:** Representatives

S. Allen	Biskupski	Buxton	Dayton
Fowlke	Hunsaker	Mascaro	Morgan

**H.B. 3001**, as amended, transmitted to the Senate for its consideration.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: May 24, 2006

The Senate passed **S.B. 3001**, APPROPRIATION TRANSFER FOR DIVISION OF MUSEUM SERVICES, by Senator L. Hillyard, and it is transmitted for consideration; and

The Senate passed **S.B. 3003**, UNIFORM INTERSTATE ENFORCEMENT OF DOMESTIC VIOLENCE PROTECTION ORDERS ACT – TRANSITIONAL PROVISIONS, by Senator L. Hillyard, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 3001** and **S.B. 3003** read the first time by short title and referred to the Rules Committee.



**INTRODUCTION OF BILL**

**H.B. 3005, Authorizing Expenditure of Certain Medicaid Funds for Emergency Dental Services** (S. Mascaro), read the first time by short title and referred to the Rules Committee.

\* \* \*

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

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

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: May 24, 2006

The Senate passed **S.B. 3005**, EXECUTIVE COMPENSATION AMENDMENTS, by Senator P. Knudson, and it is transmitted for consideration; and

The Senate passed **S.B. 3007**, ECONOMIC DEVELOPMENT TAX INCENTIVE FUND APPROPRIATION MODIFICATION, by Senator L. Hillyard, and it is transmitted for consideration; and

The Senate passed **S.C.R. 301**, APPROVAL OF TRANSPORTATION MAINTENANCE SHED CONSTRUCTION, by Senator J. Hickman, and it is transmitted for consideration; and

The Senate passed **S.C.R. 302**, RESOLUTION APPROVING PARKING STRUCTURE FOR CAPITOL COMPLEX, by Senator L. A. Mansell, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 3005, S.B. 3007, S.C.R. 301, and S.C.R. 302** read the first time by short title and referred to the Rules Committee.

\* \* \*

Mr. Speaker: May 24, 2006

The President of the Senate has signed **H.B. 3002**, APPROPRIATION TO FUND NEW DRIVERS LICENSE PROGRAMS, by Representative R. Bigelow, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 3002** was signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

**RULES COMMITTEE REPORT**

Mr. Speaker:

May 24, 2006

The Rules Committee recommends that, under suspension of the rules, the following bills and resolutions be considered read for the second time and placed on the Third Reading Calendar for Senate bills:

- S.B. 3001**            Appropriation Transfer for Division of Museum Services (Sen. L. Hillyard)
- S.B. 3003**            Uniform Interstate Enforcement of Domestic Violence Protection Orders Act – Transitional Provisions (Sen. L. Hillyard)
- S.B. 3007**            Economic Development Tax Incentive Fund Appropriation Modification (Sen. L. Hillyard)
- S.C.R. 301**            Approval of Transportation Maintenance Shed Construction (Sen. J. Hickman)
- S.C.R. 302**            Resolution Approving Parking Structure for Capitol Complex (Sen. L.A. Mansell)

Rebecca Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

**MISCELLANEOUS BUSINESS**

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

**THIRD READING CALENDAR**

**S.B. 3001, APPROPRIATION TRANSFER FOR DIVISION OF MUSEUM SERVICES,** read the third time by short title and placed on its final passage.

**S.B. 3001** passed on the following roll call:

**Yeas, 65; Nays, 0; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

- |             |              |              |           |
|-------------|--------------|--------------|-----------|
| Aagard      | Adams        | Alexander    | Barrus    |
| Becker      | Bigelow      | Bowman       | Buttars   |
| Christensen | D. Clark     | S. Clark     | Cosgrove  |
| D. Cox      | Daw          | Dee          | Donnelson |
| Dougall     | Duckworth    | Dunnigan     | Ferrin    |
| Ferry       | J. M. Fisher | Julie Fisher | Frank     |
| Gibson      | Gowans       | Hansen       | Hardy     |

Harper	Hendrickson	Hogue	Holdaway
Hughes	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mascaro	Mathis	McGee
Menlove	Morley	Moss	Murray
Newbold	Oda	Painter	Ray
Romero	Seelig	Shurtliff	G. Snow
Tilton	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

S. Allen	Biskupski	Buxton	Dayton
Fowlke	Hunsaker	E. Hutchings	Morgan
Noel	Ure		

**S.B. 3001** was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

\* \* \*

**S.B. 3003**, UNIFORM INTERSTATE ENFORCEMENT OF DOMESTIC VIOLENCE PROTECTION ORDERS ACT – TRANSITIONAL PROVISIONS, read the third time by short title and placed on its final passage.

