

**HOUSE JOURNAL  
of the  
SIXTIETH LEGISLATURE  
of the  
STATE OF UTAH  
  
FIRST HOUSE SESSION**

House Chamber  
State Capitol  
Salt Lake City, Utah  
July 3, 2013

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

Prayer given by Representative John Knotwell. Pledge of Allegiance led by Representative Carol Spackman–Moss.

**MISCELLANEOUS BUSINESS**

Speaker Lockhart appointed Sandy D. Tenney as Chief Clerk of the House of Representatives for the 2013 First House Session of the 60<sup>th</sup> Legislature.

The Chief Clerk, Sandy D. Tenney, read the following:

**PROCLAMATION**

WHEREAS, since the adjournment of the 2013 General Session of the Sixtieth Legislature of the State of Utah, matters have arisen that require the immediate attention of the House of Representatives;

NOW, THEREFORE, I, Rebecca D. Lockhart, Speaker of the House of the Utah House of Representatives, do by this Proclamation call the members of the House of Representatives into a House Session at the Utah State Capitol, in Salt Lake City, Utah, on the 3<sup>rd</sup> day of July 2013, at 10:00 a.m., for the following purpose only:

- (1) to pass House Rules forming a special investigative committee.



THIRTEENTH DISTRICT: County of Davis	Paul Ray
FOURTEENTH DISTRICT: County of Davis	Curtis Oda
FIFTEENTH DISTRICT: County of Davis	Brad R. Wilson
SIXTEENTH DISTRICT: County of Davis	Stephen G. Handy
SEVENTEENTH DISTRICT: County of Davis	Stewart E. Barlow
EIGHTEENTH DISTRICT: County of Davis	Roger E. Barrus
NINETEENTH DISTRICT: County of Davis	Jim Nielson
TWENTIETH DISTRICT: County of Davis	Becky Edwards
TWENTY-FIRST DISTRICT: County of Tooele	Douglas Sagers
TWENTY-SECOND DISTRICT: County of Salt Lake	Susan Duckworth
TWENTY-THIRD DISTRICT: County of Salt Lake	Jennifer M. Seelig
TWENTY-FOURTH DISTRICT: County of Salt Lake	Rebecca Chavez-Houck
TWENTY-FIFTH DISTRICT: County of Salt Lake,	Joel K. Briscoe
TWENTY-SIXTH DISTRICT: County of Salt Lake	Angela Romero
TWENTY-SEVENTH DISTRICT: County of Utah	Michael S. Kennedy
TWENTY-EIGHTH DISTRICT: Counties of Salt Lake, Summit	Brian S. King
TWENTY-NINTH DISTRICT: Counties of Box Elder, Weber	Lee B. Perry
THIRTIETH DISTRICT: County of Salt Lake	Janice Fisher
THIRTY-FIRST DISTRICT: County of Salt Lake	Larry B. Wiley
THIRTY-SECOND DISTRICT: County of Salt Lake	LaVar Christensen
THIRTY-THIRD DISTRICT: County of Salt Lake	Craig Hall Jr.

THIRTY-FOURTH DISTRICT: County of Salt Lake	Johnny Anderson
THIRTY-FIFTH DISTRICT: County of Salt Lake	Mark A. Wheatley
THIRTY-SIXTH DISTRICT: County of Salt Lake	Patrice Arent
THIRTY-SEVENTH DISTRICT: County of Salt Lake	Carol Spackman Moss
THIRTY-EIGHTH: County of Salt Lake	Eric K. Hutchings
THIRTY-NINTH DISTRICT: County of Salt Lake	Jim Dunnigan
FORTIETH DISTRICT: County of Salt Lake	Lynn N. Hemingway
FORTY-FIRST DISTRICT: County of Salt Lake	Daniel McCay
FORTY-SECOND DISTRICT: County of Salt Lake	Jim Bird
FORTY-THIRD DISTRICT: County of Salt Lake	Earl Tanner
FORTY-FOURTH DISTRICT: County of Salt Lake	Tim M. Cosgrove
FORTY-FIFTH DISTRICT: County of Salt Lake	Steven Eliason
FORTY-SIXTH DISTRICT: County of Salt Lake	Marie H. Poulson
FORTY-SEVENTH DISTRICT: County of Salt Lake	Ken Ivory
FORTY-EIGHTH DISTRICT: County of Utah	Keven J. Stratton
FORTY-NINTH DISTRICT: County of Salt Lake	Derek Brown
FIFTIETH DISTRICT: County of Salt Lake	Rich Cunningham
FIFTY-FIRST DISTRICT: County of Salt Lake	Gregory H. Hughes
FIFTY-SECOND DISTRICT: County of Salt Lake	John Knotwell
FIFTY-THIRD DISTRICT: Counties of Daggett, Duchesne, Morgan, Rich, Summit	Melvin R. Brown
FIFTY-FOURTH DISTRICT: Counties of Wasatch, Summit	Kraig Powell

