

SENATE JOURNAL OF THE IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-FIFTH LEGISLATURE

SEVENTY-FIFTH LEGISLATIVE DAY
FRIDAY, MARCH 22, 2019

Senate Chamber

President McGeachin called the Senate to order at 9:15 a.m.

Roll call showed all members present except Senator Johnson, absent and formally excused by the Chair; and Senator Brackett, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Lauren Pattee, 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 21, 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

SCR 116 BY STATE AFFAIRS COMMITTEE A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THAT THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE DIRECT THE OFFICE OF PERFORMANCE EVALUATIONS TO MANAGE AN INDEPENDENT EVALUATION REGARDING THE IMPLEMENTATION OF A COUNTYWIDE HIGHWAY DISTRICT SYSTEM AND THE ROLE OF THE LOCAL HIGHWAY TECHNICAL ASSISTANCE COUNCIL.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Idaho Code currently provides for the administration of local highways by counties, cities, voter-approved countywide highway districts, and highway districts comprising areas smaller than the boundary of a single county; and

WHEREAS, Idaho has nearly three hundred unique local highway jurisdictions, including cities, counties, and highway districts; and

WHEREAS, some Idaho counties have no highway districts, while others contain several small highway districts within their boundaries; and

WHEREAS, several of Idaho's highway districts were formed over one hundred years ago; and

WHEREAS, many components of Idaho's current system of secondary highway administration may have evolved over time; and

WHEREAS, technology has advanced considerably since the development of Idaho's system of secondary highway administration; and

WHEREAS, Idaho's weather, terrain, and remote regions present unique challenges that must be addressed; and

WHEREAS, the majority of highway miles and bridges in Idaho are administered by local highway jurisdictions; and

WHEREAS, the Local Highway Technical Assistance Council (LHTAC) was established under Chapter 24, Title 40, Idaho Code, by the Idaho Legislature in 1994; and

WHEREAS, the mission of LHTAC is to help Idaho's local highway jurisdictions utilize the available resources for maintenance and construction of Idaho's local highway system in the most efficient and effective manner possible; and

WHEREAS, LHTAC has been granted the authority to act for local jurisdictions, including the execution of contracts and the expenditure of funds; and

WHEREAS, LHTAC has administered state transportation funds, including Strategic Initiatives Program funds, to local highway jurisdictions through grant programs; and

WHEREAS, through its role as a resource for local highway jurisdictions, LHTAC has collected and published data regarding Idaho's local highway system; and

WHEREAS, according to a 2014 study by LHTAC, the local transportation system has 33,276 miles of roadways with 13% in fair condition and 27% in poor condition; and

WHEREAS, according to 2019 data collected by LHTAC, Idaho's local highway system contains 2,417 bridges, 857 of which are at least fifty years old, 362 of which are load posted or closed, and 181 of which are in poor condition; and

WHEREAS, repair, replacement, and construction of local highway infrastructure is critical to public safety; and

WHEREAS, Idaho's transportation funding shortfall complicates the repair, replacement, and construction of highway infrastructure; and

WHEREAS, the Legislature desires to learn more about the efficiencies that could be gained through implementation of a countywide approach to local highway administration; and

WHEREAS, the Legislature further desires to learn more about LHTAC, its current role with respect to the local highway system, how LHTAC may be best utilized in the future, and whether, and to what extent, the implementation of a countywide highway system would enhance or minimize LHTAC's role as a resource for such countywide jurisdictions; and

WHEREAS, the Legislature has the responsibility to ensure that all resources of the State of Idaho are expended as efficiently as possible.

