SENATE JOURNAL
OF THE
IDAHO LEGISLATURE
SECOND REGULAR SESSION
SIXTY-FIFTH LEGISLATURE

TWENTY-FOURTH LEGISLATIVE DAY
WEDNESDAY, JANUARY 29, 2020

Senate Chamber

President McGeachin called the Senate to order at 11 a.m.
Roll call showed all members present.
Prayer was offered by Chaplain Jeff Tanner.
The Pledge of Allegiance was led by Spencer Payne, 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 January 28, 2020, 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

SJM 107
BY COMMERCE AND HUMAN RESOURCES COMMITTEE
A JOINT MEMORIAL

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

WHEREAS, the Republic of China (Taiwan), the United States, and in particular the State of Idaho share a historical and close relationship marked by the common value of democracy, human rights, and rule of law; and

WHEREAS, Taiwan and Idaho established a close sister statehood in 1984 and have fostered close relations through strong and bilateral trade, educational and cultural exchange, scientific and technological interest, and tourism; and

WHEREAS, Taiwan was the second-largest export market of Idaho goods in 2018, with an estimated $675 million in sales, including semiconductors, computers and capital equipment, and agricultural products; and

WHEREAS, the U.S. Department of Commerce reports that Taiwanese entities invested nearly $11.3 billion in 2017 in the United States, of which $115 million went to research and development projects and $967 million helped to expand U.S. exports, supporting more than 14,000 American jobs; and

WHEREAS, in 2019, the United States and Taiwan commemorated the 40th anniversary of the Taiwan Relations Act, the spirit of which is to ensure ongoing interaction of both sides; and

WHEREAS, in 2018, the U.S. Congress passed, and President Donald Trump signed into law, the Taiwan Travel Act to enhance mutual governmental communications and visits; and

WHEREAS, past exchanges between Taiwan and Idaho have included several legislative and governmental delegations from Idaho to Taiwan; and

WHEREAS, Idaho welcomes all opportunities for an even closer economic and cultural relationship with Taiwan and supports increased trade and investment through bilateral free and fair trade agreement, support of the United States-Taiwan Global Cooperation and Training Framework building programs for regional experts in the areas of public health, empowerment of women, energy efficiency, and e-commerce; and

WHEREAS, Idaho recognizes Taiwan's contribution to a broad range of global issues, including humanitarian assistance, disaster relief, safeguarding of cybersecurity, anti-terrorism initiatives, and fights against transnational crime.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the State of Idaho reaffirms its commitment to the strong and deepening relationship between the State of Idaho and the Republic of China (Taiwan) and supports Taiwan's meaningful participation in appropriate international organizations.

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 President of the Senate and the Speaker of the House of Representatives of Congress, the congressional delegation representing the State of Idaho in the Congress of the United States, the Governor of the State of Idaho, the Director of the Idaho Department of Commerce, the Director of the Idaho State Department of Agriculture, and the Director-General of the Taipei Economic and Cultural Office in Seattle, Washington.

SCR 119
BY STATE AFFAIRS COMMITTEE
A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND DESIGNATING NOVEMBER 7 IN 2020 AND IN EACH SUCCEEDING YEAR AS VICTIMS OF COMMUNISM MEMORIAL DAY.

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

WHEREAS, the year 2017 marked 100 years since the Bolshevik Revolution in Russia resulting in the world's first communist regime under Vladimir Lenin, which led to decades of oppression and violence under communist regimes throughout the world; and
WHEREAS, based on the philosophy of Karl Marx, communism has proven incompatible with the ideals of liberty, prosperity, and dignity of human life and has given rise to such infamous totalitarian dictators as Joseph Stalin, Mao Zedong, Ho Chi Minh, Pol Pot, Nicolae Ceauşescu, the Castro brothers, and the Kim dynasty; and

WHEREAS, President Donald Trump declared November 7, 2017, a National Day for the Victims of Communism, condemning communism as a political philosophy "incompatible with liberty, prosperity, and the dignity of human life"; and

