

SENATE JOURNAL OF THE IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-FIFTH LEGISLATURE

**SIXTIETH LEGISLATIVE DAY
THURSDAY, MARCH 7, 2019**

Senate Chamber

President McGeachin called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Lodge and Thayn, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Taylor McMullin, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 6, 2019, was read and approved as corrected.

LAKEY, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

Senator Thayn was recorded present at this order of business.

SJM 105 BY JUDICIARY AND RULES COMMITTEE A JOINT MEMORIAL

TO THE GOVERNOR AND LEGISLATURE OF THE STATE OF UTAH AND TO THE GOVERNOR OF THE STATE OF IDAHO.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Sixty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the State of Idaho is committed to protecting and enhancing Bear Lake storage water supplies, maintaining its pristine water quality, and enhancing recreational and economic opportunities for Idaho's citizens and tourists who add to Idaho's economy; and

WHEREAS, Bear Lake is a large freshwater lake straddling the border of Utah and Idaho with approximately half of the lake in each state, and it is the second largest natural freshwater lake by area in the State of Utah as well as in Idaho, second only to Lake Pend Oreille; and

WHEREAS, Bear Lake has a surface area of 110 square miles, being approximately 20 miles long and 7 miles wide; and

WHEREAS, Bear Lake is the oldest known continually "wet" lake in North America and one of the five oldest lakes in the world, being at least 250,000 years old; and

WHEREAS, international scientists study Bear Lake for clues to the climate and ecology of the region; and

WHEREAS, Bear Lake has unique water chemistry, giving it the intense turquoise blue color for which it is known all over the world; and

WHEREAS, Bear Lake has an extensive shoreline with areas of cobbled and sandy beaches that offer prime recreational opportunities; and

WHEREAS, in addition to having more endemic fish species, four found only in Bear Lake, than any other lake in the United States, Bear Lake is home to the largest and most genetically pure population of Bonneville cutthroat trout in existence, and the cutthroat trout is the state fish of Utah and Idaho; and

WHEREAS, since about 1912, the upper 21.65 feet of Bear Lake, approximately 1,400,000 acre-feet of water, has been used as a storage reservoir replenished from natural inflow sources and from diversions from the Bear River in Idaho made by PacifiCorp; and

WHEREAS, the storage reservoir in Bear Lake has been operated by PacifiCorp to supply irrigation water to approximately 150,000 acres of prime irrigated agriculture on family farms and ranches downstream in Utah and Idaho for over 100 years and will remain an essential irrigation water supply into the future; and

WHEREAS, the historic Bear Lake irrigation water supply is protected by many agreements among PacifiCorp, the states of Utah, Idaho, and Wyoming, the Bear River Water Users Association and its members, and Bear Lake Watch, each with individual and unique interests in Bear Lake; and

WHEREAS, in addition to the irrigation water supply, and aesthetic and recreation uses, PacifiCorp also operates Bear Lake for flood control, and water released and pumped from Bear Lake is used to generate 107 megawatts of electricity downstream on the Bear River; and

WHEREAS, at times when water is low or is released or pumped from Bear Lake, the exposed lake bed is vulnerable to nonnative vegetation invasion and degradation, which create hazards to navigation and impair recreational use for tens of thousands of visitors and thousands of homeowners; and

WHEREAS, Bear Lake is a major recreation destination, with five Utah state park recreation areas and two Idaho state park recreation areas, the Bear Lake National Wildlife Refuge, private marinas, and Boy Scout camps; and

WHEREAS, Bear Lake is vital to local and regional economies in Utah and Idaho; and

WHEREAS, the State of Idaho is committed to work in collaboration with the State of Utah, PacifiCorp, irrigators, and local stakeholders to protect existing uses and plan for the future uses and enjoyment of Bear Lake.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the states of Utah and Idaho to work together in seeking solutions to address challenges regarding Bear Lake, including recreation and economic development interests, water quality, invasive species, lake bed management and preservation, and enhancement of irrigation water storage and water supply functions.

BE IT FURTHER RESOLVED that we urge the states of Utah and Idaho, in continued cooperation, to develop joint expectations for the continued health, beauty, and enjoyment of Bear Lake.

