

**HOUSE JOURNAL
OF THE
SIXTY–THIRD LEGISLATURE
OF THE
STATE OF UTAH

FOURTH SPECIAL SESSION**

Virtual Session
Anchor Location at the State Capitol
Salt Lake City, Utah
April 23, 2020

The House was called to order by Speaker Brad Wilson at 2:00 p.m.

MISCELLANEOUS BUSINESS

The Chief Clerk, Megan Allen, read the following:

PROCLAMATION

WHEREAS, since the adjournment of the 2020 General Session of the Sixty–third 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 Laws of the State of Utah, do by this Proclamation call the Sixty–third Legislature of the State of Utah into a Fourth Special Session at the Utah State Capitol, in Salt Lake City, Utah, on the 23rd day of April 2020, at or after 1:00 p.m., to consider the following:

1. appropriating certain federal funds accepted by the Legislature in S.J.R. 301 during the Third Special Session of the Sixty–third Legislature of the State of Utah;
2. extending the deadline for payment of the renewal fee for a bar establishment license;

3. making changes to the sales and use tax exemption for sales of fuel to a rail carrier for use in a locomotive engine and enacting related provisions; and

4. creating a program to provide scholarships for students with disabilities to help cover certain costs to attend qualifying private schools, are creating related corporate and individual tax credits for certain donations to the scholarship program.

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 21st day of
April 2020.

Gary R. Herbert
Governor
Spencer J. Cox
Lieutenant Governor

CERTIFICATION OF MEMBERSHIP

I, Spencer J. Cox, Lieutenant Governor of the State of Utah, do hereby certify that the attached copy of the Proclamation issued on the 21st day of April, 2020 and signed by Governor Gary R. Herbert, is a true and correct copy of the original Proclamation calling the Sixty-third Legislature of the State of Utah into a Fourth Special Session at the Capitol Complex at Salt Lake City, Utah on the 23rd day of April, 2020, at or after 1:00 PM, for the purposes named in the Proclamation.

I FURTHER CERTIFY that the membership of the Utah House of Representatives has not changed from that of the 2020 Third Special Session.

IN TESTIMONY WHEREOF,
I have hereunto set my hand,
and affixed the Great Seal of the
State of Utah this 23rd day of
April, 2020 at Salt Lake City,
Utah.

Spencer J. Cox
Lieutenant Governor

Communication filed.

MISCELLANEOUS BUSINESS

Roll call showed all members present, except Representative Travis Seegmiller, excused.

Speaker Wilson announced that pursuant to Joint Rule 2–1–101, the Rules adopted by the Legislature during the 2020 General Session apply to the conduct of the House during the 2020 Fourth Special Session.

Due to the virtual setup of this session, in lieu of notifying committees, Speaker Wilson appointed Representative Stewart Barlow to notify the Governor, via email, that the House is convened in the Fourth Special Session and is organized and ready to receive any communication or message he may have to offer.

Speaker Wilson appointed Representative Marc Roberts to notify the Senate, via email, that the House is organized and ready to do business.

Representative Barlow reported that, for the purposes of meeting electronically, Governor Herbert has been notified via email that the Legislature is organized and ready to do business.

Representative Roberts reported that, for the purposes of meeting electronically, the Senate has been notified via email that the House is organized and ready to do business.

On motion of Representative Hawkes, as allowed by the Utah Constitution and the Joint Rules of the Legislature, the House voted, by roll call vote, 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 two-thirds 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 Gibson, the House voted, by roll call vote, that the House suspend the following rules due to the virtual circumstance of this session: Joint Rule 1–2–101, Joint Rule 1–2–102, and Joint Rule 1–2–103 regarding Notifying Committees, Joint Rule 4–1–202(h) and Joint Rule 4–2–101(ii) regarding Cosponsors, and House Rule 1–5–103 regarding the Daily Order of Business.

On motion of Representative King, the House voted, by roll call vote, 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.

INTRODUCTION OF BILLS

H.B. 4001, Pandemic Response Federal Funds Appropriations (B. Last), was read the first time by short title and referred to the Rules Committee.

H.B. 4002, Rail Fuel Sales Tax Amendments (J. Ferry), was read the first time by short title and referred to the Rules Committee.

H.B. 4003, Special Needs Opportunity Scholarship Program (M. Schultz), was read the first time by short title and referred to the Rules Committee.

H.B. 4004, Bar Establishment License Renewal Amendments (T. Hawkes), was read the first time by short title and referred to the Rules Committee.

MISCELLANEOUS BUSINESS

On motion of Representative Hawkes, under suspension of the rules, the House voted, by roll call vote, to lift the following bills from the Rules committee, read them the second time, and place them on the Third Reading Calendar:

H.B. 4002	RAIL FUEL SALES TAX AMENDMENTS (<i>J. Ferry</i>)
H.B. 4003	SPECIAL NEEDS OPPORTUNITY SCHOLARSHIP PROGRAM (<i>M. Schultz</i>)
H.B. 4004	BAR ESTABLISHMENT LICENSE RENEWAL AMENDMENTS (<i>T. Hawkes</i>)
H.B. 4001	PANDEMIC RESPONSE FEDERAL FUNDS APPROPRIATIONS (<i>B. Last</i>)

THIRD READING CALENDAR

H.B. 4002, RAIL FUEL SALES TAX AMENDMENTS, *Representative Ferry*, was read the third time by short title and placed on its final passage.