WHEREAS, the bipartisan U.S. Congressional Caucus for the Victims of Communism stated publicly in 2018 that "Marx's defenders often say he cannot be held accountable for what communist regimes did long after his life and death; but Marxist dictators who massacred their own people were applying communist ideology to political practice"; and

WHEREAS, communist regimes worldwide have killed more than 100 million people and subjected countless others to the worst and widest-spread human rights abuses known to history, with victims representing many different ethnicities, creeds, and backgrounds; and

WHEREAS, through false promises of equality and liberation, communist regimes have as a matter of government policy robbed their own citizens of the rights of freedom of religion, freedom of speech, and freedom of association through coercion, brutality, and fear; and

WHEREAS, many victims of communism were persecuted as political prisoners for speaking out against these regimes, and others were killed in genocidal state-sponsored purges; and

WHEREAS, in addition to violating basic human rights, communist regimes have suppressed freedom of conscience, cultural life, and self-determination movements in more than 40 nations; and

WHEREAS, the Victims of Communism Memorial Foundation in Washington, D.C., is a nonprofit organization, authorized by unanimous act of the United States Congress that educates people about the ideology, history, and legacy of communism and honors the people who have suffered and died under communist regimes.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that November 7 in 2020 and in each succeeding year be designated as Victims of Communism Memorial Day.

BE IT FURTHER RESOLVED that the Secretary of the Senate transmit a copy of this resolution to the Victims of Communism Memorial Foundation so that members of the organization may be apprised of the state's action on this matter and further cause the resolution to be posted on the Legislature's website.

SIM 107 and SCR 119 were 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
January 29, 2020

The JUDICIARY AND RULES Committee reports that S 1257 and S 1258 have been correctly printed.

LAKEY, Chairman

S 1257 and S 1258 were referred to the Finance Committee.

January 29, 2020

The FINANCE Committee reports out H 331 with the recommendation that it do pass.

BAIR, Chairman

H 331 was filed for second reading.

January 28, 2020

The LOCAL GOVERNMENT AND TAXATION Committee reports out HCR 27 with the recommendation that it do pass.

RICE, Chairman

HCR 27 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 28, 2020

The EDUCATION Committee reports out S 1238 with the recommendation that it do pass.

MORTIMER, Chairman

S 1238 was filed for second reading.

January 29, 2020

The STATE AFFAIRS Committee reports out S 1243, S 1244, and S 1245 with the recommendation that they do pass.

LODGE, Chairman

S 1243, S 1244, and S 1245 were filed for second reading.

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

Motions and Resolutions

Moved by Senator Winder, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate consideration of HCR 27 be suspended. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:


More than two-thirds having voted in the affirmative, the President declared the rules suspended and announced that HCR 27 was before the Senate for final consideration.

On motion by Senator Lent, seconded by President Pro Tempore Hill, HCR 27 was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that SCR 118 was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Lodge, seconded by Senator Stennett, SCR 118 was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

On request by Senator Winder, granted by unanimous consent, the Senate returned to the Ninth Order of Business.
MESSAGES FROM THE HOUSE
January 28, 2020

Dear Madam President:

I transmit herewith H 313, H 310, H 311, H 314, and H 343, which have passed the House.

MAULIN, Chief Clerk

H 313, H 310, H 311, H 314, and H 343 were filed for first reading.

January 28, 2020

Dear Madam President:

I return herewith S 1229 and S 1228, which have passed the House.

MAULIN, Chief Clerk

S 1229 and S 1228 were referred to the Judiciary and Rules Committee for enrolling.

January 28, 2020

Dear Madam President:

I transmit herewith Enrolled H 323 and H 324 for the signature of the President.

MAULIN, Chief Clerk

The President signed Enrolled H 323 and H 324 and ordered them returned to the House.

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 1259
BY COMMERCE AND HUMAN RESOURCES COMMITTEE
AN ACT
RELATING TO PLUMBERS; AMENDING SECTION 54-2602, IDAHO CODE, TO PROVIDE A CERTAIN EXCEPTION FOR CERTIFICATE OF COMPETENCY REQUIREMENTS; AND AMENDING SECTION 54-2620, IDAHO CODE, TO REVISE PROVISIONS REGARDING EXCEPTIONS TO PERMIT REQUIREMENTS.