BE IT FURTHER RESOLVED that we encourage the states of Utah and Idaho, in continued cooperation, to develop opportunities for participation with stakeholders, to develop recommendations to protect and enhance existing beneficial uses, to maintain a healthy and sustainable lake, to encourage economic development, to protect irrigation water storage, to enhance recreation, and to preserve and protect Bear Lake for future generations.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the Governor and Legislature of the State of Utah and to the Governor of the State of Idaho.

[SJM 105](#) was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 7, 2019

The JUDICIARY AND RULES Committee reports that [SJM 104](#), [S 1171](#), [S 1172](#), [S 1173](#), [S 1174](#), [S 1175](#), [S 1176](#), [S 1177](#), and [S 1178](#) have been correctly printed.

LAKEY, Chairman

[SJM 104](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

[S 1171](#), [S 1172](#), [S 1173](#), and [S 1174](#) were referred to the Finance Committee.

[S 1175](#) was referred to the Transportation Committee.

[S 1176](#) was referred to the Judiciary and Rules Committee.

[S 1177](#) and [S 1178](#) were referred to the State Affairs Committee.

March 6, 2019

The JUDICIARY AND RULES Committee reports that [S 1047](#) and [S 1008](#) have been correctly enrolled.

LAKEY, Chairman

The President signed Enrolled [S 1047](#) and [S 1008](#) and ordered them transmitted to the House for the signature of the Speaker.

March 7, 2019

The JUDICIARY AND RULES Committee reports that Enrolled [S 1028](#) was delivered to the Office of the Governor at 2:40 p.m., March 6, 2019.

LAKEY, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 5, 2019

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 160](#) and [H 165](#) with the recommendation that they do pass.

RICE, Chairman

[H 160](#) and [H 165](#) were filed for second reading.

March 6, 2019

The FINANCE Committee reports out [H 200](#), [H 215](#), [H 219](#), [H 220](#), [H 221](#), [H 222](#), [H 223](#), [H 224](#), [H 225](#), [S 1162](#), [S 1163](#), [S 1164](#), [S 1165](#), [S 1166](#), [S 1167](#), [S 1168](#), [S 1169](#), and [S 1170](#) with the recommendation that they do pass.

BAIR, Chairman

[H 200](#), [H 215](#), [H 219](#), [H 220](#), [H 221](#), [H 222](#), [H 223](#), [H 224](#), [H 225](#), [S 1162](#), [S 1163](#), [S 1164](#), [S 1165](#), [S 1166](#), [S 1167](#), [S 1168](#), [S 1169](#), and [S 1170](#) were filed for second reading.

March 6, 2019

The STATE AFFAIRS Committee reports out [S 1152](#) and [S 1153](#) with the recommendation that they do pass.

LODGE, Chairman

[S 1152](#) and [S 1153](#) were filed for second reading.

March 6, 2019

The RESOURCES AND ENVIRONMENT Committee reports out [HCR 10](#), [HCR 12](#), [HCR 15](#), [HJM 4](#), [HJM 8](#), and [HJM 9](#) with the recommendation that they do pass.

HEIDER, Chairman

[HCR 10](#), [HCR 12](#), [HCR 15](#), [HJM 4](#), [HJM 8](#), and [HJM 9](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 6, 2019

The HEALTH AND WELFARE Committee reports out [HJM 7](#) with the recommendation that it do pass.

MARTIN, Chairman

[HJM 7](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 6, 2019

The JUDICIARY AND RULES Committee reports out [H 116](#) with the recommendation that it do pass.

LAKEY, Chairman

[H 116](#) was filed for second reading.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 6, 2019

Dear Madam President:

I transmit herewith [H 120](#), [H 194](#), [H 207](#), and [H 209](#), which have passed the House.

MAULIN, Chief Clerk

[H 120](#), [H 194](#), [H 207](#), and [H 209](#) were filed for first reading.

March 6, 2019

Dear Madam President:

I transmit herewith Enrolled [H 2](#), as amended in the Senate, and [H 89](#) for the signature of the President.

MAULIN, Chief Clerk

The President signed Enrolled [H 2](#), as amended in the Senate, and [H 89](#) and ordered them returned to the House.

March 6, 2019

Dear Madam President:

I return herewith Enrolled [S 1026](#), [S 1115](#), [S 1128](#), [S 1046](#), [S 1049](#), and [S 1130](#), which have been signed by the Speaker.

MAULIN, Chief Clerk

Enrolled [S 1026](#), [S 1115](#), [S 1128](#), [S 1046](#), [S 1049](#), and [S 1130](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the Health and Welfare Committee report relative to the Gubernatorial appointment of Darrell Kerby was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Jordan, seconded by Senator Harris, the Gubernatorial appointment of Darrell Kerby as a member of the State Board of Health and Welfare was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for her signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Health and Welfare Committee report relative to the Gubernatorial appointment of James V. Giuffre was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Nelson, seconded by Senator Lee, the Gubernatorial appointment of James V. Giuffre as a member of the State Board of Health and Welfare was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for her signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Health and Welfare Committee report relative to the Gubernatorial appointment of Linda Hatzenbuehler was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Harris, seconded by Senator Jordan, the Gubernatorial appointment of Linda Hatzenbuehler as a member of the State Board of Health and Welfare was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for her signature, attested to by the

Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Health and Welfare Committee report relative to the Gubernatorial appointment of Timothy Rarick was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Heider, seconded by Senator Souza, the Gubernatorial appointment of Timothy Rarick as a member of the State Board of Health and Welfare was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for her signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Celia Gould was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Ward-Engelking, seconded by Senator Guthrie, the Gubernatorial appointment of Celia Gould as a member of the Public Employee Retirement System of Idaho Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for her signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

Senator Lodge was recorded present at this order of business.

The President announced that the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Max Black was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Burgoyne, seconded by Senator Bayer, the Gubernatorial appointment of Max Black as a member of the State Insurance Fund Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for her signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Susan Buxton was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Burgoyne, seconded by Senator Patrick, the Gubernatorial appointment of Susan Buxton as the Administrator of the Division of Human Resources was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for her signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Thomas Limbaugh was before the Senate for

final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lee, seconded by Senator Burgoyne, the Gubernatorial appointment of Thomas Limbaugh as a member of the Idaho Industrial Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for her signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that [HJM 6](#) was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Burtenshaw, seconded by Senator Harris, [HJM 6](#) was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1179

BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO ALCOHOL; AMENDING SECTION 23-944, IDAHO CODE, TO REVISE PROVISIONS REGARDING EXCEPTIONS TO CERTAIN AGE RESTRICTIONS.

[S 1179](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 120](#) and [H 194](#), by Education Committee, were introduced, read the first time at length, and referred to the Education Committee.

[H 207](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 209](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 182](#), by Health and Welfare Committee, was read the second time at length and filed for third reading.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Vick to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Vick, Chairman of the Committee of the Whole, reported out [S 1003](#), [S 1104](#), [S 1110](#), [S 1061](#), [S 1091](#), [S 1068](#), [S 1056](#), [H 88](#), and [H 106](#), without recommendation, amended as follows:

SENATE AMENDMENT TO S 1003 AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 12, delete "may" and insert: "shall"; and following line 25, insert:

"(d) Diversion shall only be available pursuant to this section if the minor expresses a willingness to cooperate and receive specialized services. If the minor is unwilling to cooperate with specialized services, continuation of the diversion shall be at the discretion of the court."

SENATE AMENDMENT TO S 1104 AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 25, following "course" insert: "or in a course at an institution of higher education".

SENATE AMENDMENT TO S 1110 AMENDMENT TO THE BILL

On page 2 of the printed bill, following line 50, insert: "SECTION 3. That Section 41-1039, Idaho Code, be, and the same is hereby amended to read as follows:

41-1039. LICENSE REQUIRED. (1) No person shall hold himself out to be a bail agent or sell, solicit, negotiate, advise or consult regarding the terms of bail bond contracts in this state unless that person is licensed as a producer in the line of surety insurance. The director is vested with the exclusive authority to license bail agents and the authority to regulate the solicitation, negotiation and transaction of bail with retail consumers of bail bonds, provided however, that a court retains the authority to refuse to accept bail bonds from a surety or a bail agent pursuant to its inherent authority, pursuant to Idaho Code, or as provided by supreme court rules, guidelines or appellate decisions.

