

**SENATE JOURNAL**

**FIRST SPECIAL SESSION**  
**of the**  
**SIXTY–FIRST LEGISLATURE**

**August 19, 2015**

*Pursuant to the proclamation of His Excellency, Governor Gary R. Herbert, the Senate of the Sixty–first Legislature of the State of Utah met in the Senate Chamber of the State Capitol in a Special Session at 12:30 p.m. on Wednesday, August 19, 2015.*

The Senate was called to order at 3:07 p.m., with President Wayne Niederhauser presiding.

**Prayer** – Senator Aaron Osmond

**Pledge of Allegiance** – Senator Gene Davis

**Roll Call** – All Senators present

Leslie McLean read the following Proclamation and Certification.

**PROCLAMATION**

WHEREAS, since the adjournment of the 2015 General Session of the Sixty–first Legislature of the State of Utah, certain matters have arisen that require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature into Special Session;

NOW, THEREFORE, I, 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, call the Sixty–first Legislature 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

### **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, 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 the First Special Session at the Capitol Complex at Salt Lake City, Utah, on the 19th day of August, 2015, at 3:00 p.m., for the purposes named in the Proclamation.

I further certify that the membership of the Utah State Senate has not changed from that Certification of the 2015 General Session.

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

Spencer J. Cox  
Lieutenant Governor

\* \* \*

On motion of Senator Van Tassell, the Senate voted to adopt the Senate Rules of the 2015 General Session of the Sixty-First Legislature as the rules for the First Special Session.

President Niederhauser appointed a committee comprised of Senators Weiler, Jackson, and Mayne to join with a like committee from the House to notify the Governor that the Senate is convened in the First Special Session in accordance with his proclamation and is organized and ready to receive any communication from him.

President Niederhauser appointed a committee comprised of Senators Jenkins, Vickers, and Dabakis to notify the House of Representatives that the Senate is organized and ready to do business.

Representatives Stratton, Roberts, and Wheatley reported that the House of Representatives is organized and ready to do business.

Senator Weiler reported that the Governor's representative has been notified.

Senator Jenkins reported that the House has been notified.

On motion of Senator Van Tassell, and as provided by the Utah State Constitution and the Joint Rules of the Legislature, the Senate voted to suspend the reading of the titles of bills and resolutions on the Senate calendar as they are read for the first time and introduced and considered on Second Reading, Third Reading, and Consent Calendars. This suspension applied to all bills and resolutions introduced during this special legislative session, except that any senator may request the reading of the long title, short title, or both of any House or Senate bill or resolution.

On motion of Senator Okerlund, the Senate voted to suspend the rules requiring placing bills on the Third Reading Calendar until the next day and that bills and resolutions be read the first time and placed on the Second Reading Calendar for immediate consideration.

### INTRODUCTION OF BILLS

#### **S.B. 1001, Corporate Franchise and Income Tax Amendments**

(H. Stephenson), was read the first time by short title and placed on the Second Reading Calendar.

**S.B. 1002, Medicaid Inspector General Amendments** (D. Henderson), was read the first time by short title and placed on the Second Reading Calendar.

**S.B. 1003, Criminal Law Amendments** (J. S. Adams), was read the first time by short title and placed on the Second Reading Calendar.

### COMMUNICATIONS FROM THE GOVERNOR

Mr. President: June 5, 2015

In accordance with Utah Code 67-1-1 and 67-1-2, I propose and transmit the following appointments:

#### **State Board of Regents**

Steven J. Lund is appointed to replace Jed Pitcher as a member, a term to expire Junen 30, 2021.

Mr. President: June 16, 2015

#### **Youth Parole Board**

Ricky T. Westmoreland is appointed to replace Ray Terry as a member, a term to expire April 1, 2019.

Mr. President: July 13, 2015

#### **Board of Business and Economic Development (GOED):**

Annette Meier is appointed to replace Cliff White as a member of the Board of Business and Economic Development, a term to expire March 15, 2019. See Utah Code 63M-1-302.

#### **Health Facilities Committee:**

Betty Lynn Davis is reappointed as a member of the Health Facilities Committee, a term to expire July 1, 2019. See Utah Code 26-21-3.

Lou Jean Flint is reappointed as a member of the Health Facilities Committee, a term to expire July 1, 2019. See Utah Code 26-21-3.

**Securities Commission:**

Lyle White is appointed to replace Tim Bangerter as a member of the Securities Commission, a term to expire May 12, 2019. See Utah Code 61-1-18.5.

Brent R. Baker is reappointed as a member of the Securities Commission, a term to expire May 12, 2019. See Utah Code 61-1-18.5.

**State Board of Financial Institutions:**

William E. Tingey is reappointed as a member of the State Board of Financial Institutions, a term to expire July 1, 2019. See Utah Code 7-1-203.

