

SENATE JOURNAL
THIRD SPECIAL SESSION
of the
SIXTY–FIRST LEGISLATURE
July 13, 2016

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 3:00 p.m. on Wednesday, July 13, 2016.

The Senate was called to order at 3:23 p.m., with President Wayne Niederhauser presiding.

Prayer – Senator Stuart Adams

Pledge of Allegiance – Senator Luz Escamilla

Roll Call – All Senators present except Senator Davis, Hillyard, and Urquhart excused.

Leslie McLean read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the adjournment of the 2016 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, do by this Proclamation call the Sixty–first Legislature of the State of Utah into a Third Special Session at the Utah State Capitol, in Salt Lake City, Utah, on the 13th day of July 2016, at 3:00 p.m., to consider the following:

1. An appropriation of funds and related legislation for the purpose of constructing an arena at the State Fair Park;
2. Legislation related to the use of unmanned aircrafts over restricted wildfire airspaces;
3. Legislation related to the Utah Justice Reinvestment Initiative;

4. Amendments to the code provisions regarding Judicial Nominating Commissions;
5. Legislation related to the ability of grandparents to visit grandchildren adopted by a family member of the child
6. A clarification to the statutory exception to the warrant requirement for access to the controlled substance database by probation or parole officers;
7. To consider economic development legislation that would provide certain sales and use tax exemptions for a qualifying enterprise data center;
8. Amendments to the code provisions regarding continuing care retirement communities;
9. Legislation related to the Legislature's review of tax credits, similar to 2016 House Bill 310, Tax Credit Review Amendments; and
10. 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 11th day
of July, 2016.

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 11th day of July, 2016, 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 Third Special Session at the Capitol Complex at Salt Lake City, Utah, on the 13th day of July, 2016, 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 of the 2016 General Session with the following exception:

Utah State Senate District 14 (Utah County).

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 11th day
of July, 2016

Spencer J. Cox
Lieutenant Governor

* * *

President Niederhauser appointed a committee comprised of Senators J. Stevenson, Hinkins, and Dabakis to join with a like committee from the House to notify the Governor that the Senate is convened in the Third 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 Weiler, Millner, and Mayne to notify the House of Representatives that the Senate is organized and ready to do business.

Representatives J. Peterson, Stanard, and Chavez–Houck reported that the House of Representatives is organized and ready to do business.

Senator Stevenson reported that the Governor has been notified.

Senator Weiler 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. 3001, Controlled Substance Database Modifications (T. Weiler), was read the first time by short title and placed on the Second Reading Calendar.

S.B. 3002, Economic Development Revisions (C. Bramble), was read the first time by short title and placed on the Second Reading Calendar.

S.B. 3003, Judicial Nominating Commissions – Amendments (P. Knudson), was read the first time by short title and placed on the Second Reading Calendar.

S.B. 3004, Continuing Care Retirement Community Amendments (D. Henderson), was read the first time by short title and placed on the Second Reading Calendar.

SECOND READING CALENDAR

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

On motion of Senator Weiler, under suspension of the rules, **S.B. 3001, CONTROLLED SUBSTANCE DATABASE MODIFICATIONS**, was considered read the second and third times. Senator Weiler explained the bill. The bill passed on the following roll call:

Yeas, 23; Nays, 2; Absent or not voting, 4.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Dabakis
Dayton	Escamilla	Fillmore	Harper
Henderson	Hinkins	Iwamoto	Jenkins
Knudson	Mayne	Millner	Okerlund
Shiozawa	Stevenson	Thatcher	Van Tassell
Vickers	Weiler	Niederhauser	

Voting in the negative were: Senators

Madsen	Stephenson
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Absent or not voting were: Senators

Davis	Hillyard	Jackson	Urquhart
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S.B. 3001 was transmitted to the House.

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S.B. 3002, ECONOMIC DEVELOPMENT REVISIONS, was read the second time. Senator Bramble explained the bill.

Senator Stephenson proposed a verbal amendment as follows:

- 1. Page 77, Line 2356:
Delete “three” and insert “one”

Senator Stephenson’s motion to amend passed on a voice vote.

Senators Hinkins, Dabakis, Jenkins, Mayne, and Harper commented.