**S.B. 3003** passed on the following roll call:

**Yeas, 64; Nays, 0; Absent or not voting, 11.**

**Voting in the affirmative were:** Representatives

Agard	Alexander	Barrus	Becker
Bigelow	Bowman	Buttars	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
J. M. Fisher	Julie Fisher	Frank	Gibson
Gowans	Hansen	Hardy	Harper
Hogue	Holdaway	Hughes	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morley
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero

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

**Absent or not voting were:** Representatives

Adams	S. Allen	Biskupski	Buxton
Dayton	Fowlke	Hendrickson	Hunsaker
E. Hutchings	Morgan	Ure	

**S.B. 3003** was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

\* \* \*

**S.B. 3007**, ECONOMIC DEVELOPMENT TAX INCENTIVE FUND APPROPRIATION MODIFICATION, read the third time by short title and placed on its final passage.

**S.B. 3007** passed on the following roll call:

**Yeas, 38; Nays, 28; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Agard	Alexander	Barrus	Becker
Bigelow	Bowman	Buttars	D. Clark
S. Clark	Cosgrove	D. Cox	Dee
Dunnigan	Ferry	J. M. Fisher	Gibson
Hardy	Harper	Hogue	E. Hutchings
Jones	Last	Lawrence	Litvack
Lockhart	Mascaro	McGee	Moss
Murray	Ray	Romero	Seelig
Shurtliff	Walker	Wallace	Wheatley
Wheeler	Wiley		

**Voting in the negative were:** Representatives

Christensen	Daw	Donnelson	Dougall
Duckworth	Ferrin	Julie Fisher	Frank
Gowans	Hansen	Hendrickson	Holdaway
Hughes	B. Johnson	Kiser	Mathis
Menlove	Morley	Newbold	Noel
Oda	Painter	G. Snow	Tilton
Ure	Urquhart	Wyatt	Curtis

**Absent or not voting were:** Representatives

Adams	S. Allen	Biskupski	Buxton
Dayton	Fowlke	Hunsaker	King
Morgan			

**S.B. 3007** was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: May 24, 2006

The Senate passed, as amended, **S.B. 3002**, ACCESS TO INFORMATION GAINED BY THE STATE TAX COMMISSION FROM A RETURN, by Senator C. Bramble, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 3004**, SECURITIES AMENDMENTS, by Senator C. Bramble, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 3002** and **S.B. 3004** read the first time by short title and referred to the Rules Committee.

**MISCELLANEOUS BUSINESS**

On motion of Representative Lockhart, under suspension of the rules, the House voted to lift **S.B. 3002** and **S.B. 3004** were lifted from the Rules Committee, considered read the second time by short title and placed at the top of the Third Reading Calendar.

**THIRD READING CALENDAR**

**S.B. 3002**, ACCESS TO INFORMATION GAINED BY THE STATE TAX COMMISSION FROM A RETURN, read the third time by short title and placed on its final passage.

On motion of Representative Harper, the House voted to circle **S.B. 3002**.

\* \* \*

**S.B. 3004**, SECURITIES AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Urquhart, the House voted to circle **S.B. 3004**.

\* \* \*

**S.C.R. 301**, APPROVAL OF TRANSPORTATION MAINTENANCE SHED CONSTRUCTION, read the third time by short title and placed on its final passage.

**S.C.R. 301** passed on the following roll call:

**Yeas, 66; Nays, 0; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Becker	Bigelow	Bowman	Buttars
Christensen	D. Clark	S. Clark	Cosgrove
D. Cox	Daw	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	J. M. Fisher	Julie Fisher	Frank
Gibson	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Mascaro	Mathis	McGee	Menlove
Morley	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Seelig	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

S. Allen	Biskupski	Buxton	Dayton
Fowlke	Hunsaker	Litvack	Lockhart
Morgan			

**S.C.R. 301** was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

\* \* \*

**S.C.R. 302**, RESOLUTION APPROVING PARKING STRUCTURE FOR CAPITOL COMPLEX, read the third time by short title and placed on its final passage.

**S.C.R. 302** failed to pass on the following roll call:

**Yeas, 31; Nays, 36; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Adams	Barrus	Becker	Bowman
Cosgrove	Dee	Duckworth	J. M. Fisher
Gowans	Hansen	Hardy	Harper
Hendrickson	E. Hutchings	Jones	King
Lawrence	Litvack	Mascaro	McGee
Menlove	Moss	Newbold	Ray
Romero	Seelig	Shurtliff	Wallace
Wheatley	Wiley	Curtis	

**Voting in the negative were:** Representatives

Agard	Alexander	Bigelow	Buttars
Christensen	D. Clark	S. Clark	D. Cox
Daw	Donnelson	Dunnigan	Ferrin
Ferry	Julie Fisher	Frank	Gibson
Hogue	Holdaway	Hughes	B. Johnson
Kiser	Last	Lockhart	Mathis
Morley	Murray	Noel	Oda
Painter	G. Snow	Tilton	Ure
Urquhart	Walker	Wheeler	Wyatt

