

**HOUSE JOURNAL**  
**of the**  
**SIXTY–FIRST LEGISLATURE**  
**of the**  
**STATE OF UTAH**  
  
**FIRST SPECIAL SESSION**

House Chamber  
State Capitol  
Salt Lake City, Utah  
Wednesday, August 19, 2015

The House was called to order by Speaker Gregory H. Hughes at 3:40 p.m.

Roll call showed all members present, except Representative Dixon Pitcher, excused.

Prayer and Pledge of Allegiance by Representative Justin Fawson.

Chief Clerk Sandy Tenney read the following:

**PROCLAMATION**

WHEREAS, since the adjournment of the 2015 General Session of the Sixty–First Legislature of the State of Utah, certain 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 Special Session;

NOW, THEREFORE, I, Gary R. Herbert, 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 into a First Special Session at the Utah State Capitol, in Salt Lake City, Utah, on the 19th day of August 2015, at 3:00 p.m., for the following purposes:

1. to consider the recommendation of the Prison Relocation Commission as to the building of a new state prison at the location of Interstate–80 and 7200 West in Salt Lake City;

2. to consider changes to the statute of limitations governing refunds or credits issued for overpayment of corporate taxes;

3. to consider the statutory qualifications for the Medicaid Inspector General;
4. to consider corrections to the penalty for an accident involving injury, death, or property damage, and code references within Utah Code 76–10–503;
5. to consider clarifications to Utah Code 78B–2–201; and
6. for the Senate to consent to appointments made by the Governor.

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 Utah State Capitol in Salt  
Lake City, Utah, this 14th day  
of August 2015.

GARY R. HERBERT  
Governor

SPENCER J. COX  
Lieutenant Governor

Communication filed.

### **CERTIFICATION**

I, Spencer J. Cox, Lieutenant Governor of the State of Utah, do hereby certify that the attached copy of the Proclamation issued on the 15th day of August, 2015 and signed by Governor Gary R. Herbert, is a true and correct copy of the original Proclamation calling the Sixty–First Legislature of the State of Utah into a First Special Session at the Capitol Complex at Salt Lake City, Utah on the 19th day of August, 2015, at 3:00 PM, 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 2015 General Session, with the following exception:

DISTRICT FIFTY–EIGHT: Sanpete County  
Derrin Owens

IN TESTIMONY WHEREOF,  
I have hereunto set my hand and  
affixed the Great Seal of the  
State of Utah, at Salt Lake City,  
this 17th day of August, 2015.

SPENCER J. COX  
Lieutenant Governor

Communication filed.

### **MISCELLANEOUS BUSINESS**

Senators Jenkins, Vickers, and Dabakis formally notified the House of Representatives that the Senate was organized and ready to do business.

Speaker Hughes announced that pursuant to Joint Rule 2–1–101, the Rules adopted by the Legislature during the 2015 General Session apply to the conduct of the House during the 2015 First Special Session.

Speaker Hughes appointed the following Representatives to act with a like committee from the Senate to wait upon the Governor and inform him that the Legislature is organized and ready to receive any communication or message he may have to offer: Representatives Richard Cunningham, Robert Spendlove, and Carol Moss.

Speaker Hughes appointed the following Representatives as the committee to notify the Senate to inform that honorable body that the House is organized and ready to do business: Representatives Keven Stratton, Marc Roberts, and Mark Wheatley.

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

On motion of Representative King, the House voted to suspend the rule requiring that bills and resolutions remain on a calendar for one legislative day between second and third readings and that the House also suspend the House Rule

requiring a favorable recommendation from a House Standing Committee prior to passage of bills and resolutions.

Representative Stratton informed the House that his committee notified the Senate that the House is organized and ready to do business.

Representative Cunningham informed the House that his committee, working with a like committee from the Senate, notified the Governor that the Legislature was organized and ready to do business.

