

**SENATE JOURNAL  
66TH LEGISLATURE  
TWENTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
February 12, 2019

Senate Chambers  
State Capitol

Senate convened at 1:01 p.m. President Sales presiding. Invocation by Senator Ellis. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair): 2/12/2019  
Correctly printed: **SB 9, SB 24, SB 73, SB 100, SB 137, SB 171, SB 173, SB 175, SB 196, SB 241, SB 242, SB 243, SJ 4, HB 20, HB 61, HB 63, HB 101, HB 156.**  
Correctly engrossed: **SB 160.**  
Transmitted to the House: **SB 89, SB 150, SB 154, HB 59, HB 68, HB 90.**  
Examined by the sponsor and found to be correct: **SB 10, SB 11, SB 16.**

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Fitzpatrick, Chair): 2/12/2019  
**HB 74**, be amended as follows:

1. Title, page 1, line 7.

**Following:** line 6

**Insert:** "CLARIFYING REMEDIES REGARDING PRIVATE RIGHTS OF ACTION;"

2. Page 2, line 1.

**Following:** "state"

**Insert:** "and may not preempt any other remedies, civil or otherwise, allowed by the laws of this state"

3. Page 2, line 4.

**Following:** line 3

**Insert:** "(c) This section may not be construed as creating a private right of action in addition to those existing under the laws of this state."

And, as amended, be concurred in.

**HB 91**, be concurred in.

**HB 107**, be amended as follows:

1. Page 2, line 8.

**Following:** "with 25 or fewer loans"

**Insert:** ", a mortgage servicer that is wholly owned and controlled by one or more depository

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 12, 2019

institutions regulated by a state or federal banking agency,"

And, as amended, be concurred in.

**HB 108**, be concurred in.

**TAXATION** (Webb, Chair):  
**SB 142**, do pass.

2/12/2019

Without objection, committee reports were adopted.

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on House Amendments to **Senate Joint Resolution 1**  
Report No. 001, February 12, 2019

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Joint Resolution 1** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Joint Resolution 1** (reference copy -- salmon) be amended as follows:

1. Page 3, line 1.

**Following:** "OR"

**Insert:** "or"

2. Page 3, line 2.

**Following:** "media"

**Strike:** ", LOBBYIST, OR MEMBER OF THE PUBLIC OR MEDIA"

For the Senate:  
Thomas, Chair  
Blasdel  
Pomnichowski

For the House:  
Skees, Vice Chair  
Dudik  
Mandeville

Without objection, the committee report was adopted.

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 12, 2019

**MESSAGES FROM THE OTHER HOUSE**

**SJ 1** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SJ 1**:

2/11/2019

Representative Skees, Vice Chair  
Representative Dudik  
Representative Mandeville

**House bills** passed and transmitted to the Senate for concurrence:

2/11/2019

**HB 120**, introduced by W. Curdy  
**HB 132**, introduced by K. Holmlund  
**HB 181**, introduced by F. Garner  
**HB 190**, introduced by B. Grubbs  
**HB 256**, introduced by C. Keogh  
**HB 260**, introduced by J. Kassmier  
**HB 356**, introduced by M. Funk

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bill was introduced, read first time, and referred to committee:

**SB 253**, introduced by C. Smith, M. Blasdel, W. Galt, G. Hertz, D. Kary, F. Mandeville, S. Sales, G. Vance, referred to Judiciary.

The following Senate resolution was introduced, read first time, and referred to committee:

**SR 29**, introduced by D. Sands, referred to Judiciary.

The following Senate bills were introduced and read first time:

**SB 245**, introduced by M. McNally, B. Bennett, C. Boland, D. Barrett, J. Cohenour, J. Ellis, P. Flowers, M. Hopkins, J. Keane, K. Kelker, E. Kerr-Carpenter, M. MacDonald, J. Pomnichowski, J. Sesso, J. Small.

**SB 246**, introduced by M. MacDonald.

**SB 247**, introduced by J. Cohenour.

**SB 248**, introduced by J. Cohenour.

**SB 249**, introduced by S. Fitzpatrick.

**SB 250**, introduced by S. Fitzpatrick.

**SB 251**, introduced by G. Vance.

**SB 252**, introduced by D. Ankney.

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 12, 2019

The following House bills were introduced, read first time, and referred to committees:

**HB 120**, introduced by W. Curdy, referred to Highways and Transportation.

**HB 132**, introduced by K. Holmlund, J. Kassmier, R. Fitzgerald, F. Garner, referred to Agriculture, Livestock and Irrigation.

**HB 181**, introduced by F. Garner, referred to State Administration.

**HB 190**, introduced by B. Grubbs, Z. Brown, W. Curdy, A. Doane, D. Fern, K. Holmlund, R. Tempel, referred to Highways and Transportation.

**HB 256**, introduced by C. Keogh, B. Bennett, K. Dudik, R. Farris-Olsen, D. Harvey, T. Jacobson, J. Keane, R. Lynch, N. McConnell, A. Olsen, K. Sullivan, referred to Judiciary.