**Absent or not voting were:** Representatives

S. Allen	Biskupski	Buxton	Dayton
Dougall	Fowlke	Hunsaker	Morgan

**S.C.R. 302** returned to the Senate for filing.

**COMMUNICATION FROM THE SENATE**

Mr. Speaker:

May 24, 2006

The President of the Senate has signed **H.B. 3003**, SHELTER HEARING TECHNICAL AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 3003** was signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

\* \* \*

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

Speaker Curtis called the House to order at 6:05 p.m.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: May 24, 2006

The President of the Senate has signed **H.J.R. 301**, RESOLUTION APPROVING USE OF FEDERAL FUNDS BY THE DEPARTMENT OF NATURAL RESOURCES, by Representative D. Clark, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.J.R. 301** was signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

\* \* \*

Mr. Speaker: May 24, 2006

The Senate substituted and passed, **Senate 1st Sub. H.B. 3001**, TECHNICAL REALLOCATION OF TRANSPORTATION FUNDING, by Representative Bigelow, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed. On motion of Representative Bigelow, the House voted to refuse to concur with the Senate amendments to **1st Sub. H.B. 3001** and to request the Senate to recede from its amendments.

### MISCELLANEOUS BUSINESS

On motion of Representative Dunnigan, the House voted to reconsider its action on **S.C.R. 302** on the following roll call:

**Yeas, 40; Nays, 27; Absent or not voting, 8.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Becker	Biskupski	Bowman	S. Clark
Cosgrove	D. Cox	Dee	Duckworth
Dunnigan	J. M. Fisher	Gibson	Hansen
Hardy	Harper	Hendrickson	E. Hutchings
B. Johnson	Jones	King	Lawrence
Litvack	Mathis	McGee	Menlove
Moss	Murray	Newbold	Oda
Ray	Romero	Seelig	Shurtliff
Wallace	Wheatley	Wiley	Curtis



**Voting in the negative were:** Representatives

Bigelow	Buttars	Christensen	D. Clark
Daw	Donnelson	Dougall	Ferrin
Ferry	Julie Fisher	Frank	Gowans
Hogue	Holdaway	Hughes	Kiser
Last	Lockhart	Mascaro	Morley
Noel	Painter	Tilton	Ure
Urquhart	Walker	Wheeler	

**Absent or not voting were:** Representatives

S. Allen	Buxton	Dayton	Fowlke
Hunsaker	Morgan	G. Snow	Wyatt

**RECONSIDERATION OF S.C.R. 302**

**S.C.R. 302**, RESOLUTION APPROVING PARKING STRUCTURE FOR CAPITOL COMPLEX, was before the House upon its final passage.

On motion of Representative Harper, the House voted to circle **S.C.R. 302**.

**UNFINISHED BUSINESS**

On motion of Representative Harper, the House voted to uncircle **S.C.R. 302**.

**S.C.R. 302**, RESOLUTION APPROVING PARKING STRUCTURE FOR CAPITOL COMPLEX, was before the House upon its reconsideration.

Representative Urquhart proposed the following amendment:

1. Page 1, Line 16:  
Delete "\$15 million" and insert "\$500,000"
2. Page 1, Line 17:  
Delete "construct" and insert "design"
3. Page 2, Line 44:  
Delete "\$15 million" and insert "\$500,000" and delete "construct" and insert "design"

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

**Yeas, 28; Nays, 37; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Barrus
Buttars	Christensen	D. Clark	S. Clark

D. Cox	Daw	Donnelson	Dougall
Ferrin	Julie Fisher	Frank	Holdaway
Hughes	B. Johnson	Lockhart	Morley
Noel	Oda	Painter	Tilton
Ure	Urquhart	Walker	Wheeler

**Voting in the negative were:** Representatives

Becker	Bigelow	Biskupski	Bowman
Cosgrove	Dee	Duckworth	Dunnigan
J. M. Fisher	Gibson	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Jones	King	Kiser	Lawrence
Litvack	Mascaro	Mathis	McGee
Menlove	Moss	Murray	Newbold
Ray	Romero	Seelig	Shurtliff
Wallace	Wheatley	Wiley	Wyatt
Curtis			

**Absent or not voting were:** Representatives

S. Allen	Buxton	Dayton	Ferry
Fowlke	Hunsaker	E. Hutchings	Last
Morgan	G. Snow		

**S.C.R. 302** passed on the following roll call:

**Yeas, 39; Nays, 27; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

Aagard	Alexander	Barrus	Becker
Biskupski	Bowman	S. Clark	Cosgrove
D. Cox	Dee	Duckworth	Dunnigan
Ferry	J. M. Fisher	Gibson	Gowans
Hansen	Hardy	Harper	Hendrickson
Jones	King	Lawrence	Litvack
Mascaro	McGee	Menlove	Moss
Murray	Newbold	Oda	Ray
Romero	Seelig	Shurtliff	Wallace
Wheatley	Wiley	Curtis	