(2) A bail agent is authorized to execute and countersign undertakings of bail, including bail bonds, in connection with any judicial proceedings in each of the judicial districts of the state. Any sheriff or clerk of the district court shall accept bail bonds only from a bail agent, unless otherwise ordered by the court pursuant to subsection (1) of this section.

(3) In addition to the authority to revoke, suspend or refuse to issue a bail agent's license pursuant to section 41-1016, Idaho Code, the director shall suspend a license for a period not to exceed six (6) months, after mailing notice to the last known address of the bail agent but prior to a hearing, if such bail agent:

(a) Has been convicted or has entered a guilty plea to any felony or to a misdemeanor ~~which evidences bad moral character evidencing theft, dishonesty, a lack of integrity and financial responsibility, or an unfitness and inability to provide acceptable service to the consuming public intimidation, threats, or violence;~~ or

(b) Intentionally and fraudulently makes a false statement to a court in connection with a bail transaction.

(4) In addition to the provisions of subsection (3) of this section, the director may also suspend a license for a period not to exceed six (6) months, after mailing notice to the last known address of the bail agent but prior to a hearing, for reasons set forth in the rules of the department."

CORRECTION TO TITLE

On page 1, in line 4, delete "AND"; and in line 10, following "RECORDS" insert: "; AND AMENDING SECTION 41-1039, IDAHO CODE, TO REVISE A PROVISION REGARDING SUSPENSION OF A LICENSE".

SENATE AMENDMENT TO S 1061
AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 15, following "year." insert: "An indefinite term supplemental levy in effect on and before July 1, 2019, shall remain in effect and may be reduced by a majority vote of the board of trustees during any fiscal year.".

SENATE AMENDMENT TO S 1091
AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 33, delete "fourteen" and insert: "fourteen five"; and in line 34, delete "14" and insert: "145".

SENATE AMENDMENT TO S 1068
AMENDMENT TO THE BILL

On page 2 of the printed bill, delete lines 21 through 48.
On page 3, delete lines 1 through 20; and in line 21, delete "3" and insert: "2".

CORRECTION TO TITLE

On page 1, in line 6, delete "AMENDING SECTION 41-348, IDAHO CODE, TO REVISE PROVISIONS RE-"; and in line 7, delete "GARDING PROHIBITED ACTS AND TO DEFINE TERMS";.

SENATE AMENDMENT TO S 1056
AMENDMENT TO SECTION 3

On page 2 of the printed bill, in line 37, following "Code." insert: "No district shall commence enforcement under the provisions of this section prior to January 1, 2020. The director shall not curtail ground water diversions based on delinquent assessments levied prior to April 1, 2019, or based on mitigation plan noncompliance that occurred prior to April 1, 2019.".

AMENDMENT TO BILL

On page 2, following line 37, insert:
"SECTION 4. An emergency existing therefore, which emergency is hereby declared to exist, this act shall be in full force and effect on and after April 1, 2019.".

CORRECTION TO TITLE

On page 1, in line 11, following "HEARINGS" insert: "; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE".

SENATE AMENDMENT TO H 88
AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 21, delete "forty percent (40%)" and insert: "thirty-nine and three-quarters percent (39.75%)"; also in line 21, delete "forty and"; in line 22, delete "one-half percent (40.5%)" and insert: "forty percent (40%)"; in line 27, delete "fifty-nine percent (59%)" and insert: "fifty-nine and one-quarter percent (59.25%)"; also in line 27, delete "and fifty-nine"; and in line 28, delete "and one-half percent (59.5%)" and insert: "and sixty percent (60%)".

SENATE AMENDMENT TO H 106
AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 12 through 15, and insert: "lights, a stationary tow truck displaying flashing lights, or a stationary highway incident response vehicle displaying flashing lights, shall:"; delete lines 19 through 21, and insert:

"traveling in a lane adjacent to the a stationary police vehicle displaying flashing lights or the, an authorized emergency vehicle displaying flashing lights, a stationary tow truck displaying flashing lights, or a highway incident response vehicle displaying flashing lights,"; and delete lines 28 through 30, and insert: "traffic conditions until completely past the stationary police vehicle, or authorized emergency vehicle, stationary tow truck, or highway incident response vehicle.".

The Committee also has [S 1131](#) under consideration, reports progress, and begs leave to sit again.