**HB 260**, introduced by J. Kassmier, E. Buttrey, C. Pope, referred to State Administration.

**HB 356**, introduced by M. Funk, referred to Energy and Telecommunications.

**MOTIONS**

Majority Leader Thomas moved that **SB 173** be taken from the third reading agenda and re-referred to the Highways and Transportation Committee. Without objection, so ordered.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gross in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 192** - Senator Lang moved **SB 192** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 47

Nays: Brown, Howard, Smith F.

Total 3

Paired: None.

Excused: None.

Total 0

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 12, 2019

Absent or not voting: None.

Total 0

**SB 47** - Senator Cohenour moved **SB 47** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.

Total 35

Nays: Blasdel, Bogner, Brown, Ellsworth, Esp, Fielder, Hinebauch, Kary, Lang, Mr President, Regier, Salomon, Smith C, Vance, Webb.

Total 15

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 179** - Senator Kary moved **SB 179** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Thomas, Vance, Vuckovich, Webb, Welborn.

Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Webber.

Total 20

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 47** - Senator MacDonald moved **HB 47** be concurred in. Motion carried as follows:

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 12, 2019

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.  
Total 41

Nays: Ankney, Brown, Cuffe, Ellsworth, Howard, Mr President, Smith C, Vance, Welborn.  
Total 9

Paired: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 79** - Senator Small moved **HB 79** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.  
Total 50

Nays: None.  
Total 0

Paired: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 8** - Senator K. Regier moved **SB 8** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McClafferty, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn.

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 12, 2019

Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.

Total 19

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 83** - Senator Sands moved **HB 83** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 119** - Senator Welborn moved **HB 119** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 12, 2019

Nays: None.  
Total 0

Paired: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 24** - Senator Gauthier moved **SB 24** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.  
Total 31

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Lang, Mr President, Olszewski, Osmundson, Regier, Smith C, Thomas, Vance, Webb.  
Total 19

Paired: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SR 10** - Senator K. Regier moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 10**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vuckovich, Webb, Webber.  
Total 43

Nays: Blasdel, Brown, Esp, Howard, Tempel, Vance, Welborn.  
Total 7

Paired: None.

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 12, 2019

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SR 20** - Senator K. Regier moved that the nomination transmitted by the Chief Justice of the Supreme Court be concurred in and confirmed by the Senate in accordance with **SR 20**.

Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Gross moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 12, 2019

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Majority Leader Thomas moved that **SB 24**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 52** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 55** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, Mr President, Olszewski,

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 12, 2019

Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn.  
Total 43

Nays: Ellis, Gross, McNally, Pomnichowski, Sands, Sesso, Webber.  
Total 7

Paired: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 111** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.  
Total 50

Nays: None.  
Total 0

Paired: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 9** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.  
Total 50

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 12, 2019

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 73** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 100** passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn.

Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Webber.

Total 19

Paired: None.

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 12, 2019

Excused: None.

Total 0

Absent or not voting: None.

Total 0

The final vote reflects a change of vote by Majority Leader Thomas made under Order of Business 9, Motions.

**SB 137** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 171** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 44

Nays: Cuffe, Esp, Fielder, Hinebauch, Howard, Regier.

Total 6

Paired: None.

Excused: None.

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 12, 2019

Total 0

Absent or not voting: None.

Total 0

**SB 175** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 48

Nays: Hinebauch, Kary.

Total 2

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 196** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 48

Nays: Hinebauch, Kary.

Total 2

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 12, 2019

**SJ 4** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 20** concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.

Total 49

Nays: Vance.

Total 1

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 61** concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis,

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 12, 2019

Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 63** concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 101** concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon,

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 12, 2019

Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.  
Total 50

Nays: None.  
Total 0

Paired: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 156** concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.  
Total 48

Nays: Hinebauch, Kary.  
Total 2

Paired: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Regier, Chair):

2/12/2019

**SB 65**, introduced bill, be amended as follows:

1. Title, page 1, line 7.  
**Strike:** "FORFEITURE PROVISIONS,"
2. Page 1, line 22.  
**Strike:** "19"

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 12, 2019

**Insert:** "17"

3. Page 4, line 4 through line 6.

**Following:** "(b)"

**Strike:** remainder of line 4 through line 6 in their entirety

**Insert:** "if there was at that time an alcohol concentration in excess of 0.04 but less than 0.08, that fact may not give rise to any inference that the person was or was not under the influence of alcohol, but the fact may be considered with other competent evidence in determining the guilt or innocence of the person; and"