### INTRODUCTION OF BILLS

**H.B. 1001, Statute of Limitations Amendments** (M. Noel), was read the first time by short title.

**H.C.R. 101, Concurrent Resolution Approving Site for New State Correctional Facilities** (B. Wilson), was read the first time by short title.

**H.C.R. 102, Concurrent Resolution Regarding Site for New State Correctional Facilities** (F. Cox), was read the first time by short title.

### MISCELLANEOUS BUSINESS

On motion of Representative Dunnigan, under suspension of the rules, the House voted that **H.B. 1001, H.C.R. 101, and H.C.R. 102** be read the second time by short title and placed on the Third Reading Calendar.

**H.B. 1001, H.C.R. 101, and H.C.R. 102** were read the second time by short title and placed on the Third Reading Calendar.

### THIRD READING CALENDAR

**H.B. 1001, STATUTE OF LIMITATIONS AMENDMENTS**, *Representative Noel*, was read the third time by short title and placed on its final passage.

Representative Noel proposed Amendment 1:

1. Page 2, Lines 33 through 35:

33        (2) The statute of limitations in this section runs from the date on which the state or

34        those from whom it claims    { ~~became aware, or through the exercise of reasonable diligence~~

35 ~~should have become aware,}~~ received actual notice of the facts giving rise to the action.

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

Representatives Snow, Nelson, and Sagers commented.

**H.B. 1001**, as amended, passed on the following roll call:

**Yeas, 67; Nays, 6; Absent or not voting, 2.**

**Voting in the affirmative were:** Representatives

Anderegg	Anderson	Barlow	Brown M
Chew	Christensen	Christofferson	Coleman
Cox F	Cunningham	Cutler	Daw
Dee	DiCaro	Draxler	Duckworth
Dunnigan	Edwards	Eliason	Fawson
Froerer	Gibson	Greene	Grover
Hall	Handy	Hawkes	Ipson
Ivory	Kennedy	Brad King	Brian King
Knotwell	Last	Lifferth	McCay
McIff	McKell	Miller	Nelson
Noel	Oda	Owens	Perry
Peterson J	Peterson V	Poulson	Powell
Ray	Redd	Roberts	Sagers
Sandall	Sanpei	Schultz	Snow
Spendlove	Stanard	Stratton	Tanner
Thurston	Ward	Webb	Westwood
Wheatley	Wilson	Hughes	

**Voting in the negative were:** Representatives

Arent	Briscoe	Chavez–Houck	Hollins
Moss	Romero		

**Absent or not voting were:** Representatives

Hutchings	Pitcher
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**H.B. 1001**, as amended, was transmitted to the Senate for its consideration.

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**H.C.R. 101**, CONCURRENT RESOLUTION APPROVING SITE FOR NEW STATE CORRECTION FACILITIES, *Representative Wilson*, was read the third time by short title and placed on its final passage.

Representative Fred Cox made a motion to delete **H.C.R. 101** in title and body and insert **1st Sub. H.C.R. 101** in lieu thereof. Representative Wilson commented.

Representative Wheatley made a substitute motion to delete **H.C.R. 101** in title and body and insert **2nd Sub. H.C.R. 101** in lieu thereof. Representatives Cox, Wilson, and Christensen commented. Representative Wheatley's substitute motion to substitute the bill passed on a voice vote.

Representatives Hollins, McIff, Romero, Noel, Sagers, Lifferth, Briscoe, Dunnigan, Perry, Brian King, and Hutchings commented.