**Voting in the negative were:** Representatives

Adams	Bigelow	Buttars	Christensen
D. Clark	Daw	Donnelson	Dougall
Ferrin	Julie Fisher	Frank	Hogue

Holdaway	Hughes	B. Johnson	Kiser
Lockhart	Mathis	Morley	Noel
Painter	Tilton	Ure	Urquhart
Walker	Wheeler	Wyatt	

**Absent or not voting were:** Representatives

S. Allen	Buxton	Dayton	Fowlke
Hunsaker	E. Hutchings	Last	Morgan
G. Snow			

**S.C.R. 302** was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

### COMMUNICATION FROM THE SENATE

Mr. Speaker: May 24, 2006

The Senate refuses to recede from its substitution of **1st Sub. H.B. 3001**, TECHNICAL REALLOCATION OF TRANSPORTATION FUNDING, by Representative R. Bigelow, and has appointed a Conference Committee consisting of Senators S. Jenkins, S. Killpack, and M. Dmitrich to meet with a like committee from the House on this bill.

Annette B. Moore  
Secretary of the Senate

Communication filed. On motion of Representative Bigelow, the Speaker was authorized to appoint a conference committee. The Speaker appointed Representatives Bigelow, Lockhart, and Shurtliff.

### UNFINISHED BUSINESS

On motion of Representative Dougall, the House voted to uncircle **S.B. 3004**.

**S.B. 3004**, SECURITIES AMENDMENTS, was before the House on its final passage.

Representative Dougall proposed the following amendment:

1. Page 1, Lines 11 through 13  
Senate 2nd Reading Amendments 5-24-2006

11 This bill:

12 ► requires a broker-dealer to notify the division of the failure to settle certain

13 securities transactions occurring on or after ~~{-July-1,~~  
2006-} October 1, 2006 ;

► addresses liability for failure to file the notice including  
waiver of penalties or amounts owed for reasonable cause;

2. Page 1, Lines 21 through 22a  
Senate 2nd Reading Amendments 5-24-2006:

21 Other Special Clauses:

22 This bill provides an immediate effective date.

22a {~~§~~→ This bill provides revisors instructions. ←~~§~~ }

3. Page 3, Lines 62 through 63:

62 (D) the failure to settle described in this Subsection (2)(d)  
occurs on or after ~~{-July 1 }~~ October 1 .

63 2006.

4. Page 3, Lines 79 through 80:

79 (iv) (A) {-A } Subject to Subsection (2)(d)(iv)(C), a  
broker-dealer who materially fails to provide the notice required by

80 Subsection (2)(d)(ii) is liable to the company whose securities were  
the subject of the

5. Page 3, Line 88 through Page 4, Line 94:

88 (B) {-The } Subject to Subsection (2)(d)(iv)(C), the  
company described in this Subsection (2)(d)(iv) may sue at law or in  
equity to

89 enforce the payment of:

90 (I) the amount described in  
Subsection (2)(d)(iv)(A) §→(H) ←§ ;

91 (II) interest at 12% per year from the day on which the  
broker-dealer fails to provide

92 the notice required by Subsection (2)(d)(ii);

93 (III) costs; and

94 (IV) reasonable attorney's fees.

(C) The court in an action brought under this Subsection (2)(d)(iv)

may waive the amounts owed under this Subsection (2)(d)(iv), upon a showing by the licensed broker-dealer who is subject to this Subsection (2)(d) or any person listed in Subsection (2)(d)(v) of reasonable cause including for any exception provided in Regulation SHO, 17 C.F.R. 242.200 et seq.

6. Page 4, Lines 111 through 112  
Senate 2nd Reading Amendments 5-24-2006:

111 (vii) The rights and remedies provided in this Subsection (2)(d)  
are in addition to any

112 other rights or remedies that may exist at law or in equity.

(viii) With regard to any enforcement action the division may take to enforce this Subsection (2)(d), the division may waive any penalty or amounts owed upon a showing by the licensed broker-dealer who is subject to this Subsection (2)(d) or any person listed in Subsection (2)(d)(v) of reasonable cause including for any exception provided in Regulation SHO, 17 C.F.R. 242.200 et seq.

7. Page 14, Lines 422 through 423:

422 (z) "Threshold security" means a security that is a threshold security under ~~{-regulations~~

423 ~~issued under the Securities and Exchange Act of 1934 }~~ Regulation SHO, 17 C.F.R. 242.200 et seq. .