Richard Thomas Beard is reappointed as a member of the State Board of Financial Institutions, a term to expire July 1, 2019. See Utah Code 7-1-203.

**Utah State Retirement Board:**

Ryan G. Hessenthaler is appointed to replace Kathy Jones-Price as a member of the Utah State Retirement Board, a term to expire July 1, 2019. See Utah Code 49-11-202.

Mr. President:

August 5, 2015

**Utah Department of Health**

Dr. Joseph Kay Miner is appointed to replace Dr. David Patton as the executive director.

Thank you for your timely consideration and confirmation of the above appointments.

Gary R. Herbert  
Governor

\* \* \*

Mr. President:

August 18, 2015

At its meeting today, the Senate Health and Human Services Confirmation Committee recommended that the Utah Senate approve the nomination of the following as the executive director of the Department of Health:

Dr. Joseph Kay Miner

Allen M. Christensen, Chair

\* \* \*

Mr. President: August 18, 2015

The Senate Education Confirmation Committee met on this date and reports a favorable recommendation for Mr. Steven J. Lund as a member of the Utah State Board of Regents.

Stephen H. Urquhart, Chair

The Senate President, Majority Leader and Minority Leader agreed to waive the 15–day notification requirement for the Utah Department of Health Executive Director appointment.

On motion of Senator Hillyard, the Senate voted to consent to the Governor’s appointments as read by Joanna MacKay. The motion passed on the following roll call vote:

**Yeas, 28; Nays, 0; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dabakis
Davis	Dayton	Escamilla	Harper
Henderson	Hillyard	Hinkins	Iwamoto
Jackson	Jenkins	Knudson	Mayne
Millner	Okerlund	Osmond	Shiozawa
Stephenson	Stevenson	Thatcher	Urquhart
Van Tassell	Vickers	Weiler	Niederhauser

**Absent or not voting was:** Senator Madsen

**SECOND READING CALENDAR**

On motion of Senator Stephenson, the Senate, by a two–thirds majority, voted to suspend the constitutional three readings requirement.

On motion of Senator Stephenson, under suspension of the rules, **S.B. 1001, CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS**, was considered read the second and third times. Senator Stephenson explained the bill. The bill passed on the following roll call:

**Yeas, 24; Nays, 5; Absent or not voting, 0.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dayton
Harper	Henderson	Hillyard	Hinkins

Jackson	Jenkins	Knudson	Madsen
Millner	Okerlund	Osmond	Shiozawa
Stephenson	Stevenson	Thatcher	Urquhart
Van Tassell	Vickers	Weiler	Niederhauser

**Voting in the negative were:** Senators

Dabakis	Davis	Escamilla	Iwamoto
Mayne			

**S.B. 1001** was transmitted to the House.

\* \* \*

On motion of Senator Henderson, the Senate, by a two-thirds majority, voted to suspend the constitutional three readings requirement.

On motion of Senator Henderson, under suspension of the rules, **S.B. 1002, MEDICAID INSPECTOR GENERAL AMENDMENTS**, was considered read the second and third times. Senator Henderson explained the bill. The bill passed on the following roll call:

**Yeas, 29; Nays, 0; Absent or not voting, 0.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dabakis
Davis	Dayton	Escamilla	Harper
Henderson	Hillyard	Hinkins	Iwamoto
Jackson	Jenkins	Knudson	Madsen
Mayne	Millner	Okerlund	Osmond
Shiozawa	Stephenson	Stevenson	Thatcher
Urquhart	Van Tassell	Vickers	Weiler
Niederhauser			

**S.B. 1002** was transmitted to the House.

\* \* \*

**S.B. 1003, CRIMINAL LAW AMENDMENTS**, was read the second time.

On motion of Senator Adams, the following substitute bill replaced the original bill:

**1st Sub. S.B. 1003 Criminal Law Amendments (J. S. Adams)**

On motion of Senator Adams, the Senate, by a two-thirds majority, voted to suspend the constitutional three readings requirement.

On motion of Senator Adams, under suspension of the rules, **1st Sub. S.B. 1003**, CRIMINAL LAW AMENDMENTS, was considered read the second and third times. Senator Adams explained the bill. The bill passed on the following roll call:

**Yeas, 26; Nays, 2; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dabakis
Davis	Dayton	Escamilla	Harper
Henderson	Hillyard	Hinkins	Iwamoto
Jenkins	Knudson	Mayne	Millner
Okerlund	Osmond	Shiozawa	Stephenson
Thatcher	Urquhart	Van Tassell	Vickers
Weiler	Niederhauser		

**Voting in the negative were:** Senators

Jackson	Madsen
---------	--------

**Absent or not voting was:** Senator Stevenson

**1st Sub. S.B. 1003** was transmitted to the House.

\* \* \*

On motion of Senator Okerlund, and at 4:10 p.m., the Senate sauntered.