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 the Joint Legislative Oversight Committee is requested to direct the Office of Performance Evaluations to manage an independent evaluation of efficiencies that could be obtained through implementation of a countywide approach to local highway administration throughout Idaho, including analysis of LHTAC's role. Such evaluation shall be conducted by a qualified out-of-state consultant or consultants without current contractual relationships with any Idaho political subdivisions, local highway

jurisdictions, the Idaho Transportation Department, LHTAC, or any consultant or contractor who works for or with any of the aforementioned individuals or entities. The evaluation shall, at a minimum, address the following:

(1) Whether cost-efficiencies and enhancements to public safety could be gained through implementation of a countywide approach to secondary highway administration, including the consolidation of local highway jurisdictions;

(2) Whether Idaho's transportation system would benefit from or suffer any adverse consequences as a result of a countywide approach to local highway administration;

(3) Whether, on balance, the benefits that could be obtained through implementation of a countywide approach to secondary highway administration, including the consolidation of local highway districts into single countywide highway districts, would outweigh any adverse effects; and

(4) LHTAC's current role with respect to local highway administration and whether, and to what extent, the implementation of a countywide highway system should enhance or minimize LHTAC's role.

BE IT FURTHER RESOLVED that the independent evaluation shall appropriately address Idaho's unique weather, terrain, size, and many remote regions.

BE IT FURTHER RESOLVED that the Joint Legislative Oversight Committee is requested to direct the Office of Performance Evaluations to develop and submit a report to the Legislature regarding the findings of the evaluation no later than the First Regular Session of the Sixty-sixth Idaho Legislature. At the conclusion of the consultant's work, the Joint Legislative Oversight Committee is requested to submit the completed results of the independent evaluation to the Legislature. The results so reported are to include action-item recommendations upon which the Legislature can act to improve local highway administration.

[SCR 116](#) was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

Senator Brackett was recorded present at this order of business.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 21, 2019

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 193](#), as amended, with the recommendation that it do pass.

RICE, Chairman

[H 193](#), as amended, was filed for second reading.

March 21, 2019

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 259](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

RICE, Chairman

There being no objection, [H 259](#) was referred to the Fourteenth Order of Business, General Calendar.

March 22, 2019

The RESOURCES AND ENVIRONMENT Committee reports out [H 189](#), as amended, with the recommendation that it do pass.

HEIDER, Chairman

[H 189](#), as amended, was filed for second reading.

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

Messages from the Governor

March 21, 2019

The Honorable Janice McGeachin
President of the Senate
Idaho Legislature

Dear Madam President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

[S 1107](#)

Within the time prescribed by law, the same having arrived in the Office of the Governor at the hour of 2:05 p.m. on March 20, 2019.

In my State of the State address, I spoke about utilizing all budgeting mechanisms that "ensure our state remains fiscally sound over the long-term." One key component of making sure we remain fiscally sound in state government is maintaining accurate fiscal notes for legislation.

In the statement of purpose for [S 1107](#), there is a sunset provision in section 33-1004 which allows school districts and public charter schools to receive salary-based apportionment based on adjusted mid-term support units, if the best 28-week units are at least 3-percent greater than mid-term support units. According to the most recent State Department of Education's calculations, that sunset would save the state approximately \$1.94 million, which is based on 19 support units at \$102,100 for each support unit in the next fiscal year.

[S 1107](#) would remove the sunset. So, it stands to reason that eliminating this sunset will affect the general fund by a similar amount. This was not reflected in the fiscal note for [S 1107](#).

Sincerely,
/s/ Brad Little
Governor of Idaho

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

March 21, 2019

The Honorable Janice McGeachin
President of the Senate
Idaho Legislature

Dear Madam President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

[S 1162](#)

Within the time prescribed by the law, the same having arrived in the Office of the Governor at the hour of 2:05 p.m. on March 20, 2019.

We have tremendous difficulty filling positions at the Idaho Department of Correction (IDOC) during boom economic times and rapid turnover among probation officers. It will be hard to fill the 17 positions – 10 probation officers and seven support staff – authorized in this bill because these positions will have to be advertised as ending in one year. It will be especially difficult to fill the 10 probation officer vacancies because those positions require some POST training. The new, one-time probation officers will finish their training with little more than half of a year left of the one-time appropriation. Ironically, because of the frequent turnover in these positions, IDOC will probably be able to manage this year with this one-time appropriation. But structuring the appropriation in this manner is not helpful to the personnel issues IDOC is facing.