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

On motion of Senator Bramble, under suspension of the rules, **S.B. 3002**, ECONOMIC DEVELOPMENT REVISIONS, was considered read the second and third times. Senator Bramble explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Dayton
Escamilla	Fillmore	Harper	Henderson
Hinkins	Iwamoto	Jenkins	Knudson
Madsen	Mayne	Millner	Okerlund
Shiozawa	Stephenson	Stevenson	Thatcher
Van Tassell	Vickers	Weiler	Niederhauser

Voting in the negative was: Senator
Dabakis

Absent or not voting were: Senators

Davis	Hillyard	Jackson	Urquhart
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S.B. 3002 was transmitted to the House.

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

On motion of Senator Knudson, under suspension of the rules, **S.B. 3003**, JUDICIAL NOMINATING COMMISSIONS – AMENDMENTS, was considered read the second and third times. Senator Knudson explained the bill. Senator Jenkins commented. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Davis	Hillyard	Jackson	Urquhart
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S.B. 3003 was transmitted to the House.

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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. 3004**, CONTINUING CARE RETIREMENT COMMUNITY AMENDMENTS, was considered read the second and third times. Senator Henderson explained the bill. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Davis	Hillyard	Jackson	Urquhart
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S.B. 3004 was transmitted to the House.

COMMUNICATIONS FROM THE GOVERNOR

Mr. President: June 3, 2016

I am pleased to inform you that I have appointed Craig Bunnell as a Judge of the Seventh District Juvenile Court, pursuant to Article VIII, Section 8 of the Utah Constitution and Utah Code Section 78A-10-101.

Thank you for your timely consideration and confirmation of Mr. Bunnell.

Gary R. Herbert
Governor

Mr. President: July 6, 2016

The Senate Judicial Confirmation Committee met on July 6, 2016, and reports a favorable recommendation that Mr. Craig Bunnell be confirmed to the position of Judge of the Seventh District Juvenile Court.

Scott K. Jenkins, Chair

On motion of Senator Jenkins the Senate voted to approve the confirmation of Mr. Craig Bunnell on the following roll call vote:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Davis	Hillyard	Jackson	Urquhart
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COMMITTEE OF THE WHOLE

On motion of Senator Okerlund, Judge Craig Bunnell spoke in Committee of the Whole.

On motion of Senator Okerlund, the Committee of the Whole was dissolved.

ADVISE AND CONSENT

Mr. President:

June 14, 2016

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

Board of Tourism Development:

Shayne Royden Wittwer (U) is appointed to replace Russell Clove (D) as the representative of Washington, Iron, Beaver, Sanpete, Sevier or Millard counties on the Board of Tourism Development, the remaining portion of the term to expire June 30, 2019. See Utah Code 63N-7-102(4)(b)(vi).

Utah Arts Council Board of Directors:

Krista Sorenson is appointed to replace John T. Nielsen as a community representative of the Utah Arts Council Board of Directors, a term to expire July 1, 2020. See Utah Code 9-6-204(2)(d).

Sheryl Snow is appointed to replace Philipp Malzl as a community representative of the Utah Arts Council Board of Directors, the remaining portion of the term to expire July 1, 2018. See Utah Code 9-6-204(2)(d).

State Money Management Council:

Corrie Forsling (D) is appointed to replace Kirt Slaugh (R) as a member of the State Money Management Council, the remaining portion of the term to expire March 1, 2017. See Utah Code 51-7-16.

Securities Commission:

Brent A. Cochran is appointed to replace David A. Russon as a member of the Securities Commission, the remaining portion of the term to expire May 12, 2017. See Utah Code 61-1-18.5.

Great Salt Lake Advisory Council:

Kerry W. Gibson is appointed to replace Jan Zogmaister as the Weber County representative on the Great Salt Lake Advisory Council, a term to expire June 1, 2020. See Utah Code 73-30-201(2)(a)(vi)(E).

Carlton J. Christensen is appointed to replace Julie Peck-Dabbling as the Salt Lake County representative on the Great Salt Lake Advisory Council, a term to expire June 1, 2020. See Utah Code 73-30-201(2)(a)(vi)(C).

Real Estate Commission:

Lerron E. Little is reappointed as a member of the Real Estate Commission, a term to expire June 30, 2020. See Utah Code 61-2F-103.

Real Estate Appraiser Licensing and Certification Board:

Jeffrey T. Morley is appointed to replace Paul W. Throndsen as a member of the Real Estate Appraiser Licensing and Certification Board, a term to expire July 1, 2020. See Utah Code 61–2g–204.

Jim Bringhurst is reappointed as a member of the Real Estate Appraiser Licensing and Certification Board, a term to expire July 1, 2020. See Utah Code 61–2g–204.