S 1260
BY COMMERCE AND HUMAN RESOURCES COMMITTEE
AN ACT
RELATING TO HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS; AMENDING SECTION 54-5012, IDAHO CODE, TO REVISE THE REGISTRATION PERIOD AND REGISTRATION FEE FOR AN HVAC APPRENTICE.

S 1261
BY COMMERCE AND HUMAN RESOURCES COMMITTEE
AN ACT
RELATING TO ENGINEERS AND SURVEYORS; AMENDING SECTION 54-1202, IDAHO CODE, TO DEFINE TERMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1215, IDAHO CODE, TO REVISE PROVISIONS REGARDING LICENSE EXPIRATION AND RENEWAL; AMENDING SECTION 54-1220, IDAHO CODE, TO PROVIDE THAT THE BOARD SHALL HAVE JURISDICTION OVER LICENSEES AND CERTIFICATE HOLDERS WHOSE LICENSES AND CERTIFICATES ARE NOT CURRENT AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 54-1221, IDAHO CODE, RELATING TO REISSUANCE OF LICENSES AND WALL CERTIFICATES; AMENDING CHAPTER 12, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1221, IDAHO CODE, TO PROVIDE FOR REISSUANCE OF WALL LICENSES AND CERTIFICATES; AMENDING SECTION 54-1227, IDAHO CODE, TO ESTABLISH CERTAIN PROVISIONS REGARDING LAND SURVEY MONUMENTS AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 54-1231, IDAHO CODE, RELATING TO ASSESSMENT OF DAMAGES FOR ENTRY; REPEALING SECTION 54-1232, IDAHO CODE, RELATING TO TENDER OF DAMAGES FOR ENTRY; REPEALING SECTION 54-1233, IDAHO CODE, RELATING TO COSTS OF ASSESSMENT OF DAMAGES; AMENDING SECTION 55-1603, IDAHO CODE, TO PROVIDE AN EXCEPTION TO THE DEFINITION OF "PUBLIC LAND SURVEY CORNER" AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1604, IDAHO CODE, TO REVISE PROVISIONS REGARDING FILING REQUIREMENTS; AMENDING SECTION 55-1607, IDAHO CODE, TO REMOVE A PROVISION REGARDING RECORDKEEPING; AND AMENDING SECTION 55-1608, IDAHO CODE, TO SPECIFY CERTAIN REQUIREMENTS REGARDING THE ESTABLISHMENT AND REHABILITATION OF MONUMENTS.

S 1262
BY COMMERCE AND HUMAN RESOURCES COMMITTEE
AN ACT
RELATING TO EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1333, IDAHO CODE, TO REMOVE A PROVISION REGARDING AN IDAHO DEPARTMENT OF LABOR OFFICIAL SEAL; AMENDING SECTION 72-1351, IDAHO CODE, TO ESTABLISH A PROVISION REGARDING EXPERIENCE RATING AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 72-1352A, IDAHO CODE, TO REVISE PROVISIONS REGARDING REGISTRATION OF EXEMPT CORPORATE OFFICERS AND TO MAKE TECHNICAL CORRECTIONS.

S 1263
BY COMMERCE AND HUMAN RESOURCES COMMITTEE
AN ACT
RELATING TO WORKER'S COMPENSATION; REPEALING SECTION 3, CHAPTER 276, LAWS OF 2016, RELATING TO THE SUNSET PROVISION FOR PROVISIONS REGARDING WORKER'S COMPENSATION.
S 1264
BY COMMERCE AND ENVIRONMENT RESOURCES COMMITTEE
AN ACT
RELATING TO SELF-SERVICE STORAGE FACILITIES; AMENDING SECTION 55-2301, IDAHO CODE, TO REVISE DEFINITIONS, TO REMOVE A DEFINITION, AND TO DEFINE A TERM; AMENDING SECTION 55-2304, IDAHO CODE, TO REVISE PROVISIONS REGARDING RENTAL AGREEMENTS; AMENDING SECTION 55-2305, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE CREATION OF LIENS; AMENDING SECTION 55-2306, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ENFORCEMENT OF LIENS; AMENDING CHAPTER 23, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-2308, IDAHO CODE, TO PROVIDE A PROCEDURE IN THE EVENT OF DEFAULT WHEN THE PROPERTY STORED IN THE LEASED SPACE IS A VEHICLE OR TRAILER; AND AMENDING CHAPTER 23, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-2309, IDAHO CODE, TO PROVIDE THAT AN OPERATOR MAY DENY ACCESS TO THE LEASED SPACE UNDER CERTAIN CONDITIONS.