My hope is that next year the legislature will make these 17 positions permanent as we work together to solve personnel issues at IDOC.

Sincerely,
/s/ Brad Little
Governor of Idaho

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

March 22, 2019

The Honorable Janice McGeachin
President of the Senate
Idaho Legislature

Dear Madam President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

[S 1022](#), [S 1042](#), [S 1043](#), [S 1044](#), [S 1048](#),
[S 1059](#), [S 1084](#), [S 1085](#), [S 1097](#), [S 1142](#),
[S 1155](#), [S 1164](#), and [S 1170](#)

Sincerely,
/s/ Brad Little
Governor of Idaho

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

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 21, 2019

Dear Madam President:

I transmit herewith [H 277](#) and [H 265](#), which have passed the House.

MAULIN, Chief Clerk

[H 277](#) and [H 265](#) were filed for first reading.

March 21, 2019

Dear Madam President:

I return herewith [S 1163](#), [S 1185](#), [S 1023](#), [S 1091](#), as amended, [S 1133](#), [S 1131](#), as amended, [S 1190](#), [S 1191](#), [S 1197](#), [S 1198](#), and [S 1192](#), which have passed the House.

MAULIN, Chief Clerk

[S 1163](#), [S 1185](#), [S 1023](#), [S 1091](#), as amended, [S 1133](#), [S 1131](#), as amended, [S 1190](#), [S 1191](#), [S 1197](#), [S 1198](#), and [S 1192](#) were referred to the Judiciary and Rules Committee for enrolling.

March 21, 2019

Dear Madam President:

I transmit herewith Enrolled [HCR 17](#), [H 192](#), [H 245](#), [H 246](#), [H 177](#), [H 164](#), [H 184](#), [H 201](#), [H 244](#), [H 141](#), [H 207](#), [H 209](#), [H 191](#), and [H 106](#), as amended in the Senate, for the signature of the President.

MAULIN, Chief Clerk

The President signed Enrolled [HCR 17](#), [H 192](#), [H 245](#), [H 246](#), [H 177](#), [H 164](#), [H 184](#), [H 201](#), [H 244](#), [H 141](#), [H 207](#), [H 209](#), [H 191](#), and [H 106](#), as amended in the Senate, and ordered them returned to the House.

March 21, 2019

Dear Madam President:

I return herewith Enrolled [S 1075](#), as amended, [S 1129](#), as amended, [S 1050](#), [S 1087](#), [S 1088](#), as amended, [S 1093](#), [S 1116](#), [S 1122](#), [S 1123](#), [S 1134](#), [S 1193](#), and [S 1194](#), which have been signed by the Speaker.

MAULIN, Chief Clerk

Enrolled [S 1075](#), as amended, [S 1129](#), as amended, [S 1050](#), [S 1087](#), [S 1088](#), as amended, [S 1093](#), [S 1116](#), [S 1122](#), [S 1123](#), [S 1134](#), [S 1193](#), and [S 1194](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

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 277](#), by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 265](#), by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1205](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[H 149](#), as amended in the Senate, by Business Committee, was read the second time at length and filed for third reading.

[H 194](#), as amended in the Senate, by Education Committee, was read the second time at length and filed for third reading.

[S 1124](#), as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[S 1159](#), as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

[H 179](#), as amended, by Ways and Means Committee, was read the second time at length and filed for third reading.

[H 258](#), by Appropriations Committee, was read the second time at length and filed for third reading.

[H 169](#), as amended in the Senate, by State Affairs Committee, was read the second time at length and filed for third reading.

[S 1204](#), by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Motion to Suspend Rules

Moved by Senator Winder, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of [S 1159](#), as amended, be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [S 1159](#), as amended, be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Agenbroad, Anthon, Bayer, Brackett, Burtenshaw, Cheatham, Crabtree, Den Hartog, Grow, Guthrie, Harris, Heider, Hill, Jordan, Lakey, Lee, Lent, Lodge, Martin, Mathias (Buckner-Webb), Mortimer, Nelson, Patrick, Rice, Souza, Stennett, Thayne, Ward-Engelking, Winder, Woodward. Total - 30.

NAYS—Burgoyne, Nye. Total - 2.

Absent and excused—Bair, Johnson, Vick. Total - 3.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

[S 1159](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Grow arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Burtenshaw, Cheatham, Grow, Harris, Heider, Hill, Lakey, Lee, Lodge, Mortimer, Patrick, Rice, Souza, Thayne, Vick, Winder. Total - 18.

NAYS—Agenbroad, Bayer, Brackett, Burgoyne, Crabtree, Den Hartog, Guthrie, Johnson, Jordan, Lent, Martin, Mathias (Buckner-Webb), Nelson, Nye, Stennett, Ward-Engelking, Woodward. Total - 17.

Paired and voting included in roll call:

AYE - Vick

NAY - Johnson

Total - 35.

Whereupon the President declared [S 1159](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Winder, granted by unanimous consent, the Senate went at ease and resolved itself into the Committee for the Memorial Service.

MEMORIAL SERVICE

The Service was conducted by Memorial Service Committee Co-chairmen Senator Van T. Burtenshaw and Senator Don Cheatham. The Invocation was delivered by Pro Tempore Brent Hill. "Ave Maria" was performed by Patti Syme. The Service

was coordinated by Tyler Leenknecht, Secretary to the Secretary of the Senate.

IN THE SENATE A SENATE MEMORIAL

WHEREAS, the late Senator H. DEAN SUMMERS passed on since the close of the Second Regular Session of the Sixty-fourth Legislature to wit, January 9th, 2018.

WHEREAS, the late Senator H. DEAN SUMMERS served in the interest of Ada County during the Thirty-ninth through the Forty-third Legislature of the State of Idaho.

NOW, THEREFORE BE IT RESOLVED that the Senate of the First Regular Session of the Sixty-fifth Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator H. DEAN SUMMERS; and

BE IT FURTHER RESOLVED that the Senate of the First Regular Session of the Sixty-fifth Idaho Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the H. DEAN SUMMERS family.

On motion by Senator Winder, seconded by Senator Cheatham, the Memorial to the late Senator Dean Summers was adopted by voice vote.

"Amazing Grace" was performed by the Lisa Dalmas. The Benediction was offered by Chaplin Montie Ralstin and the Memorial Service was dissolved.

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

Reports of Standing Committees

March 22, 2019

The FINANCE Committee reports out [H 265](#) with the recommendation that it do pass.

BAIR, Chairman

[H 265](#) was filed for second reading.

March 22, 2019

The STATE AFFAIRS Committee reports out [H 199](#), as amended, [H 205](#), [H 251](#), and [H 270](#) with the recommendation that they do pass.

LODGE, Chairman

[H 199](#), as amended, [H 205](#), [H 251](#), and [H 270](#) were filed for second reading.

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

S 1206 BY FINANCE COMMITTEE AN ACT

RELATING TO THE APPROPRIATION TO THE SUPREME COURT FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2020; AND EXEMPTING THE

APPROPRIATION FROM OBJECT AND PROGRAM
TRANSFER LIMITATIONS.

S 1207
BY FINANCE COMMITTEE
AN ACT

RELATING TO THE APPROPRIATION TO THE SUPREME COURT FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR THE SUPREME COURT PROGRAM FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR THE COURT OF APPEALS PROGRAM FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR THE DISTRICT COURTS PROGRAM FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR THE MAGISTRATE DIVISION PROGRAM FOR FISCAL YEAR 2020; AND EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS.

[S 1206](#) and [S 1207](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

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 12:20 p.m. until the hour of 9:30 a.m., Monday, March 25, 2019.

JANICE MCGEACHIN, President

Attest: JENNIFER NOVAK, Secretary