FIFTY-FIFTH DISTRICT: Counties of Duchesne, Uintah	John G. Mathis
FIFTY-SIXTH DISTRICT: County of Utah	Kay J. Christofferson
FIFTY-SEVENTH DISTRICT: County of Utah	Brian M. Greene
FIFTY-EIGHTH DISTRICT: County of Juab, Sanpete	Spencer J. Cox
FIFTY-NINTH DISTRICT: County of Utah	Val Peterson
SIXTIETH DISTRICT: County of Utah	Dana Layton
SIXTY-FIRST DISTRICT: County of Utah	Keith Grover
SIXTY-SECOND DISTRICT: County of Washington	Jon Stanard
SIXTY-THIRD DISTRICT: County of Utah	Dean Sanpei
SIXTY-FOURTH DISTRICT: County of Utah	Rebecca D. Lockhart
SIXTY-FIFTH DISTRICT: County of Utah	Francis D. Gibson
SIXTY-SIXTH DISTRICT: County of Utah	Michael K. McKell
SIXTY-SEVENTH DISTRICT: County of Utah	Marc Roberts
SIXTY-EIGHTH DISTRICT: Counties of Beaver, Juab, Millard, Tooele, Utah	Merrill F. Nelson
SIXTY-NINTH DISTRICT: Counties of Carbon, Duchesne, Emery, Grand	Jerry B. Anderson
SEVENTIETH DISTRICT: Counties of Emery, Grand, Sanpete, Sevier	Kay L. McIff
SEVENTY-FIRST DISTRICT: County of Washington, Iron	Bradley G. Last
SEVENTY-SECOND DISTRICT: County of Iron	John R. Westwood
SEVENTY-THIRD DISTRICT: Counties of Beaver, Garfield, Kane, Piute, San Juan, Sevier, Wayne	Michael E. Noel

SEVENTY–FOURTH DISTRICT: County Washington

V. Lowry Snow

SEVENTY–FIFTH DISTRICT: County of Washington

Don L. Ipson

IN TESTIMONY WHEREOF,  
I have hereunto set my hand,  
and affixed the Great Seal of the  
State of Utah this 1st day of  
July, 2013 at Salt Lake City,  
Utah.

Sincerely,  
Greg S. Bell  
Lieutenant Governor

Communication filed.

### MISCELLANEOUS BUSINESS

Roll call showed all members present, except Representatives Rebecca Chavez–Houck and Kraig Powell, excused.

On motion of Representative Sanpei, the House voted to adopt the same House Rules as were adopted by the 2013 General Session of the 60<sup>th</sup> Legislature.

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

### INTRODUCTION OF RESOLUTION

**H.R. 9001, House Rules Resolution Forming Special Investigative Committee** (D. Sanpei), was read the first time by short title and referred to the Rules Committee.

### MISCELLANEOUS BUSINESS

On motion of Representative Sanpei, the House voted to lift **H.R. 9001** from the Rules Committee and read it for the second time. This resolution has had an interim committee hearing.

### THIRD READING CALENDAR

**H.R. 9001, HOUSE RULES RESOLUTION FORMING SPECIAL INVESTIGATIVE COMMITTEE**, *Representative Sanpei*, was read the third time by short title and placed on its final passage.

Representative V. Peterson proposed Amendment 3:

- 1. Page 3, Lines 73 through 75:

73 (c) The members of the Special Investigative Committee who do not vote in favor of

74 the final report described in Subsection (11)(a), may present a minority report to the Speaker at

75 the same time that the final report is presented to the Speaker.

(d) The Special Investigative Committee shall provide the House periodic accounting detailing the ongoing costs incurred in the investigation.

Representative Hemingway and Nielson commented. Representative V. Peterson’s motion to amend passed on a voice vote.

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Representative Nielson proposed Amendment 11:

- 1. Page 2, Lines 53 through 56:

53 (b) investigate matters related to the current attorney general that arise as part of the

54 investigation: {~~and~~}

55 (c) report to the House findings of fact about the matters investigated and the need, if

56 any, for legislation {~~and~~} ; and

(d) be limited to investigating potential violations under Utah Constitution, Article VI, Section 19.