University of Utah Board of Trustees:

James “Jim” Lee Sorenson is appointed to replace Michele Mattsson as a member of the University of Utah Board of Trustees, a term to expire June 30, 2019. See Utah Code 53B–2–104.

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

Gary R. Herbert
Governor

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President Niederhauser informed the Senate that he and the Majority Leader and the Minority Leader voted to waive the 15–day requirement for the appointment of Mr. Sorenson.

Senator Stephenson moved to consent to the appointments as read by Leslie McLean. The motion passed on the following roll call vote:

Yeas, 23; Nays, 0; Absent or not voting, 6.

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Dabakis	Davis	Fillmore	Hillyard
Jackson	Urquhart		

COMMUNICATIONS FROM THE HOUSE

Mr. President: July 13, 2016

The House passed **H.B. 3001**, TAX CREDIT REVIEW AMENDMENTS, by Representative J. Peterson, and it is transmitted for consideration; and

The House passed **H.B. 3002**, STATE FAIR PARK AMENDMENTS, by Representative S. Hollins, and it is transmitted for consideration; and

The House passed **H.B. 3003**, UNMANNED AIRCRAFT AMENDMENTS, by Representative D. Ipson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. The bills were read the first time by short title and placed on the Second Reading Calendar.

SECOND READING CALENDAR

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

On motion of Senator Bramble, under suspension of the rules, **H.B. 3001**, TAX CREDIT REVIEW AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Davis	Hillyard	Jackson	Urquhart
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H.B. 3001 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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

On motion of Senator Escamilla, under suspension of the rules, **H.B. 3002**, STATE FAIR PARK AMENDMENTS, was considered read the second and third times. Senators Van Tassell, Bramble, Dabakis, Jenkins, Okerlund, and Hinkins commented and the bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Davis	Hillyard	Jackson	Urquhart
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H.B. 3002 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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

On motion of Senator Vickers, under suspension of the rules, **H.B. 3003**, UNMANNED AIRCRAFT AMENDMENTS, was considered read the second and third times. Senators Weiler, Harper, Madsen, and Bramble commented and the bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent or not voting, 4.

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Davis	Hillyard	Jackson	Urquhart
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H.B. 3003 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:

July 13, 2016

The House passed, as amended, **H.B. 3004**, CRIMINAL JUSTICE REINVESTMENT AMENDMENTS, by Representative E. Hutchings, 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 Shiozawa, the Senate, by a two-thirds majority, voted to suspend the constitutional three readings requirement.

On motion of Senator Shiozawa, under suspension of the rules, **H.B. 3004**, CRIMINAL JUSTICE REINVESTMENT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 22; Nays, 0; Absent or not voting, 7.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Dayton
Escamilla	Fillmore	Harper	Henderson
Hinkins	Iwamoto	Jenkins	Knudson
Mayne	Millner	Okerlund	Shiozawa
Stephenson	Stevenson	Thatcher	Van Tassell
Weiler	Niederhauser		

Absent or not voting were: Senators

Dabakis	Davis	Hillyard	Jackson
Madsen	Urquhart	Vickers	

H.B. 3004 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Okerlund, and at 5:25 p.m., the Senate sauntered.

The Senate was called to order at 5:35 p.m., with President Niederhauser presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

July 13, 2016

The House passed, **S.B. 3001**, CONTROLLED SUBSTANCE DATABASE MODIFICATIONS, by Senator T. Weiler, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.B. 3002**, ECONOMIC DEVELOPMENT REVISIONS, by Senator C. Bramble, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.B. 3003**, JUDICIAL NOMINATING COMMISSIONS – AMENDMENTS, by Senator P. Knudson, which has been signed by the Speaker, and it is transmitted for the signature of the President; and

The House passed, **S.B. 3004**, CONTINUING CARE RETIREMENT COMMUNITY AMENDMENTS, by Senator D. Henderson, 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.

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President Niederhauser appointed Senators Stevenson, Hinkins, and Dabakis to join with a like committee from the House to wait upon the Governor and ask if he has any further business to bring before the Senate.

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

Representatives Hall, Thurston, and Briscoe reported that the House has concluded its business and is ready to adjourn sine die.

Senator Stevenson reported that his committee, with a like committee from the House, notified the Governor that the Senate has concluded its business and is ready to adjourn sine die.

Senator Weiler 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 5:40 p.m., the Senate adjourned sine die.

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