4. Page 8, line 19 through line 20.

**Strike:** "either:" on line 19 through "(A)" on line 20.

5. Page 8, line 25.

**Strike:** "(B)"

**Insert:** "(ii)"

6. Page 8, line 28.

**Strike:** "(ii)"

**Insert:** "(iii)"

7. Page 11, line 7 through line 9.

**Following:** "(3)" on line 7

**Strike:** remainder of line 7 through "programs." on line 9

**Insert:** "(a) The chemical dependency assessment must be conducted by a licensed addiction counselor. The chemical dependency education course must be conducted by a certified instructor at a treatment program approved by the department of public health and human services. In addition to the punishments provided in [sections 3 and 4], regardless of disposition, a defendant convicted of a violation of driving under the influence for a first or second time who does not meet the clinical criteria for moderate or severe chemical dependency must complete an evidence-based intervention that is appropriate to the level of offense and is approved by the department of public health and human services. For a first conviction, the evidence-based intervention may include a chemical dependency education course.  
(b)"

8. Page 11, line 13 through line 15.

**Following:** "(4)" on line 13

**Strike:** remainder of line 13 through "services." on line 15

**Insert:** "The assessment must be conducted by a licensed addiction counselor using national standard practice assessment and placement criteria that has been approved by the department of public health and human services. It must prescribe the level of care that is clinically warranted to treat the defendant's disorder."

9. Page 11, line 18 through line 20.

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 12, 2019

**Following:** "level" on line 18

**Strike:** remainder of line 18 through "services." on line 20

**Insert:** "of care prescribed in a defendant's clinical assessment as described in subsection (4)."

10. Page 11, line 21.

**Following:** line 20

**Strike:** "must include"

**Insert:** "defining levels of care and treatment must mandate"

11. Page 12, line 1.

**Following:** "first-time"

**Insert:** "or second-time"

12. Page 12, line 9.

**Strike:** "second or subsequent"

**Insert:** "third"

13. Page 12, line 10.

**Following:** "be"

**Strike:** remainder of line 10

**Insert:** "one of the following:

(i) DUI or drug treatment court;

(ii) inpatient treatment, if the assessment completed supports it; or

(iii) outpatient treatment with appropriate clinical monitoring for a period specified

in a defendant's individualized treatment plan.

(b) In the event that a defendant's chemical dependency assessment does not support any of the above, a defendant may petition the court for an alternative sentence."

**Re-number:** subsequent subsection

14. Page 12, line 11.

**Following:** "(9)(a)"

**Insert:** "(iii)"

15. Page 12, line 19.

**Strike:** "-- forfeiture of vehicle"

16. Page 12, line 21 through line 26.

**Following:** "may" on line 21

**Strike:** ":" through "(c)" on line 26

17. Page 13, line 13 through line 24.

**Strike:** subsection (3) in its entirety

18. Page 14, line 8.

**Following:** "(b)"

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 12, 2019

**Strike:** remainder of line 8

**Insert:** "(i) Except as provided in subsection (1)(b)(ii), an offender is considered to have been previously convicted for the purposes of sentencing if less than 10 years have elapsed between the commission of the present offense and a previous conviction unless the offense is the offender's third or subsequent offense, in which case all previous convictions must be used for sentencing purposes.

(ii) Subsection (1)(b)(i) does not apply to an offender for whom an expungement pursuant to 46-18-1101 has been ordered."

19. Page 15, line 9.

**Strike:** "-- administrative license suspension"

20. Page 20, line 7 through page 21, line 3.

**Strike:** section 12 through section 13 in their entirety

**Renumber:** subsequent sections

21. Page 21, line 6.

**Strike:** "16"

**Insert:** "14"

22. Page 22, line 8 through line 10.

**Following:** "(1)" on line 8

**Strike:** "The" through "recommend a" on line 9

**Insert:** "A"

**Following:** "license" on line 9

**Strike:** "for"

**Insert:** "may be issued to"

**Following:** "influence " on line 10

**Insert:** "unless the report of conviction includes a statement that the court does not recommend a probationary license"

23. Page 55, line 3.

**Strike:** ", forfeitures,"

24. Page 62, line 1.

**Strike:** "16"

**Insert:** "14"

25. Page 62, line 3.

**Strike:** "18"

**Insert:** "16"

26. Page 62, line 5.

**Strike:** "16"

**Insert:** "14"

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 12, 2019

27. Page 62, line 10.

**Strike:** "45"

**Insert:** "90"

28. Page 62, line 13.

**Strike:** "16"

**Insert:** "14"

29. Page 62, line 15.

**Strike:** "18"

**Insert:** "16"

30. Page 62, line 17.

**Strike:** "16"

**Insert:** "14"

31. Page 68, line 10.

**Strike:** "15"

**Insert:** "13"

32. Page 74, line 17.

**Strike:** "19"

**Insert:** "17"

33. Page 74, line 19.

**Strike:** "19"

**Insert:** "17"

And, as amended, do pass.

**HB 110**, be concurred in.

**HB 136**, be concurred in.

Without objection, committee reports were adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate resolution was introduced, read first time, and referred to committee:

**SR 30**, introduced by D. Brown, referred to State Administration.

SENATE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 12, 2019

**MOTIONS**

Majority Leader Thomas moved that **SB 65**, reported out of the Judiciary Committee this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved to change his third-reading vote on **SB 100** from No to Yes. Without objection, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, February 13, 2019, the thirtieth legislative day. Motion carried.

Senate adjourned at 2:34 p.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate