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OF THE
IDAHO LEGISLATURE
SECOND REGULAR SESSION
SIXTY-FIFTH LEGISLATURE

TWENTY-FIFTH LEGISLATIVE DAY
THURSDAY, JANUARY 30, 2020

Senate Chamber

President McGauchin 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 Karina Smith, 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 29, 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

SCR 120
BY EDUCATION COMMITTEE
A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THAT THE STATE BOARD OF EDUCATION AND STATE DEPARTMENT OF EDUCATION RESEARCH ALTERNATIVES TO THE TENTH GRADE IDAHO STANDARDS ACHIEVEMENT TEST.

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

WHEREAS, students have more incentive to do well on the SAT, which would result in better data to understand student learning.

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 Legislature requests that the State Board of Education and the State Department of Education work together to research options to stop administering the grade 10 ISAT and replace it with another assessment, such as the SAT.

SCR 120 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

January 30, 2020

The JUDICIARY AND RULES Committee reports that SJM 107, SCR 119, 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 have been correctly printed.

LAKEY, Chairman

SJM 107 and SCR 119 were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

S 1259, S 1260, S 1261, S 1262, S 1263, and S 1264 were referred to the Commerce and Human Resources Committee.

S 1265 was referred to the Local Government and Taxation Committee.

S 1266 was referred to the Education Committee.

S 1267, S 1268, S 1269, and S 1270 were referred to the State Affairs Committee.

January 29, 2020

The JUDICIARY AND RULES Committee reports that S 1229 and S 1228 have been correctly enrolled.

LAKEY, Chairman

The President signed Enrolled S 1229 and S 1228 and ordered them transmitted to the House for the signature of the Speaker.

January 29, 2020

The FINANCE Committee reports out S 1257 and S 1258 with the recommendation that they do pass.

BAIR, Chairman

S 1257 and S 1258 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

Having been held, the President announced that the Resources and Environment Committee report relative to the Gubernatorial reappointment of Derick Attebury was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Mortimer, seconded by Senator Jordan, the Gubernatorial reappointment of Derick
Attebury as a member of the Idaho Fish and Game 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 reappointment confirmation for her signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

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

**S 1271**  
**BY FINANCE COMMITTEE**  
**AN ACT**  
RELATING TO THE APPROPRIATION TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 2020; AND DECLARING AN EMERGENCY.

**S 1272**  
**BY FINANCE COMMITTEE**  
**AN ACT**  
RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2020; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2020; AND DECLARING AN EMERGENCY.

**S 1273**  
**BY RESOURCES AND ENVIRONMENT COMMITTEE**  
**AN ACT**  
RELATING TO WATER; AMENDING SECTION 42-245, IDAHO CODE, TO REMOVE A DATE RESTRICTION ASSOCIATED WITH AN EXCEPTION TO WAIVER AND RELINQUISHMENT OF CERTAIN WATER RIGHTS.

**S 1274**  
**BY JUDICIARY AND RULES COMMITTEE**  
**AN ACT**  
RELATING TO THE IDAHO ADMINISTRATIVE PROCEDURE ACT; AMENDING SECTION 67-5201, IDAHO CODE, TO DEFINE TERMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-5206, IDAHO CODE, TO REVISE PROVISIONS REGARDING RULEMAKING; AMENDING SECTION 67-5240, IDAHO CODE, TO PROVIDE THAT ISSUANCE OF ORDERS BY CERTAIN ENTITIES SHALL NOT RESULT IN A CONTESTED CASE GOVERNED BY THE PROVISIONS OF SPECIFIED LAW; AMENDING SECTION 67-5252, IDAHO CODE, TO PROVIDE THAT IN CERTAIN CIRCUMSTANCES NO PARTY SHALL HAVE THE RIGHT TO A DISQUALIFICATION WITHOUT CAUSE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5280, IDAHO CODE, TO PROVIDE FOR THE OFFICE OF ADMINISTRATIVE HEARINGS AND TO PROVIDE FOR POWERS AND DUTIES; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5281, IDAHO CODE, TO PROVIDE FOR THE CHIEF ADMINISTRATIVE HEARING OFFICER; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5282, IDAHO CODE, TO PROVIDE FOR THE DISQUALIFICATION WITHOUT CAUSE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5283, IDAHO CODE, TO PROVIDE FOR THE SALARY OF THE CHIEF ADMINISTRATIVE HEARING OFFICER; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5284, IDAHO CODE, TO PROVIDE FOR HEARING OFFICER QUALIFICATIONS AND TO PROVIDE FOR POWERS AND DUTIES; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5285, IDAHO CODE, TO PROVIDE FOR THE COOPERATION OF AGENCIES; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5286, IDAHO CODE, TO PROVIDE FOR THE OFFICE OF ADMINISTRATIVE HEARINGS, TO PROVIDE FOR COST ESTIMATES, AND TO PROVIDE FOR THE ASSESSMENT OF RECIPIENT AGENCIES; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5287, IDAHO CODE, TO PROVIDE FOR THE ADVISORY COUNCIL TO THE OFFICE OF ADMINISTRATIVE HEARINGS; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5288, IDAHO CODE, TO PROVIDE FOR THE CONDUCT OF CONTESTED CASE PROCEEDINGS; AMENDING SECTION 58-122, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND AMENDING SECTION 67-5303, IDAHO CODE, TO PROVIDE THAT CERTAIN HEARING OFFICERS AND STAFF SHALL BE NONCLASSIFIED EMPLOYEES AND TO MAKE TECHNICAL CORRECTIONS.

S 1271, S 1272, S 1273, and S 1274 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**H 331**, by Appropriations Committee, was read the second time at length and filed for third reading.

S 1238, by Education Committee, was read the second time at length and filed for third reading.

S 1243, S 1244, and S 1245, by State Affairs 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 1232, having been held, 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:


NAYS–Bayer, Cheatham, Crabtree, Jordan, Vick. Total - 5.
Total - 35.

Whereupon the President declared S 1232 passed, title was approved, and the bill ordered transmitted to the House.

S 1237 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, “Shall the bill pass?”

Roll call resulted as follows:


Total - 35.

Whereupon the President declared S 1237 passed, title was approved, and the bill ordered transmitted to the House.

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 11:53 a.m. until the hour of 11 a.m., Friday, January 31, 2020.

JANICE MCGEACHIN, President

Attest: JENNIFER NOVAK, Secretary