Representative Andersen proposed Amendment 1:

1. Page 3, Line 70:

70 reconstruction, or renovation projects related to railroad crossings
on class A, class B or class C roads;

2. Page 3, Line 74:

74 crossings on class A, class B or class C roads; or

3. Page 3, Line 77:

77 the purpose of improving safety at railroad crossings on class
A, class B or class C roads.

4. Page 3, Line 79:

79 at railroad crossings on class A, class B or class C roads,
including:

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

Representatives Handy, Briscoe, Maloy, Robertson, Christiansen, Schultz, Perry, Shipp, Dunnigan, and Gibson commented.

H.B. 4002, as amended, passed on the following roll call:

Yeas, 63; Nays, 10; Absent or not voting, 2.

Voting in the affirmative were: Representatives

Acton	Albrecht	Andersen	Arent
Ballard	Birkeland	Brammer	Briscoe
Brooks	Chew	Christofferson	Coleman
Dailey-Provost	Duckworth	Dunnigan	Eliason
Ferry	Gibson	Hall	Handy
Harrison	Hawkes	Hawkins	Hollins
Hutchings	Johnson	Judkins	King
Kwan	Last	Lisonbee	Lyman
Maloy	McKell	Miles	Moss C
Moss J	Musselman	Owens	Perry
Peterson	Pierucci	Pitcher	Potter
Poulson	Quinn	Ray	Roberts
Romero	Sagers	Schultz	Shipp
Shurtliff	Snider	Spendlove	Stenquist
Stoddard	Ward	Watkins	Weight
Wheatley	Winder	Wilson	

Voting in the negative were: Representatives

Barlow	Christiansen	Daw	Nelson
Pulsipher	Snow	Stratton	Strong
Thurston	Waldrip		

Absent or not voting were: Representatives

Robertson	Seegmiller
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H.B. 4002, as amended, was transmitted to the Senate for its consideration.

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H.B. 4003, SPECIAL NEEDS OPPORTUNITY SCHOLARSHIP PROGRAM, *Representative Schultz*, was read the third time by short title and placed on its final passage.

On motion of Representative Schultz, the House voted, by roll call vote, to delete **H.B. 4003** in title and body and insert **1st Sub. H.B. 4003** in lieu thereof.

Representatives Poulson, Daw, Ballard, Lisonbee, Briscoe, and Quinn commented.

1st Sub. H.B. 4003, as substituted, passed on the following roll call:

Yeas, 40; Nays, 34; Absent or not voting, 1.

Voting in the affirmative were: Representatives

Acton	Albrecht	Andersen	Birkeland
Brammer	Brooks	Chew	Christiansen
Christofferson	Coleman	Daw	Ferry
Gibson	Handy	Hawkes	Hawkins
Last	Lisonbee	Lyman	Maloy
McKell	Moss J	Musselman	Owens
Peterson	Pierucci	Quinn	Ray
Roberts	Robertson	Schultz	Shipp
Snider	Snow	Stenquist	Strong
Thurston	Ward	Watkins	Wilson

Voting in the negative were: Representatives

Arent	Ballard	Barlow	Briscoe
Dailey–Provost	Duckworth	Dunnigan	Eliason
Hall	Harrison	Hollins	Hutchings
Johnson	Judkins	King	Kwan
Miles	Moss C	Nelson	Perry
Pitcher	Potter	Poulson	Pulsipher
Romero	Sagers	Shurtliff	Spendlove
Stoddard	Stratton	Waldrip	Weight
Wheatley	Winder		

Absent or not voting was: Representative Seegmiller

1st Sub. H.B. 4003, as substituted, was transmitted to the Senate for its consideration.

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H.B. 4004, BAR ESTABLISHMENT LICENSE RENEWAL AMENDMENTS, *Representative Hawkes*, was read the third time by short title and placed on its final passage. Representative Shipp commented.

H.B. 4004 passed on the following roll call:

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

Voting in the affirmative were: Representatives

Acton	Albrecht	Andersen	Arent
Ballard	Barlow	Birkeland	Brammer
Briscoe	Brooks	Chew	Christiansen
Christofferson	Coleman	Dailey–Provost	Daw
Duckworth	Dunnigan	Eliason	Ferry
Gibson	Hall	Handy	Harrison
Hawkes	Hawkins	Hollins	Hutchings
Johnson	Judkins	King	Kwan
Last	Lisonbee	Lyman	Maloy
McKell	Miles	Moss C	Moss J
Musselman	Nelson	Owens	Perry
Peterson	Pierucci	Pitcher	Potter
Poulson	Pulsipher	Quinn	Ray
Roberts	Robertson	Romero	Sagers
Schultz	Shipp	Shurtliff	Snider
Snow	Spendlove	Stenquist	Stoddard
Stratton	Strong	Thurston	Waldrip
Ward	Watkins	Weight	Wheatley
Wilson			

Absent or not voting were: Representatives

Seegmiller Winder

H.B. 4004 was transmitted to the Senate for its consideration.

