SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIFTH LEGISLATURE

THIRTY-FIRST LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 5, 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 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 February 4, 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 125
BY TRANSPORTATION COMMITTEE
A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF INTRASTATE COMMERCIAL AIR SERVICE IN THE STATE OF IDAHO AND TO DEVELOP A LONG-TERM, VIABLE STRATEGY FOR SUSTAINABLE INTRASTATE COMMERCIAL AIR SERVICE IN THE STATE.

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

WHEREAS, the State of Idaho is 479 miles long and 305 miles wide, spans two time zones, and covers an area from the Pacific Northwest to the Snake River Plain and the Rocky Mountains; and

WHEREAS, Idaho's vast distances, rugged landscapes, and expansive wilderness areas present unique transportation challenges; and

WHEREAS, these challenges have also led to many positive innovations, including with respect to air travel; and

WHEREAS, air travel, ranging from single-engine charters accessing backcountry areas to commercial airline services connecting population centers, has provided essential services and economic benefits to the citizens of Idaho for more than seventy years; and

WHEREAS, Idaho is one of the fastest growing states in the nation and yet, as the seventh least-densely populated, faces significant challenges with respect to connecting its growing population and economic centers to each other; and

WHEREAS, commercial airline services that have historically connected the population centers of Idaho to each other have either completely stopped or have greatly reduced their services for various reasons, including changes in airline industry business models and federal regulations; and

WHEREAS, today, commercial airline service between Idaho's population centers uses routes that take passengers outside the State of Idaho, resulting in a decrease in intrastate commerce and an increase in travel time and expense for Idaho citizens as well as economic loss to the state; and

WHEREAS, coordinated efforts between the state, local communities, and industry to improve commercial air service in Idaho are essential to the recruitment, retention, and growth of businesses, research institutions, and higher education in the State of Idaho.

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 Legislative Council is authorized to appoint a committee to undertake and complete a study of intrastate commercial air service in the State of Idaho and to develop a long-term, viable strategy for sustainable intrastate commercial air service in the state. The committee shall be composed of one voting member to be appointed by the President Pro Tempore of the Senate and one voting member to be appointed by the Speaker of the House of Representatives to serve as cochairs of the committee.

BE IT FURTHER RESOLVED that nine (9) nonlegislative voting members shall be appointed by the cochairs of the committee. Appointments to the committee shall include, to the extent practicable, one (1) member of the Idaho Transportation Department, three (3) members of the Idaho business community, two (2) public members, one (1) member from the commercial airline industry, and two (2) members who are Idaho airport directors. To the extent practicable, these appointments shall include representation from each county served by an airport with commercial air service. Nonlegislative members of the committee shall not be reimbursed from legislative funds for per diem, mileage, or other expenses.

BE IT FURTHER RESOLVED that the committee is also authorized to retain the services of a consultant or analyst, with the prior approval of the President Pro Tempore of the Senate and the Speaker of the House of Representatives, who is familiar with commercial airline service and who can provide necessary economic or other research that can assist the committee and the Legislature in making an informed decision on this important topic.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations, and proposed legislation, if any, to the First Regular Session of the Sixty-sixth Idaho Legislature.

SCR 125 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

February 5, 2020

The JUDICIARY AND RULES Committee reports that SJM 108, S 1283, S 1284, S 1285, and S 1286 have been correctly printed.

LAKEY, Chairman

SJM 108 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

S 1283 was referred to the State Affairs Committee.

S 1284 was referred to the Judiciary and Rules Committee.

S 1285 was referred to the Education Committee.

S 1286 was referred to the Agricultural Affairs Committee.

February 4, 2020

The FINANCE Committee reports out H 368 and H 369 with the recommendation that they do pass.

BAIR, Chairman

H 368 and H 369 were filed for second reading.

February 4, 2020

The COMMERCE AND HUMAN RESOURCES Committee reports out S 1259, S 1260, and S 1263 with the recommendation that they do pass.

PATRICK, Chairman

S 1259, S 1260, and S 1263 were filed for second reading.

February 4, 2020

The TRANSPORTATION Committee reports out S 1249 with the recommendation that it do pass.

BRACKETT, Chairman

S 1249 was filed for second reading.

February 4, 2020

The HEALTH AND WELFARE Committee reports out H 310 with the recommendation that it do pass.

MARTIN, Chairman

H 310 was filed for second reading.

February 4, 2020

The LOCAL GOVERNMENT AND TAXATION Committee reports out S 1265 and S 1277 with the recommendation that they do pass.

RICE, Chairman

S 1265 and S 1277 were filed for second reading.

February 5, 2020

The EDUCATION Committee reports out S 1266, S 1278, S 1279, and SCR 120 with the recommendation that they do pass.

MORTIMER, Chairman

S 1266, S 1278, and S 1279 were filed for second reading.

SCR 120 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 5, 2020

The STATE AFFAIRS Committee reports out S 1269 with the recommendation that it do pass.

LODGE, Chairman

S 1269 was filed for second reading.

February 5, 2020

The STATE AFFAIRS Committee reports out S 1268 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

LODGE, Chairman

There being no objection, S 1268 was referred to the Fourteenth Order of Business, General Calendar.

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

Messages from the Governor

February 4, 2020

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 1228 and S 1229

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

February 4, 2020

Dear Madam President:

I transmit herewith H 334, H 377, H 354, H 330, and H 348, which have passed the House.

MAULIN, Chief Clerk

H 334, H 377, H 354, H 330, and H 348 were filed for first reading.

February 4, 2020

Dear Madam President:

I return herewith S 1216, S 1233, and S 1217, which have passed the House.

MAULIN, Chief Clerk

S 1216, S 1233, and S 1217 were referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that SCR 123 was before the Senate for final consideration.