8. Page 17, Lines 523a through 523e  
Senate 2nd Reading Amendments 5-24-2006:

523a ~~{§ → Section 5. Revisors instructions.~~

523b ~~If this bill passes the Legislature by less than two-thirds of all the members elected to each~~

523c ~~house, the Office of Legislative Research and General Counsel in enrolling shall change the~~

523d ~~date "July 1, 2006" cited in the long title and Subsection 61-1-5(2)(d)(i)(D) to "August 1,~~

523e ~~2006". ←§}~~

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

Representative Ferrin declared a conflict of interest because he is a securities broker.

**S.B. 3004**, as amended, passed on the following roll call:

**Yeas, 65; Nays, 1; Absent or not voting, 9.**

**Voting in the affirmative were:** Representatives

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

**Voting in the negative was:** Representative  
Shurtliff

**Absent or not voting were:** Representatives

S. Allen	Buxton	Dayton	Fowlke
Hunsaker	E. Hutchings	Last	Morgan
G. Snow			

**S.B. 3004**, as amended, returned to the Senate for further consideration.

### UNFINISHED BUSINESS

On motion of Representative Harper, the House voted to uncircle **S.B. 3002**.

**S.B. 3002**, ACCESS TO INFORMATION GAINED BY THE STATE TAX COMMISSION FROM A RETURN, was before the House on its final passage.

Representative Christensen proposed the following amendment:

1. Page 6, Lines 164 through 171  
Senate 2nd Reading Amendments 5–24–2006

164 (ii) Notwithstanding Subsection (1) and except as provided in Subsection (3)(q)(iii).

165 the commission shall {~~at the request of an office~~} provide to {~~the~~} an office all information §→ :

165a (A) ←§ gained by the

166 commission §→ from] : {~~and~~}

166a (B) required to be attached to or included in ←§ a return filed with the commission {~~—~~} :

(C) if the office requests the information in writing for the limited purpose of providing:

(I) information to assist the legislative process; and

(II) (Aa) a fiscal estimate;

(Bb) fiscal note information; or

(Cc) statistical information; and

(D) for:

(I) a particular:

(Aa) time period specified by the office; and

(Bb) tax, fee, or charge specified by the office; and

(II) all persons that are required to file a return relating to the particular:

(Aa) time period specified by the office in accordance with Subsection (3)(q)(ii)(D)(I)(Aa); and

(Bb) tax, fee, or charge specified by the office in accordance with Subsection (3)(q)(ii)(D)(I)(Bb).

167 (iii) (A) The commission may not provide to an office a person's:

168 {~~(A)~~} (I) address;

169 {~~(B)~~} (II) name;

170 {~~(C)~~} (III) Social Security number; or

171 {~~(D)~~} (IV) taxpayer identification number.

(B) The commission shall in all instances protect the privacy of a person as required by Subsection (3)(q)(iii)(A).

- 2. Page 6, Line 179 through Page 7, Line 184  
Senate 2nd Reading Amendments 5–24–2006:

179 (v) (A) A person may not request information from an office under Title 63, Chapter 2.

180 Government Records Access and Management Act, or this section,  
if that office received the

181 information from the commission in accordance with this  
Subsection (3)(q).

182 (B) An office may not provide to a person that requests  
information in accordance with

183 Subsection (3)(q)(v)(A) any information other than the information  
the office provides in

184 accordance with Subsection (3)(q)(iv).

(vi) An office may not request from the commission a person's:

(A) address;

(B) name;

(C) Social Security number; or

(D) taxpayer identification number.

3. Page 7, Lines 192 through 197:

192 (c) Notwithstanding Subsection (5)(a) or (b), a person that  
requests information in

193 accordance with Subsection (3)(q)(v):

194 (i) is not guilty of a class A misdemeanor; and

195 (ii) is not subject to:

196 (A) dismissal from office in accordance with Subsection (5)(b);  
or

197 (B) disqualification from holding public office in accordance  
with Subsection (5)(b).

(d) Notwithstanding Subsection (5)(a) or (b), an office that requests  
information in accordance with Subsection (3)(q)(vi):

(i) is not guilty of a class A misdemeanor; and

(ii) is not subject to:

(A) dismissal from office in accordance with Subsection (5)(b); or

(B) disqualification from holding public office in accordance with  
Subsection (5)(b).

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

**S.B. 3002**, as amended, passed on the following roll call:



**Yeas, 65; Nays, 0; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

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

**Absent or not voting were:** Representatives

S. Allen	Buxton	Dayton	Fowlke
Hunsaker	E. Hutchings	Last	Morgan
G. Snow	Curtis		

**S.B. 3002**, as amended, returned to the Senate for further consideration.

\* \* \*

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

Speaker Curtis called the House to order at 9:25 p.m.