**2nd Sub. H.C.R. 101** passed on the following roll call:

**Yeas, 62; Nays, 12; Absent or not voting, 1.**

**Voting in the affirmative were:** Representatives

Anderegg	Anderson	Barlow	Chew
Christensen	Christofferson	Coleman	Cunningham
Cutler	Daw	Dee	DiCaro
Draxler	Duckworth	Dunnigan	Edwards
Eliason	Fawson	Froerer	Gibson
Greene	Grover	Hall	Handy
Hawkes	Hutchings	Ipson	Ivory
Kennedy	Brad King	Brian King	Knotwell
Last	Lifferth	McCay	McIff
McKell	Miller	Noel	Oda
Owens	Perry	Peterson J	Peterson V
Powell	Ray	Redd	Roberts
Sagers	Sandall	Sanpei	Schultz
Snow	Spendlove	Stanard	Stratton
Thurston	Webb	Westwood	Wheatley
Wilson	Hughes		

**Voting in the negative were:** Representatives

Arent	Briscoe	Brown M	Chavez-Houck
Cox F	Hollins	Moss	Nelson
Poulson	Romero	Tanner	Ward

**Absent or not voting was:** Representative Pitcher

**2nd Sub. H.C.R. 101** was transmitted to the Senate for its consideration.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: August 19, 2015

The Senate passed **S.B. 1001**, CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS, by Senator H. Stephenson, and it is transmitted for consideration; and

The Senate passed **S.B. 1002**, MEDICAID INSPECTOR GENERAL AMENDMENTS, by Senator D. Henderson, and it is transmitted for consideration; and

The Senate passed, as substituted, **1st Sub. S.B. 1003**, CRIMINAL LAW AMENDMENTS, by Senator J. S. Adams, and it is transmitted for consideration.

Leslie O. McLean  
Secretary of the Senate

Communications filed. The bills were read the first time by short title.

**MISCELLANEOUS BUSINESS**

On motion of Representative Dunnigan, under suspension of the rules, the House voted that **S.B. 1001**, **S.B. 1002**, and **1st Sub. S.B. 1003** be read the second time by short title and placed on the Third Reading Calendar.

**THIRD READING CALENDAR**

**H.C.R. 102**, CONCURRENT RESOLUTION REGARDING SITE FOR NEW STATE CORRECTIONAL FACILITIES, *Representative Cox*, was read the third time by short title and placed on its final passage.

On motion of Representative Cox, the House voted to circle **H.C.R. 102**.

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**S.B. 1001**, CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS, *Senator Stephenson*, was read the third time by short title and placed on its final passage. Representative McCay explained the bill.

**S.B. 1001** passed on the following roll call:

**Yeas, 63; Nays, 8; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Anderson	Arent	Barlow	Briscoe
Brown M	Chew	Christensen	Christofferson

Coleman	Cox F	Cunningham	Cutler
Daw	Dee	DiCaro	Draxler
Dunnigan	Edwards	Eliason	Fawson
Froerer	Gibson	Greene	Grover
Hall	Handy	Hawkes	Hutchings
Ipson	Ivory	Kennedy	Brad King
Brian King	Knotwell	Last	Lifferth
McCay	McIff	McKell	Moss
Nelson	Noel	Oda	Owens
Perry	Peterson J	Powell	Ray
Redd	Roberts	Sagers	Sanpei
Schultz	Snow	Spendlove	Stanard
Stratton	Tanner	Thurston	Ward
Webb	Westwood	Wilson	

**Voting in the negative were:** Representatives

Chavez–Houck	Duckworth	Hollins	Miller
Poulson	Romero	Wheatley	Hughes

**Absent or not voting were:** Representatives

Anderegg	Peterson V	Pitcher	Sandall
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**S.B. 1001** was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

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**S.B. 1002**, MEDICAID INSPECTOR GENERAL AMENDMENTS, *Senator Henderson*, was read the third time by short title and placed on its final passage. Representative McKell explained the bill.

