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)
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)
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"

   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
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.

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"

   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.
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:  

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:  


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


Total 47

Nay: Brown, Howard, Smith F.

Total 3

Paired: None.

Excused: None.

Total 0

*STATE INTERNET/BBS COPY* 4
Absent or not voting: None.
Total 0

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

Total 35

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:

Total 30

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:
Total 41

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:

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:

Total  31

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:

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:

Total  50
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:

Total 31

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:

Total 43

Total 7

Paired: None.
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:

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:

Total 50

Nays: None.
Total 0
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:

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,
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:

Total  50

Nays: None.
Total  0

Paired: None.

Excused: None.
Total  0

Absent or not voting: None.
Total  0

**SB 9** passed as follows:

Total  50
Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 73 passed as follows:

Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 100 passed as follows:

Total 31

Total 19

Paired: None.
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:

Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

**SB 171** passed as follows:

Total 44

Nays: Cuffe, Esp, Fielder, Hinebauch, Howard, Regier.
Total 6

Paired: None.

Excused: None.
Total  0

Absent or not voting: None.
Total  0

**SB 175** passed as follows:

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:

Total  48

Nays: Hinebauch, Kary.
Total  2

Paired: None.

Excused: None.
Total  0

Absent or not voting: None.
Total  0
SJ 4 passed as follows:

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:

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,
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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:

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,
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:

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"
Insert: "17"

   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)"

   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."

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)."

Following: line 20
Strike: "must include"
Insert: "defining levels of care and treatment must mandate"

Following: "first-time"
Insert: "or second-time"

Strike: "second or subsequent"
Insert: "third"

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."
Renumber: subsequent subsection

Following: "(9)(a)"
Insert: "(iii)"

15. Page 12, line 19.
Strike: "-- forfeiture of vehicle"

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

Following: "(b)"
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."

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

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,"

Strike: "16"
Insert: "14"

Strike: "18"
Insert: "16"

Strike: "16"
Insert: "14"
   Strike: "45"
   Insert: "90"

   Strike: "16"
   Insert: "14"

   Strike: "18"
   Insert: "16"

   Strike: "16"
   Insert: "14"

   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.
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