\* \* \*

On motion of Representative Bigelow, the House authorized the Speaker to appoint a new Conference Committee to **H.B. 3001**. Speaker Curtis appointed Representatives Urquhart, Alexander, and Romero.

\* \* \*

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

Speaker Curtis called the House to order at 10:00 p.m.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: May 24, 2006

The Senate concurred in the House amendments and passed **S.B. 3004**, SECURITIES AMENDMENTS, by Senator C. Bramble, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **S.B. 3004** was signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

\* \* \*

Mr. Speaker: May 24, 2006

The Senate refuses to concur with the House Amendments to **S.B. 3002**, ACCESS TO INFORMATION GAINED BY THE STATE TAX COMMISSION FROM A RETURN, by Senator C. Bramble, and requests the House recede from its amendments.

Annette B. Moore  
Secretary of the Senate

Communication filed. On motion of Representative Harper, the House voted to refuse to recede from its amendments to **S.B. 3002**. The Speaker was authorized to appoint a conference committee. The Speaker appointed Representatives Harper, Christensen, and Jones.

\* \* \*

Mr. Speaker: May 24, 2006

The President of the Senate has signed **H.B. 3004**, SALES AND USE TAX RELATING TO FOOD, by Representative B. Ferry, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **H.B. 3004** was signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

\* \* \*

Mr. Speaker: May 24, 2006

The Conference Committee for **1st Sub. H.B. 3001**, TECHNICAL REALLOCATION OF TRANSPORTATION FUNDING, by Representative

R. Bigelow, has failed to agree and a new Conference Committee consisting of Senators L. A. Mansell, L. Hillyard, and G. Davis, has been appointed to meet with a like committee from the House on this bill.

Annette B. Moore  
Secretary of the Senate

Communication filed.

\* \* \*

Mr. Speaker: May 24, 2006

The Senate adopted the Joint Conference Committee Report dated May 24, 2006, and passed **2nd Sub. H.B. 3001**, TECHNICAL REALLOCATION OF TRANSPORTATION FUNDING, by Representative R. Bigelow, and it is transmitted for further consideration.

Annette B. Moore  
Secretary of the Senate

Communication filed.

**CONFERENCE COMMITTEE REPORT**

Mr. Speaker: May 24, 2006

The Joint Conference Committee comprised of Senators Mansell, Hillyard, and Davis, and Representatives Alexander, Urquhart, and Romero, recommends **1st Sub. H.B. 3001**, TECHNICAL REALLOCATION OF TRANSPORTATION FUNDING, by Representative R. Bigelow, be replaced and favorably recommends **2nd Sub. H.B. 3001**, TECHNICAL REALLOCATION OF TRANSPORTATION FUNDING.

Jeff Alexander, House Chair  
Al Mansell, Senate Chair

Report filed. On motion of Representative Alexander, the House voted to adopt the Joint Conference Committee Report.

**2nd Sub. H.B. 3001** then passed on the following roll call:

**Yeas, 40; Nays, 20; Absent or not voting, 15.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	Barrus
Bigelow	Biskupski	Bowman	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Donnelson	Dougall	Dunnigan	Ferrin

Ferry	Julie Fisher	Frank	Hardy
Harper	Hogue	Holdaway	Hughes
Kiser	Litvack	Lockhart	Morley
Newbold	Oda	Ray	Romero
Seelig	Tilton	Urquhart	Walker
Wallace	Wheeler	Wyatt	Curtis

**Voting in the negative were:** Representatives

Becker	Buttars	Dee	Duckworth
J. M. Fisher	Gibson	Gowans	Hansen
Hendrickson	B. Johnson	King	Lawrence
Mathis	McGee	Menlove	Moss
Murray	Shurtliff	Ure	Wiley

**Absent or not voting were:** Representatives

S. Allen	Buxton	Christensen	Dayton
Fowlke	Hunsaker	E. Hutchings	Jones
Last	Mascaro	Morgan	Noel
Painter	G. Snow	Wheatley	

**2nd Sub. H.B. 3001** transmitted to the Senate for signature of the President.

\* \* \*

Speaker Curtis called the House to order at 11:10 p.m.

**COMMUNICATION FROM THE SENATE**

Mr. Speaker: May 24, 2006

The Senate refuses to recede from its amendments to **S.B. 3002**, ACCESS TO INFORMATION GAINED BY THE STATE TAX COMMISSION FROM A RETURN, by Senator C. Bramble, and has appointed a Conference Committee consisting of Senators C. Bramble, H. Stephenson, and B. Goodfellow to meet with a like committee from the House on this bill.

Annette B. Moore  
Secretary of the Senate

Communication filed.