**S.B. 1002** passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Anderson	Arent	Barlow	Briscoe
Brown M	Chavez–Houck	Chew	Christensen
Christofferson	Coleman	Cox F	Cunningham
Cutler	Daw	Dee	DiCaro
Draxler	Duckworth	Dunnigan	Edwards
Eliason	Fawson	Froerer	Gibson
Greene	Grover	Hall	Handy

Hawkes	Hollins	Hutchings	Ipson
Ivory	Kennedy	Brad King	Brian King
Knotwell	Last	Lifferth	McCay
McIff	McKell	Miller	Moss
Nelson	Noel	Oda	Owens
Perry	Peterson J	Poulson	Powell
Ray	Redd	Roberts	Romero
Sagers	Sanpei	Schultz	Snow
Spendlove	Stanard	Stratton	Tanner
Thurston	Ward	Webb	Westwood
Wheatley	Wilson	Hughes	

**Absent or not voting were:** Representatives

Anderegg	Peterson V	Pitcher	Sandall
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**S.B. 1002** was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

**MISCELLANEOUS BUSINESS**

On motion of Representative McCay, the House voted to reconsider its action on **S.B. 1001**.

**RECONSIDERATION OF S.B. 1001**

**S.B. 1001, CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS**, was before the House for reconsideration.

**S.B. 1001** passed on the following roll call:

**Yeas, 61; Nays, 10; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Anderegg	Anderson	Barlow	Brown M
Chew	Christensen	Christofferson	Coleman
Cox F	Cunningham	Cutler	Daw
Dee	DiCaro	Draxler	Dunnigan
Edwards	Eliason	Fawson	Froerer
Gibson	Greene	Grover	Hall
Handy	Hawkes	Hutchings	Ipson
Ivory	Kennedy	Brad King	Brian King
Knotwell	Last	Lifferth	McCay
McIff	McKell	Nelson	Noel
Oda	Owens	Perry	Peterson J

Powell	Ray	Redd	Roberts
Sagers	Sanpei	Schultz	Snow
Spendlove	Stanard	Stratton	Tanner
Thurston	Ward	Webb	Westwood
Hughes			

**Voting in the negative were:** Representatives

Arent	Briscoe	Chavez–Houck	Duckworth
Hollins	Miller	Moss	Poulson
Romero	Wheatley		

**Absent or not voting were:** Representatives

Peterson V	Pitcher	Sandall	Wilson
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**S.B. 1001** was signed by the Speaker in open session and returned to the Senate for signature of the President and enrolling.

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**1st Sub. S.B. 1003**, CRIMINAL LAW AMENDMENTS, *Senator Adams*, was read the third time by short title and placed on its final passage. Representative Hutchings explained the bill.

Representative Powell commented.

**1st Sub. S.B. 1003** passed on the following roll call:

**Yeas, 71; Nays, 0; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Anderegg	Anderson	Arent	Barlow
Briscoe	Brown M	Chavez–Houck	Chew
Christensen	Christofferson	Coleman	Cox F
Cunningham	Cutler	Daw	Dee
DiCaro	Draxler	Duckworth	Dunnigan
Edwards	Eliason	Fawson	Froerer
Gibson	Greene	Grover	Hall
Handy	Hawkes	Hollins	Hutchings
Ipson	Ivory	Kennedy	Brad King
Brian King	Knotwell	Last	Lifferth
McCay	McIff	McKell	Miller
Moss	Nelson	Noel	Oda
Owens	Perry	Peterson J	Poulson
Powell	Ray	Redd	Roberts

Romero	Sagers	Sanpei	Schultz
Snow	Spendlove	Stanard	Stratton
Tanner	Thurston	Ward	Webb
Westwood	Wheatley	Hughes	

**Absent or not voting were:** Representatives

Peterson V	Pitcher	Sandall	Wilson
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**1st Sub. S.B. 1003** 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: August 19, 2015

The Senate passed, **H.B. 1001**, STATUTE OF LIMITATIONS AMENDMENTS, by Representative M. Noel, which has been signed by the President and it is transmitted for the signature of the Speaker.

Leslie O. McLean  
Secretary of the Senate

Communication filed. The bill was signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

**MISCELLANEOUS BUSINESS**

On motion of Representative Handy, the House observed a moment of silence to honor the service of Steve Bishop, former House Security. Steve passed away on August 13, 2015.