The Senate was called to order at 5:30 p.m., with President Niederhauser presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: August 19, 2015

The House passed, as amended, **H.B. 1001**, STATUTE OF LIMITATIONS AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communication filed. The bill was read the first time by short title and placed on the Second Reading Calendar.

## SECOND READING CALENDAR

On motion of Senator Hinkins, the Senate, by a two-thirds majority, voted to suspend the constitutional three readings requirement.

On motion of Senator Hinkins, under suspension of the rules, **H.B. 1001**, STATUTE OF LIMITATIONS AMENDMENTS, was considered read the second and third times. Senators Dabakis, Hillyard, and Weiler commented and the bill passed on the following roll call:

**Yeas, 24; Nays, 4; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dayton
Harper	Henderson	Hillyard	Hinkins
Iwamoto	Jackson	Jenkins	Knudson
Millner	Okerlund	Osmond	Shiozawa
Stephenson	Stevenson	Thatcher	Urquhart
Van Tassell	Vickers	Weiler	Niederhauser

**Voting in the negative were:** Senators

Dabakis	Davis	Escamilla	Mayne
---------	-------	-----------	-------

**Absent or not voting was:** Senator  
Madsen

**H.B. 1001** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

## COMMUNICATIONS FROM THE HOUSE

Mr. President: August 19, 2015

The House passed, as substituted, **2nd Sub. H.C.R. 101**, CONCURRENT RESOLUTION APPROVING SITE FOR NEW STATE CORRECTIONAL FACILITIES, by Representative B. Wilson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communication filed. The bill was read the first time by short title and placed on the Second Reading Calendar.

## SECOND READING CALENDAR

On motion of Senator Stevenson, under suspension of the rules, **2nd Sub. H.C.R. 101**, CONCURRENT RESOLUTION APPROVING SITE FOR NEW

STATE CORRECTIONAL FACILITIES, was considered read the second and third times. Senator Stevenson explained the bill. Senators Escamilla, Hillyard, Hinkins, Knudson, Dayton, Jenkins, Osmond, Iwamoto, Mayne, Thatcher, and Harper commented. The bill passed on the following roll call:

**Yeas, 21; Nays, 7; Absent or not voting, 1.**

**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Dayton
Henderson	Hillyard	Hinkins	Jackson
Jenkins	Knudson	Madsen	Mayne
Millner	Okerlund	Stephenson	Stevenson
Thatcher	Van Tassell	Vickers	Weiler
Niederhauser			

**Voting in the negative were:** Senators

Dabakis	Escamilla	Harper	Iwamoto
Osmond	Shiozawa	Urquhart	

**Absent or not voting was:** Senator

Davis

**2nd Sub. H.C.R. 101** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: August 19, 2015

The House passed, **S.B. 1001**, CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS, by Senator H. Stephenson, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.B. 1002**, MEDICAID INSPECTOR GENERAL AMENDMENTS, by Senator D. Henderson, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 1003**, CRIMINAL LAW AMENDMENTS, by Senator J. S. Adams, which has been signed by the Speaker, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

The bills were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

\* \* \*

President Niederhauser appointed Senators Osmond, Jackson, and Mayne to join with a like committee from the House to wait upon the Governor’s representative and ask if he has any further business to bring before the Senate.

President Niederhauser appointed Senators Jenkins, Vickers, and Dabakis to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Senator Osmond reported that his committee, with a like committee from the House, notified the Governor’s representative that the Legislature has concluded its business and is ready to adjourn sine die.

Senator Jenkins reported that the House has been notified that the Senate has concluded its business and is ready to adjourn sine die.

On motion of Senator Okerlund, and at 6:55 p.m., the Senate adjourned sine die.

**PAGE INDEX**

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

    Read the first time by short title and placed on the Second Reading Calendar . . . . . 20

    Read the second and third times . . . . . 21

    Signed by the President and returned to the House . . . . . 21

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

    Read the first time by short title and placed on the Second Reading Calendar . . . . . 21

    Read the second and third times . . . . . 21

    Signed by the President and returned to the House . . . . . 22

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

    Read the first time by short title and placed on the Second Reading Calendar. . . . . 16

    Read the second and third times . . . . . 18

    Transmitted to the House . . . . . 19

    Signed by the President and transmitted to the Governor . . . . . 22

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

    Read the first time by short title and placed on the Second Reading Calendar. . . . . 16

    Read the second and third times . . . . . 19

    Transmitted to the House . . . . . 19

    Signed by the President and transmitted to the Governor . . . . . 22

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

    Read the first time by short title and placed on the Second Reading Calendar. . . . . 16

    Read the second time . . . . . 19

    Substituted . . . . . 19

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

    Read the second and third times . . . . . 20

    Transmitted to the House . . . . . 20

    Signed by the President and transmitted to the Governor . . . . . 22