Representatives Sanpei and Ivory commented.

Representative Hutchings moved a substitute motion to amend with Amendment 13:

- 1. Page 2, Lines 32 through 34:

32 (1) There is created a Special Investigative Committee to investigate allegations of misconduct against

33 the current attorney general and matters related to the attorney general that arise as part of the

34 investigation.

2. Page 2, Lines 51 through 56:

51 (7) The Special Investigative Committee shall:

52 (a) investigate allegations of misconduct against the  
current attorney general;

53 (b) investigate matters related to the current attorney general  
that arise as part of the

54 investigation; and

55 (c) report to the House findings of fact about the matters  
investigated and the need, if

56 any, for legislation.

3. Page 2, Line 57 through Page 3, Line 63:

57 (8) (a) The Special Investigative Committee may  
investigate allegations of misconduct against the current

58 attorney general {~~that~~} which conduct occurred while the  
current attorney general:

59 {~~(a) was admitted to a state bar and that relate to the current~~  
attorney general's fitness to

60 subsequently serve as deputy attorney general or attorney  
general: }

61 {~~(b)~~} (i) served as deputy attorney general;

62 {~~(c)~~} (ii) was a candidate , as defined in Section  
20A-11-101, for attorney general; and

63 {~~(d)~~} (iii) has served as attorney general.

(b) The committee may investigate allegations of misconduct that  
relate to the current attorney general's fitness to serve as deputy attorney  
general or attorney general, that occurred before the current attorney  
general became deputy attorney general, if the committee approves the  
investigation by majority vote.

4. Page 3, Line 65:

65 (10) The Special Investigative Committee  
{~~may~~} shall adopt guidelines and procedures to be



Representatives Nielson, Sanpei, Anderegg, Wilson, Ivory, and Snow commented.

Representative Hutchings’ substitute motion to amend passed on a voice vote.

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Representative McIff proposed a verbal amendment as follows:

- 1. Page 3, Line 63 (refer to Amendment 13):  
At the end of the line delete “majority” and insert “two-thirds”

Representatives Sanpei, Tanner, King, and Sagers commented.

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

**Yeas, 27; Nays, 45; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Jerry A	Johnny A	Barlow	Barrus
Brown M	Christensen	Edwards	Froerer
Handy	Hughes	Hutchings	Ivory
Last	McIff	Nelson	Nielson
Noel	Oda	Perry	Peterson J
Pitcher	Roberts	Snow	Stanard
Webb	Wilcox	Wiley	

**Voting in the negative were:** Representatives

Anderegg	Arent	Bird	Briscoe
Brown D	Christofferson	Cosgrove	Cox
Cunningham	Dee	Draxler	Duckworth
Dunnigan	Eliason	Fisher	Gibson
Greene	Greenwood	Grover	Hall
Hemingway	Ipson	Kennedy	King
Knotwell	Layton	Lifferth	Mathis
McKell	Menlove	Moss	Peterson V
Poulson	Ray	Redd	Romero
Sagers	Sanpei	Seelig	Stratton
Tanner	Westwood	Wheatley	Wilson
Lockhart			

**Absent or not voting were:** Representatives

Chavez–Houck	McCay	Powell
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Representative D. Brown proposed Amendment 4:

- 1. Page 3, Lines 73 through 75:

73 (c) The members of the Special Investigative Committee who do not vote in favor of

74 the final report described in Subsection (11)(a), may present a minority report to the Speaker at

75 the same time that the final report is presented to the Speaker.

(d) The final report and minority report, if any, shall present the information and evidence gathered by the Special Investigative Committee, and may not include specific recommendations for actions, except for recommendations for legislation, if any.

Representatives Sanpei commented.

Representative Wiley proposed a substitute verbal amendment as follows:

- 1. Page 3, Line 71, 74 and 75:  
Delete "Speaker" and insert "House"
- 2. Include the written portion of Amendment 4 with the above changes.

Representatives Sanpei, Anderegg, and King commented.

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

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Representative King proposed to delete **H.R. 9001** in title and body and insert **1st Sub. H.R. 9001** in lieu thereof.

Representatives Dee, Moss, Briscoe, Barrus, Stanard, Greene, Sanpei, and Cox commented.