S 1265
BY LOCAL GOVERNMENT AND TAXATION COMMITTEE
AN ACT
RELATING TO THE LOCAL GOVERNING ENTITIES CENTRAL REGISTRY; AMENDING SECTION 67-450E, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO REVISE A PROVISION REGARDING REVENUES AND EXPENDITURES, TO REMOVE A PROVISION REGARDING NOTIFICATION BY A LOCAL GOVERNING ENTITY, AND TO MAKE TECHNICAL CORRECTIONS.

S 1266
BY EDUCATION COMMITTEE
AN ACT
RELATING TO THE HIGHER EDUCATION STABILIZATION FUND; AMENDING SECTION 33-3726, IDAHO CODE, TO REMOVE A PROVISION REGARDING THE COMMUNITY COLLEGE START-UP ACCOUNT AND TO MAKE TECHNICAL CORRECTIONS.

S 1267
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO DAYLIGHT SAVING TIME; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 96, TITLE 67, IDAHO CODE, TO PROVIDE THAT CERTAIN AREAS OF THE STATE OF IDAHO SHALL MAKE DAYLIGHT SAVING TIME THE PERMANENT TIME UPON A SPECIFIED CONDITION.

S 1268
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO ELECTIONS; AMENDING SECTION 34-702, IDAHO CODE, TO REVISE PROVISIONS REGARDING REQUIREMENTS FOR WRITE-IN CANDIDATES AT A PRIMARY ELECTION; AMENDING SECTION 34-702A, IDAHO CODE, TO REVISE PROVISIONS REGARDING A DECLARATION OF INTENT FOR WRITE-IN CANDIDATES; AMENDING SECTION 34-904, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DESIGN OF A PRIMARY ELECTION BALLOT; AMENDING SECTION 34-906, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DESIGN OF A GENERAL ELECTION BALLOT; AND AMENDING SECTION 34-1407, IDAHO CODE, TO REVISE PROVISIONS REGARDING DEADLINES FOR WRITE-IN CANDIDATES TO FILE A DECLARATION OF INTENT.

S 1269
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO ELECTIONS; AMENDING SECTION 34-1201, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE SECURITY OF BALLOTS AFTER BEING COUNTED AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

S 1270
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO CITY ELECTIONS; AMENDING SECTION 50-405, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING CERTAIN UNCONTESTED CITY ELECTIONS, TO REVISE TERMINOLOGY, AND TO MAKE TECHNICAL CORRECTIONS.

S 1259, S 1260, S 1261, S 1262, S 1263, S 1264, S 1265, S 1266, S 1267, S 1268, S 1269, and S 1270 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 313, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 310, H 311, and H 314, by Health and Welfare Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 343, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills
S 1237, by Resources and Environment Committee, was read the second time at length and filed for third reading.

S 1240 and S 1242, by Health and Welfare Committee, were read the second time at length and filed for third reading.

S 1234, S 1235, and S 1236, by Education Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills
S 1220 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Nye arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Vick disclosed a possible conflict of interest under applicable law.

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, Lodge, Martin, Mortimer, Nelson, Nye,

NAYS–None.

Absent and excused–Lent. Total - 1.

Total - 35.

Whereupon the President declared S 1220 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Winder, granted by unanimous consent, S 1232 retained its place on the Third Reading Calendar for one legislative day.

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 11:56 a.m. until the hour of 11 a.m., Thursday, January 30, 2020.

JANICE MCGEACHIN, President

Attest: JENNIFER NOVAK, Secretary