Moved by Senator Lakey, seconded by Acting Senator Mathias, that SCR 123 be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES–Agenbroad, Anthon, Bair, Bayer, Brackett, Burgoyne, Burtenshaw, Cheatham, Crabtree, Den Hartog, Grow, Guthrie, Harris, Heider, Johnson, Jordan, Lakey, Lee, Lent, Lodge, Martin, Mathias (Buckner-Webb), Mortimer, Nelson, Nye, Patrick, Rice, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder, Woodward. Total - 34.

NAYS–None.

Absent and excused–Hill. Total - 1.

Total - 35.

Whereupon the President declared SCR 123 adopted, title was approved, and the resolution ordered transmitted to the House.

The President announced that SCR 124 was before the Senate for final consideration.

Moved by Senator Lakey, seconded by Senator Stennett, that SCR 124 be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES–Agenbroad, Anthon, Bair, Bayer, Brackett, Burgoyne, Burtenshaw, Cheatham, Crabtree, Den Hartog, Grow, Guthrie, Harris, Heider, Johnson, Jordan, Lakey, Lee, Lent, Lodge, Martin, Mathias (Buckner-Webb), Mortimer, Nelson, Nye, Patrick, Rice, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder, Woodward. Total - 34.

NAYS–None.

Absent and excused–Hill. Total - 1.

Total - 35.

Whereupon the President declared SCR 124 adopted, title was approved, and the resolution ordered transmitted 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 1287
BY COMMERCE AND HUMAN RESOURCES COMMITTEE
AN ACT
RELATING TO BARBER AND COSMETOLOGY SERVICES; AMENDING SECTION 54-5821, IDAHO CODE, TO PROVIDE FOR THE RETROACTIVE REINSTATEMENT OF A BARBER SCHOOL OR COSMETOLOGY SCHOOL'S LICENSE.

S 1288
BY FINANCE COMMITTEE
AN ACT
RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2020; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FROM THE COOPERATIVE WELFARE (GENERAL) FUND FOR FISCAL YEAR 2020; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FROM THE COOPERATIVE WELFARE (FEDERAL) FUND FOR FISCAL YEAR 2020; AND DECLARING AN EMERGENCY.

S 1287 and S 1288 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 334, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

H 377, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

H 354, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 330, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 348, by Judiciary, Rules and Administration 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 311, H 314, H 315, and H 316, by Health and Welfare Committee, were read the second time at length and filed for third reading.

S 1256, by Judiciary and Rules 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

S 1257, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Johnson 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, Burgoyne, Burtenshaw, Cheatham, Crabtree, Den Hartog, Grow, Guthrie, Harris, Heider, Hill, Johnson, Jordan, Lakey, Lee, Lent, Lodge, Martin, Mathias (Buckner-Webb), Mortimer, Nelson, Nye, Patrick, Rice, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder, Woodward. Total - 35.

Whereupon the President declared S 1257 passed, title was approved, and the bill ordered transmitted to the House.

S 1258, having been held, was read the third time at length, section by section, and placed before the Senate for final

consideration. Senator Johnson 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, Burgoyne, Burtenshaw, Cheatham, Crabtree, Den Hartog, Grow, Guthrie, Harris, Heider, Hill, Johnson, Jordan, Lakey, Lee, Lent, Lodge, Martin, Mathias (Buckner-Webb), Mortimer, Nelson, Nye, Patrick, Rice, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder, Woodward. Total - 35.

Whereupon the President declared **S 1258** passed, title was approved, and the bill ordered transmitted to the House.

H 321, 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:

AYES–Agenbroad, Anthon, Bair, Bayer, Brackett, Burgoyne, Burtenshaw, Cheatham, Crabtree, Den Hartog, Guthrie, Harris, Heider, Hill, Johnson, Jordan, Lakey, Lee, Lent, Lodge, Mathias (Buckner-Webb), Nelson, Nye, Patrick, Rice, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder, Woodward. Total - 32.

NAYS–Grow, Martin, Mortimer. Total - 3.

Total - 35.

Whereupon the President declared **H 321** passed, title was approved, and the bill ordered returned to the House.

S 1271 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Johnson 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, Burgoyne, Burtenshaw, Cheatham, Crabtree, Den Hartog, Grow, Guthrie, Harris, Heider, Hill, Johnson, Jordan, Lakey, Lee, Lent, Lodge, Martin, Mathias (Buckner-Webb), Mortimer, Nelson, Nye, Patrick, Rice, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder, Woodward. Total - 35.

Whereupon the President declared **S 1271** passed, title was approved, and the bill ordered transmitted to the House.

S 1272 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw 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, Burgoyne, Burtenshaw, Cheatham, Crabtree, Den Hartog, Grow, Guthrie, Harris, Heider, Hill, Johnson, Jordan, Lakey, Lee, Lent, Lodge, Martin, Mathias (Buckner-Webb), Mortimer, Nelson, Nye, Patrick, Rice, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder, Woodward. Total - 35.

Whereupon the President declared **S 1272** passed, title was approved, and the bill ordered transmitted to the House.

H 343 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, Burgoyne, Burtenshaw, Cheatham, Den Hartog, Guthrie, Harris, Heider, Hill, Johnson, Jordan, Lakey, Lee, Lent, Lodge, Mathias (Buckner-Webb), Mortimer, Nelson, Nye, Patrick, Rice, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder, Woodward. Total - 32.

NAYS–Crabtree, Grow, Martin. Total - 3.

Total - 35.

Whereupon the President declared **H 343** passed, title was approved, and the bill ordered returned 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 12:09 p.m. until the hour of 11 a.m., Thursday, February 6, 2020.

JANICE MCGEACHIN, President

Attest: JENNIFER NOVAK, Secretary