Representative King’s motion to substitute failed on the following roll call:

**Yeas, 13; Nays, 58; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Arent	Briscoe	Cosgrove	Duckworth
Fisher	Hemingway	King	Moss
Poulson	Romero	Seelig	Wheatley
Wiley			

**Voting in the negative were:** Representatives

Anderegg	Jerry A	Barlow	Barrus
Bird	Brown D	Brown M	Christensen
Christofferson	Cox	Cunningham	Dee
Draxler	Dunnigan	Edwards	Eliason
Froerer	Gibson	Greene	Greenwood
Grover	Hall	Handy	Hughes
Hutchings	Ipson	Ivory	Kennedy
Knotwell	Last	Layton	Lifferth
Mathis	McIff	McKell	Menlove
Nelson	Nielson	Noel	Oda
Perry	Peterson J	Peterson V	Pitcher
Ray	Redd	Roberts	Sagers
Sanpei	Snow	Stanard	Stratton
Tanner	Webb	Westwood	Wilcox
Wilson	Lockhart		

**Absent or not voting were:** Representatives

Johnny A	Chavez-Houck	McCay	Powell
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Representative Hutchings proposed Amendment 17:

1. Page 2, Line 57 through Page 3, Line 63:  
Delete Subsection (8)(b) inserted by Amendment 13, Item 3 and replace it with the following:  
“(b) The committee may investigate allegations of misconduct that occurred before the current attorney general became deputy attorney general if:  
(i) the allegations of misconduct relate to the current attorney general’s fitness to serve as attorney general; and  
(ii) the committee approves the investigation by a majority vote.”

Representative Hutchings’ motion to amend passed on a voice vote.

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Representative Wiley proposed Amendment 7:

1. Page 2, Lines 35 through 38:  
  
35 (2) The Special Investigative Committee shall consist of nine members of the House

36 appointed by the Speaker , no more than five members from the same political party .

37 (3) The Speaker shall designate one of the members to serve as chair of the Special

38 Investigative Committee. The chair shall be a nonvoting member of the Special Investigative Committee, except the chair may vote to resolve a tie vote of the other members of the Special Investigative Committee.

Representative Sanpei commented.

Representative McIff proposed a substitute verbal amendment as follows:

- 1. Page 2, Line 38:  
Refer to Amendment 7. Delete the new language on line 38.

Representatives Sanpei, Anderegg, Greene, J. Peterson, Handy, Seelig, and Wilcox commented.

Representative McIff’s substitute verbal motion to amend failed on a voice vote.

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

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**H.R. 9001**, as amended, passed on the following roll call:

**Yeas, 69; Nays, 3; Absent or not voting, 3.**

**Voting in the affirmative were:** Representatives

Anderegg	Jerry A	Johnny A	Arent
Barlow	Barrus	Bird	Briscoe
Brown D	Brown M	Christensen	Christofferson
Cosgrove	Cox	Cunningham	Dee
Draxler	Duckworth	Dunnigan	Edwards
Eliason	Fisher	Froerer	Gibson
Greene	Greenwood	Grover	Hall
Handy	Hemingway	Hughes	Hutchings
Ipson	Kennedy	King	Knotwell
Last	Layton	Lifferth	Mathis
McIff	McKell	Menlove	Moss
Nelson	Noel	Perry	Peterson J

Peterson V	Pitcher	Poulson	Ray
Redd	Roberts	Romero	Sagers
Sanpei	Seelig	Snow	Stanard
Stratton	Tanner	Webb	Westwood
Wheatley	Wilcox	Wiley	Wilson
Lockhart			

**Voting in the negative were:** Representatives

Ivory	Nielson	Oda
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**Absent or not voting were:** Representatives

Chavez–Houck	McCay	Powell
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**H.R. 9001**, as amended, was signed by the Speaker and referred to staff for enrolling and transmission to the Lieutenant Governor for filing.

**MISCELLANEOUS BUSINESS**

Speaker Lockhart clarified that Joint Rule 4–1–302 indicates that a House Resolution becomes effective on the date that the resolution receives final approval from the House of Representatives.

**H.R. 9001** is effective today, July 3, 2013.

Speaker Lockhart directed House Chief Clerk Sandy D. Tenney to read, revise and make minor corrections to the daily House Journal and be responsible for certifying the indexed and bound copy as the accurate record of the proceedings of the 2013 First House Session of the 60th Legislature.

On motion of Representative Brad Dee, and at 12:45 p.m., the House voted that the 2013 First House Session of the 60th Legislature adjourn sine die.

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