VICK, Chairman

On motion by Senator Vick, seconded by Senator Stennett, the report was adopted by voice vote.

[S 1003](#), as amended, [S 1104](#), as amended, [S 1110](#), as amended, [S 1061](#), as amended, [S 1091](#), as amended, [S 1068](#), as amended, and [S 1056](#), as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

[H 88](#), as amended in the Senate, and [H 106](#), as amended in the Senate, were filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Winder, granted by unanimous consent, the Senate returned to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Cheatham, granted by unanimous consent, [S 1074](#) was referred to the Fourteenth Order of Business, General Calendar.

[H 156](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Agenbroad, Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Burtenshaw, Cheatham, Crabtree, Den Hartog, Grow, Guthrie, Harris, Heider, Hill, Johnson, Jordan, Lakey, Lee, Lent, Lodge, Martin, Mortimer, Nelson, Nye, Patrick, Rice, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder, Woodward. Total - 35.

Whereupon the President declared [H 156](#) passed, title was approved, and the bill ordered returned to the House.

[H 157](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Agenbroad, Anthon, Bayer, Brackett, Buckner-Webb, Burgoyne, Cheatham, Crabtree, Den Hartog, Guthrie, Johnson, Jordan, Lakey, Lee, Lodge, Nelson, Nye, Patrick, Rice, Souza, Stennett, Vick, Ward-Engelking, Winder, Woodward. Total - 25.

NAYS—Bair, Burtenshaw, Grow, Harris, Heider, Hill, Lent, Martin, Mortimer, Thayn. Total - 10.

Total - 35.

Whereupon the President declared [H 157](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Winder, granted by unanimous consent, the Senate returned to the Fourth Order of Business.

Reading of Communications

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

On motion by Senator Winder, seconded by Senator Stennett, by voice vote the Senate recessed at 11:50 a.m. until the hour of 4 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 4 p.m., pursuant to recess, President McGeachin presiding.

Roll call showed all members present except Senators Buckner-Webb, Crabtree, Den Hartog, Lent, Mortimer, Thayne, Ward-Engelking, and Woodward, absent and excused.

Prior to recess the Senate was at the Fifth Order of Business, Petitions, Resolutions, and Memorials.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Vick to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Vick, Chairman of the Committee of the Whole, reported out [S 1131](#) and [S 1074](#), without recommendation, amended as follows:

SENATE AMENDMENT TO S 1131 AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 17 through 22, and insert: "no less than one two hundred dollars (\$1200) ~~not more than five hundred dollars~~ (\$500) for a first offense under this subsection; no less than four hundred dollars (\$400) for a second offense under this subsection within five (5) years of a prior offense under this subsection; and no less than six hundred dollars (\$600) for a third offense under this subsection within five (5) years of two (2) prior offenses under this subsection. Notwithstanding the provisions of section 19-4705, Idaho Code, the fines imposed under this subsection in excess of one hundred dollars (\$100) shall be paid into the school bus camera fund, which is hereby created in the state treasury. Moneys in the fund may be appropriated only for the purpose of installing cameras on school buses to enforce the traffic law established in this section. If no program is established for the administration of the school bus camera fund by July 1, 2024, then such funds shall be distributed pursuant to section 19-4705, Idaho Code."

CORRECTION TO TITLE

On page 1, delete lines 2 through 4, and insert: "RELATING TO TRAFFIC ENFORCEMENT; AMENDING SECTION 49-1422, IDAHO CODE, TO PROVIDE CERTAIN PENALTIES FOR OVERTAKING A

SCHOOL BUS, TO ESTABLISH A CERTAIN FUND, AND TO MAKE TECHNICAL CORRECTIONS."

SENATE AMENDMENT TO S 1074 AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 15 through 17, and insert: "when the person is no longer committed to the county jail if the person has been released pursuant to a dismissal, bail, or any other court order of release, unless the release is a temporary release from the jail solely for the purpose of receiving medical care for an injury that occurred while committed in the county jail. Nothing in this chapter precludes a released person from access to coverage under chapter 35, title 31, Idaho Code."

VICK, Chairman

On motion by Senator Vick, seconded by Senator Jordan, the report was adopted by voice vote.