**CONFERENCE COMMITTEE REPORT**

Mr. Speaker: May 24, 2006

The Joint Conference Committee comprised of Senators Bramble, Stephenson, and Goodfellow, and Representatives Harper, Christensen, and

Jones, recommends **S.B. 3002**, ACCESS TO INFORMATION GAINED BY THE STATE TAX COMMISSION FROM A RETURN, by Senator C. Bramble, be replaced and favorably recommends **1st Sub. S.B. 3002**, ACCESS TO INFORMATION GAINED BY THE STATE TAX COMMISSION FROM RETURNS.

Curt Bramble, Senate Chair  
Wayne Harper, House Chair

Report filed. On motion of Representative Harper, the House voted to adopt the Joint Conference Committee Report.

**1st S.B. 3002** then passed on the following roll call:

**Yeas, 54; Nays, 0; Absent or not voting, 21.**

**Voting in the affirmative were:** Representatives

Agard	Adams	Alexander	Barrus
Becker	Bigelow	Biskupski	Bowman
Buttars	Christensen	D. Clark	S. Clark
Cosgrove	Daw	Dee	Donnelson
Dougall	Duckworth	Ferrin	Ferry
J. M. Fisher	Julie Fisher	Frank	Gibson
Gowans	Hansen	Harper	Hendrickson
Hogue	Holdaway	Hughes	Jones
Kiser	Litvack	Lockhart	McGee
Menlove	Morley	Moss	Murray
Newbold	Oda	Ray	Romero
Seelig	Shurtliff	Tilton	Urquhart
Walker	Wallace	Wheeler	Wiley
Wyatt	Curtis		

**Absent or not voting were:** Representatives

S. Allen	Buxton	D. Cox	Dayton
Dunnigan	Fowlke	Hardy	Hunsaker
E. Hutchings	B. Johnson	King	Last
Lawrence	Mascaro	Mathis	Morgan
Noel	Painter	G. Snow	Ure
Wheatley			

**1st S.B. 3002** transmitted to the Senate for further consideration.

### COMMUNICATION FROM THE SENATE

Mr. Speaker:

May 24, 2006

The Senate adopted the Joint Conference Committee Report dated May 24, 2006, and passed **S.B. 3002**, ACCESS TO INFORMATION GAINED BY THE

STATE TAX COMMISSION FROM A RETURN, by Senator C. Bramble, and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communication filed. **S.B. 3002** was signed by the Speaker and returned to the Senate for signature of the President, enrolling, and transmission to the Governor.

### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to strike the enacting clause on all House and Senate bills and resolutions remaining on the House and Senate calendars and any bills or resolutions remaining in the possession of the Rules Committee.

On motion of Representative Urquhart, the Speaker was authorized 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 to adjourn sine die. Speaker Curtis appointed Representatives Johnson, Murray, and Duckworth.

On motion of Representative Alexander, 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 prepared to to adjourn sine die. Speaker Curtis appointed Representatives Ray, Tilton, and Jones.

Representative Johnson reported that his committee, with a like committee from the Senate, had waited upon the Governor and informed him that the Legislature had 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 Third Special Session of the Fifty–Sixth Legislature.

Senators Hickman, Goodfellow, and Eastman formally notified the House that the Senate has completed its business and is prepared to adjourn sine die.

Representative Ray reported that his committee had waited upon the Senate and informed them that the House had completed its business and was ready to adjourn sine die

On motion of Representative Alexander, and at 11:40 p.m., the House voted that the Third Special Session of the Fifty–Sixth Legislature adjourn sine die.

**PAGE INDEX FOR HOUSE JOURNAL**

**H.B. 3001** — TECHNICAL REALLOCATION OF TRANSPORTATION FUNDING (*R. Bigelow*)

    Read the first time by short title and referred to the Rules Committee. . . . . 9

    Read the second time . . . . . 10

    Read the third time . . . . . 10

    Circled . . . . . 11

    Uncircled . . . . . 14

    Amendments . . . . . 14

    Transmitted to the Senate . . . . . 16

**1st Sub. H.B. 3001** — TECHNICAL REALLOCATION OF TRANSPORTATION FUNDING (*R. Bigelow*)

    Refuse to Concur . . . . . 24

    Conference Committee Appointed . . . . . 27, 33

    Conference Committee Report . . . . . 35

    Substituted . . . . . 35

**H.B. 3002** — APPROPRIATION TO FUND NEW DRIVERS LICENSE PROGRAMS (*R. Bigelow*)

    Read the first time by short title and referred to the Rules Committee. . . . . 9

    Read the second time . . . . . 10

    Read the third time . . . . . 11

    Transmitted to the Senate . . . . . 11

    Signed by the Speaker and transmitted to the Governor . . . . . 17

**H.B. 3003** — SHELTER HEARING TECHNICAL AMENDMENTS (*W. Harper*)

    Read the first time by short title and referred to the Rules Committee. . . . . 9