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H.B. 4001, PANDEMIC RESPONSE FEDERAL FUNDS APPROPRIATIONS, *Representative Last*, was read the third time by short title and placed on its final passage. Representatives Johnson, McKell, and Eliason commented.

Representative Ward proposed Amendment 2:

1. Page 2, Line 58:

After line 58 insert:

The Legislature intends that no appropriation of federal, state, or agency funds be expended to directly purchase medications for a government stockpile unless the medication is for a United States Food and Drug Administration approved purpose and intended for on-label use.

Representatives Last, Harrison, Albrecht, C. Moss, Ray, Barlow, Pierucci, and Stoddard commented.

Representative Ward’s motion to amend failed on a roll call vote.

H.B. 4001 passed on the following roll call:

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

Voting in the affirmative were: Representatives

Acton	Albrecht	Andersen	Ballard
Barlow	Birkeland	Brammer	Brooks
Chew	Christiansen	Christofferson	Coleman
Daw	Duckworth	Dunnigan	Eliason
Ferry	Gibson	Hall	Handy
Hawkes	Hawkins	Hutchings	Johnson
Judkins	Kwan	Last	Lisonbee
Lyman	Maloy	McKell	Miles
Moss J	Musselman	Nelson	Owens
Perry	Peterson	Pierucci	Potter
Pulsipher	Ray	Roberts	Robertson
Sagers	Schultz	Shipp	Snider
Snow	Spendlove	Stenquist	Stratton
Strong	Thurston	Waldrip	Ward
Watkins	Winder	Wilson	

Voting in the negative were: Representatives

Arent	Briscoe	Dailey–Provost	Harrison
Hollins	King	Moss C	Pitcher
Poulson	Romero	Shurtliff	Stoddard
Weight	Wheatley		

Absent or not voting were: Representatives

Quinn	Seegmiller
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H.B. 4001 was transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Gibson, and at 4:05 p.m., the House voted to recess until 6:30 p.m.

Speaker Wilson called the House to order at 6:25 p.m.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker:

April 23, 2020

The Senate passed, **H.B. 4001**, PANDEMIC RESPONSE FEDERAL FUNDS APPROPRIATIONS, by Representative B. Last, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 4002**, RAIL FUEL SALES TAX AMENDMENTS, by Representative J. Ferry, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **1st Sub. H.B. 4003**, SPECIAL NEEDS OPPORTUNITY SCHOLARSHIP PROGRAM, by Representative M. Schultz, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 4004**, BAR ESTABLISHMENT LICENSE RENEWAL AMENDMENTS, by Representative T. Hawkes, which has been signed by the President and it is transmitted for the signature of the Speaker.

Jennifer Storie

Secretary of the Senate

Communications filed. The bills were signed by the Speaker and referred to staff for enrolling and transmission to the Governor.

MISCELLANEOUS BUSINESS

Due to meeting electronically, Speaker Wilson appointed Representative Jennifer Dailey–Provost to notify the Governor via email that the Legislature is prepared to adjourn sine die.

Due to meeting electronically, Speaker Wilson appointed Representative Brad Daw to notify the Senate via email that the House is prepared to adjourn sine die.

Representative Dailey–Provost reported that the Governor has been notified via email that the Legislature is prepared to adjourn sine die.

Representative Daw reported that the Senate has been notified via email that the House is prepared to adjourn sine die.

On motion of Representative Gibson, and at 6:30 p.m., the House voted, by roll call vote, that the Fourth Special Session of the 63rd Legislature adjourn sine die.

HOUSE JOURNAL PAGE INDEX

H.B. 4001 — PANDEMIC RESPONSE FEDERAL FUNDS APPROPRIATIONS (*B. Last*)

Read the first time by short title and referred to the Rules Committee.	4
Read the second time	4
Read the third time	7
Amendment failed	8
Transmitted to the Senate	9
Signed by the Speaker and transmitted to the Governor	9

H.B. 4002 — RAIL FUEL SALES TAX AMENDMENTS (*J. Ferry*)

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	6
Signed by the Speaker and transmitted to the Governor	9

H.B. 4003 — SPECIAL NEEDS OPPORTUNITY SCHOLARSHIP PROGRAM (*M. Schultz*)

Read the first time by short title and referred to the Rules Committee.	4
Read the second time	4
Read the third time	6
Substituted	6

1st Sub. H.B. 4003 — SPECIAL NEEDS OPPORTUNITY SCHOLARSHIP PROGRAM (*M. Schultz*)

Transmitted to the Senate	7
Signed by the Speaker and transmitted to the Governor	9

H.B. 4004 — BAR ESTABLISHMENT LICENSE RENEWAL AMENDMENTS (*T. Hawkes*)

Read the first time by short title and referred to the Rules Committee.	4
Read the second time	4
Read the third time	7
Transmitted to the Senate	7
Signed by the Speaker and transmitted to the Governor	9