[S 1131](#), as amended, and [S 1074](#), as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Winder, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

Senators Buckner-Webb, Crabtree, Den Hartog, Mortimer, and Woodward were recorded present at this order of business.

March 7, 2019

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1003](#), [S 1104](#), [S 1110](#), [S 1061](#), [S 1091](#), [S 1068](#), [S 1056](#), [H 88](#), [H 106](#), [S 1131](#), and [S 1074](#) have been correctly printed.

LAKEY, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 7, 2019

The JUDICIARY AND RULES Committee reports that [S 1003](#), as amended, [S 1104](#), as amended, [S 1110](#), as amended, [S 1061](#), as amended, [S 1091](#), as amended, [S 1068](#), as amended, [S 1056](#), as amended, [S 1131](#), as amended, and [S 1074](#), as amended, have been correctly engrossed.

LAKEY, Chairman

[S 1003](#), as amended, [S 1104](#), as amended, [S 1110](#), as amended, [S 1061](#), as amended, [S 1091](#), as amended, [S 1068](#), as amended, [S 1056](#), as amended, [S 1131](#), as amended, and [S 1074](#), as amended, were filed for first reading.

Senators Lent and Thayne were recorded present at this order of business.

March 7, 2019

The JUDICIARY AND RULES Committee reports that Enrolled [S 1026](#), [S 1115](#), [S 1128](#), [S 1046](#), [S 1049](#), and [S 1130](#) were delivered to the Office of the Governor at 3:20 p.m., March 7, 2019.

LAKEY, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

Senator Ward-Engelking was recorded present at this order of business.

March 7, 2019

The FINANCE Committee reports out [S 1171](#), [S 1172](#), [S 1173](#), and [S 1174](#) with the recommendation that they do pass.

BAIR, Chairman

[S 1171](#), [S 1172](#), [S 1173](#), and [S 1174](#) were filed for second reading.

March 7, 2019

The TRANSPORTATION Committee reports out [H 107](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BRACKETT, Chairman

There being no objection, [H 107](#) was referred to the Fourteenth Order of Business, General Calendar.

March 7, 2019

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 112](#) and [S 1073](#) with the recommendation that they do pass.

PATRICK, Chairman

[H 112](#) and [S 1073](#) were filed for second reading.

March 7, 2019

The COMMERCE AND HUMAN RESOURCES Committee reports out [S 1138](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

PATRICK, Chairman

There being no objection, [S 1138](#) was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[H 88](#), as amended in the Senate, and [H 106](#), as amended in the Senate, by Transportation and Defense Committee, were read the first time at length and filed for second reading.

[S 1003](#), as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

[S 1104](#), as amended, by Education Committee, was read the first time at length and filed for second reading.

[S 1110](#), as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

[S 1061](#), as amended, by Education Committee, was read the first time at length and filed for second reading.

[S 1091](#), as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

[S 1068](#), as amended, by Commerce and Human Resources Committee, was read the first time at length and filed for second reading.

[S 1056](#), as amended, by Resources and Environment Committee, was read the first time at length and filed for second reading.

[S 1131](#), as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

[S 1074](#), as amended, by Health and Welfare Committee, was read the first time at length and filed for second reading.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[SJR 102](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lakey arose as sponsor of the resolution and opened the debate. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Agenbroad, Anthon, Bair, Buckner-Webb, Burgoyne, Burtenshaw, Grow, Guthrie, Harris, Heider, Hill, Jordan, Lakey, Lent, Martin, Mortimer, Nelson, Nye, Patrick, Souza, Stennett, Ward-Engelking, Winder. Total - 23.

NAYS—Bayer, Brackett, Cheatham, Crabtree, Den Hartog, Johnson, Lee, Lodge, Rice, Thayn, Vick, Woodward. Total - 12.

Total - 35.

Less than two-thirds having voted in the affirmative, the President declared that the Senate had failed to adopt [SJR 102](#) and ordered the resolution filed in the office of the Secretary of the Senate.

On request by Senator Winder, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Winder, seconded by Senator Stennett, by voice vote, the Senate adjourned at 5:33 p.m. until the hour of 9:30 a.m., Friday, March 8, 2019.

JANICE MCGEACHIN, President

Attest: JENNIFER NOVAK, Secretary