    Read the second time . . . . . 10

    Read the third time . . . . . 11

    Transmitted to the Senate . . . . . 12

    Signed by the Speaker and transmitted to the Governor . . . . . 23

**H.B. 3004** — SALES AND USE TAX RELATING TO FOOD (*B. Ferry*)

    Read the first time by short title and referred to the Rules Committee. . . . . 9

    Read the second time . . . . . 10

    Read the third time . . . . . 10

    Circled . . . . . 10

    Uncircled . . . . . 13

    Amendments . . . . . 13

    Transmitted to the Senate . . . . . 14

    Signed by the Speaker and returned to the Senate . . . . . 34

**H.B. 3005** — AUTHORIZING EXPENDITURE OF CERTAIN MEDICAID FUNDS FOR EMERGENCY DENTAL SERVICES (*S. Mascaro*)

    Read the first time by short title and referred to the Rules Committee. . . . . 17

**H.J.R. 301** — RESOLUTION APPROVING USE OF FEDERAL FUNDS BY THE DEPARTMENT OF NATURAL RESOURCES (*D. Clark*)

    Read the first time by short title and referred to the Rules Committee. . . . . 9

    Read the second time . . . . . 10

    Read the third time . . . . . 12

    Transmitted to the Senate . . . . . 13

    Signed by the Speaker and returned to the Senate . . . . . 24

**S.B. 3001** — APPROPRIATION TRANSFER FOR DIVISION OF MUSEUM SERVICES (*L. Hillyard*)

    Read the first time by short title and referred to Rules Committee . . . . . 16

    Read the second time . . . . . 18

    Read the third time . . . . . 18

    Signed by the Speaker and returned to the Senate . . . . . 19

**S.B. 3002** — ACCESS TO INFORMATION GAINED BY THE STATE TAX COMMISSION FROM A RETURN (*C. Bramble*)

    Read the first time by short title and referred to Rules Committee . . . . . 21

    Read the second time . . . . . 21

    Read the third time . . . . . 21

    Circled . . . . . 21

    Uncircled . . . . . 30

    Amendments . . . . . 30

    Returned to the Senate . . . . . 33

    Refuse to Recede . . . . . 34

    Substituted . . . . . 37

    Signed by the Speaker and returned to the Senate . . . . . 38

**1st Sub. S.B. 3002** — ACCESS TO INFORMATION GAINED BY THE STATE TAX COMMISSION FROM RETURNS (*C. Bramble*)

    Conference Committee Report . . . . . 37

**S.B. 3003** — UNIFORM INTERSTATE ENFORCEMENT OF DOMESTIC VIOLENCE PROTECTION ORDERS ACT – TRANSITIONAL PROVISIONS (*L. Hillyard*)

    Read the first time by short title and referred to Rules Committee . . . . . 16

    Read the second time . . . . . 18

    Read the third time . . . . . 19

    Signed by the Speaker and returned to the Senate . . . . . 20

**S.B. 3004** — SECURITIES AMENDMENTS (*C. Bramble*)

    Read the first time by short title and referred to Rules Committee ..... 21

    Read the second time ..... 21

    Read the third time ..... 21

    Circled ..... 21

    Uncircled ..... 27

    Amendments ..... 27

    Returned to the Senate ..... 30

    Signed by the Speaker ..... 34

**S.B. 3005** — EXECUTIVE COMPENSATION AMENDMENTS (*P. Knudson*)

    Read the first time by short title and referred to Rules Committee ..... 17

**S.B. 3007** — ECONOMIC DEVELOPMENT TAX INCENTIVE FUND APPROPRIATION MODIFICATION (*L. Hillyard*)

    Read the first time by short title and referred to Rules Committee ..... 17

    Read the second time ..... 18

    Read the third time ..... 20

    Signed by the Speaker and returned to the Senate ..... 21

**S.C.R. 301** — APPROVAL OF TRANSPORTATION MAINTENANCE SHED CONSTRUCTION (*J. Hickman*)

    Read the first time by short title and referred to Rules Committee ..... 17

    Read the second time ..... 18

    Read the third time ..... 22

    Signed by the Speaker and returned to the Senate ..... 22

**S.C.R. 302** — RESOLUTION APPROVING PARKING STRUCTURE FOR CAPITOL COMPLEX (*L. A. Mansell*)

    Read the first time by short title and referred to Rules Committee ..... 17

    Read the second time ..... 18

    Read the third time ..... 22

    Circled ..... 25

    Uncircled ..... 25

    Failed ..... 22

    Returned to the Senate ..... 23

    Reconsideration ..... 25

    Amendments ..... 25

    Signed by the Speaker and returned to the Senate ..... 27