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On motion of Representative Dunnigan, the House voted to recess until 6:20 p.m.

Speaker Hughes called the House to order at 6:50 p.m.

**COMMUNICATION FROM THE SENATE**

Mr. Speaker: August 19, 2015

The Senate passed, **2nd Sub. H.C.R. 101**, CONCURRENT RESOLUTION APPROVING SITE FOR NEW STATE CORRECTIONAL FACILITIES, by Representative B. Wilson, which has been signed by the President and it is transmitted for the signature of the Speaker.

Leslie O. McLean  
Secretary of the Senate

Communication filed. The bill was signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

### MISCELLANEOUS BUSINESS

Speaker Hughes appointed the following Representatives to act with a like committee from the Senate to wait upon the Governor and inform him that the House has completed its business and is prepared to adjourn sine die: Representatives Don Ipson, John Knotwell, and Patrice Arent.

Speaker Hughes appointed the following Representatives as the committee to notify the Senate to inform that honorable body that the House has completed its business and is prepared to adjourn sine die: Representatives Stewart Barlow, Kim Coleman, and Marie Poulson.

Speaker Hughes directed Sandy 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 First Special Session of the 61st Legislature.

Senators Jenkins, Vickers, and Dabakis formally notified the House of Representatives that the Senate has completed its business and is prepared to adjourn sine die.

Representative Ipson informed the House that his committee, working with a like committee from the Senate, notified the Governor that the Legislature was has completed its business and is prepared to adjourn sine die. The Governor conveyed he has no further business to bring before the Legislature.

Representative Barlow informed the House that his committee notified the Senate that the House has completed its business and is prepared to adjourn sine die.

On motion of Representative Dunnigan, the House voted that the First Special Session of the 61st Legislature adjourn sine die.

**PAGE INDEX**

**H.B. 1001** — STATUTE OF LIMITATIONS AMENDMENTS (*M. Noel*)

- Read the first time by short title and referred to the Rules Committee. . . . . 4
- Read the second time . . . . . 4
- Read the third time . . . . . 4
- Amendments . . . . . 4
- Transmitted to the Senate . . . . . 5
- Signed by the Speaker and transmitted to the Governor . . . . . 11

**H.C.R. 101** — CONCURRENT RESOLUTION APPROVING SITE FOR NEW STATE CORRECTIONAL FACILITIES (*B. Wilson*)

- 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 . . . . . 6

**2nd Sub. H.C.R. 101** — CONCURRENT RESOLUTION APPROVING SITE FOR NEW STATE CORRECTIONAL FACILITIES (*B. Wilson*)

- Transmitted to the Senate . . . . . 6
- Signed by the Speaker and transmitted to the Governor . . . . . 11

**H.C.R. 102** — CONCURRENT RESOLUTION REGARDING SITE FOR NEW STATE CORRECTIONAL FACILITIES (*F. Cox*)

- Read the first time by short title and referred to the Rules Committee. . . . . 4
- Read the second time . . . . . 4
- Read the third time . . . . . 7
- Circled . . . . . 7

**S.B. 1001** — CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS (*H. Stephenson*)

- Read the first time by short title . . . . . 7
- Read the second time . . . . . 7
- Read the third time . . . . . 7
- Reconsideration . . . . . 9
- Signed by the Speaker and returned to the Senate . . . . . 8, 10

**S.B. 1002** — MEDICAID INSPECTOR GENERAL AMENDMENTS (*D. Henderson*)

- Read the first time by short title . . . . . 7
- Read the second time . . . . . 7
- Read the third time . . . . . 8
- Signed by the Speaker and returned to the Senate . . . . . 9

**1st Sub. S.B. 1003** — CRIMINAL LAW AMENDMENTS (*J. S. Adams*)

- Read the first time by short title . . . . . 7
- Read the second time . . . . . 7
- Read the third time . . . . . 10
- Signed by the Speaker and returned to the Senate . . . . . 11