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

THIRTY-SECOND LEGISLATIVE DAY
THURSDAY, FEBRUARY 6, 2020

Senate Chamber
President Pro Tempore Hill called the Senate to order at 11 a.m.

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

Prayer was offered by Senator Patti Anne Lodge.

The Pledge of Allegiance was led by Brenna Bolinder, 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 5, 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 126
BY HEALTH AND WELFARE COMMITTEE
A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND SUPPORTING A COLLABORATION AMONG THE THREE BRANCHES OF THE STATE GOVERNMENT, LOCAL GOVERNMENTS, AND COMMUNITY PARTNERS IN DEVELOPING AND IMPLEMENTING A STATEWIDE STRATEGIC PLAN TO IMPROVE THE IDAHO BEHAVIORAL HEALTH SYSTEM.

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

WHEREAS, tremendous social and economic value will inure to the people of Idaho with the strategic development of a more effective behavioral health system that is devised, implemented, and sustained statewide; and

WHEREAS, all three branches of the state government, local governments, and community partners play an integral role in ensuring a reliable and productive behavioral health system for the people of Idaho; and

WHEREAS, behavioral health issues, consisting of mental health and substance use disorders, are currently both chronic and pervasive, detrimentally affecting a significant and growing portion of Idaho's population, as well as the economy of Idaho; and

WHEREAS, Idaho has demonstrated a commitment to improving the behavioral health system and has previously made considerable improvements to the system; and

WHEREAS, despite the state having already invested significant resources to meet behavioral health needs, the behavioral health system continues to require a more coordinated, integrated, and collaborative structure; and

WHEREAS, an organized and strategic response, developed and implemented collaboratively, provides an unprecedented opportunity for continued improvement and sustained access to effective behavioral health outcomes for Idahoans and a better return on the investment of public resources.

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 we support and encourage a collaboration among all three branches of the state government, local governments, and community partners to develop and implement a statewide strategic plan to inventory, assess, and materially improve the Idaho behavioral health system to the benefit of all Idahoans.

BE IT FURTHER RESOLVED that to effectuate this statewide strategic plan, the Legislature endorses and supports the creation of a Behavioral Health Council by the Honorable Brad Little, Governor of the State of Idaho.

SIM 109
BY AGRICULTURAL AFFAIRS COMMITTEE
A JOINT MEMORIAL
TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

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 Legislature of the State of Idaho recognizes the Columbia-Snake River System as part of the United States Marine Highway network; and

WHEREAS, the Columbia-Snake River System and its tributaries, collectively and in its entirety, is a multiuse system providing navigation, transportation, fish and wildlife habitat, recreation, hydropower generation, flood control, and irrigation to the citizens and industry of the Pacific Northwest; and

WHEREAS, the Columbia-Snake River System and its tributaries, functioning collectively and in its entirety, provide a vital contribution to the state's economic well-being and to the quality of life of our citizens; and

WHEREAS, the State of Idaho reasserts and confirms sovereign control over all water resources within the state; and

WHEREAS, the decline of anadromous fish is due to many factors, including increased predation, unfavorable ocean conditions, and harvest; and

WHEREAS, due to the efforts of northwest families, farmers, ranchers, organizations, and businesses investing billions of dollars in fish passage and habitat improvements, the system is meeting or exceeding the Endangered Species Act's required 96 percent juvenile fish passage survival rate for spring migrating fish and 93 percent for summer migrating fish downstream through the lower Snake River dams; and

WHEREAS, due to the efforts of the state, Nez Perce Tribe, and Idaho water users in entering into the 2004 Snake River Water
Rights Agreement, up to 487,000 acre feet of Idaho's water is used for flow augmentation for salmon and steelhead in the lower Snake and Columbia Rivers, with water being released through a willing buyer, willing seller arrangement. The 2004 agreement provides protections to Idaho water users in the form of a 30-year biological opinion and provides economic benefits to water users participating in the flow augmentation program; and

WHEREAS, agricultural and industrial applications of water have a legal priority within the state; and

WHEREAS, the Port of Lewiston, Idaho's only seaport, is part of the collective Columbia-Snake River System and is an asset to the State of Idaho and an asset to the Inland Northwest region, providing global competitiveness and connectivity for regional products, economic development investment, and multimodal transportation; and

WHEREAS, the Columbia-Snake River System acts as a top wheat export gateway in the United States, with approximately 10 percent of all United States wheat exports barged through the four dams on the Snake River and about 50 percent of all Idaho-grown wheat barged from Lewiston to Portland and then onto export markets around the world; and

WHEREAS, barging is the most fuel-efficient, environmentally friendly mode of transportation; and

WHEREAS, hydropower is the most efficient, environmentally favorable form of electrical generation, with the combined lower four Snake River dams producing 1,000 megawatts of carbon-free, renewable energy annually and 3,000 megawatts for peak power emergencies, providing electricity to 22 rural Idaho utilities serving more than 137,000 Idahoans; and

WHEREAS, the Legislature of the State of Idaho believes that any actions to degrade the functionality, in whole or in part, to remove or breach dams on the Columbia-Snake River System or its tributaries, or to take water from the state for anadromous fish enhancement efforts would inflict on the citizenry of the state a loss in economic and trade opportunities, a loss of recharge waters for the state's aquifers, a loss of navigation and transportation, an increased risk of floods, an increase in electrical rates, a shortfall in power generation, a loss of recreational opportunities, and a threatened quality of life for Idaho citizens.

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 Idaho opposes the removal or breaching of the dams on the Columbia-Snake River System and its tributaries, has sovereignty of its water resources, prohibits contributions of water from Idaho's reservoirs for flow augmentation except those expressly authorized by state law, contends that efforts for further recovery of anadromous fish must be based on sound science, and supports maintenance and multiple-use benefits of the Columbia-Snake River System. Additionally, the Idaho Legislature recognizes and supports the international competitiveness, multimodal transportation, and economic development benefits provided by the Port of Lewiston.

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 and to the congressional delegation representing the State of Idaho in the Congress of the United States.

**SCR 126 and SJM 109** 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**

February 6, 2020

The JUDICIARY AND RULES Committee reports that **SCR 125, S 1287, and S 1288** have been correctly printed.

LAKEY, Chairman

**SCR 125** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

**S 1287** was referred to the Commerce and Human Resources Committee.

**S 1288** was referred to the Finance Committee.

February 5, 2020

The JUDICIARY AND RULES Committee reports that **S 1216, S 1233, and S 1217** have been correctly enrolled.

LAKEY, Chairman

The President signed Enrolled **S 1216, S 1233, and S 1217** and ordered them transmitted to the House for the signature of the Speaker.

February 5, 2020

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Katherine Simpson to the Idaho Judicial Council, term to continue at the pleasure of the Governor.

Terry Kirkham to the Commission on Pardons and Parole, term to continue at the pleasure of the Governor.

LAKEY, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 6, 2020

The AGRICULTURAL AFFAIRS Committee reports out **S 1223, S 1224, S 1225, S 1246, and S 1248** with the recommendation that they do pass.

GUTHRIE, Chairman

**S 1223, S 1224, S 1225, S 1246, and S 1248** were 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**

February 5, 2020

Dear Mr. President:

I transmit herewith **H 317, H 342, H 356, H 380, H 381, H 379, H 339, and H 351**, which have passed the House.

MAULIN, Chief Clerk

**H 317, H 342, H 356, H 380, H 381, H 379, H 339, and H 351** were filed for first reading.

February 5, 2020
Dear Mr. President:

I return herewith SCR 118, which has passed the House.

MAULIN, Chief Clerk

SCR 118 was referred to the Judiciary and Rules Committee for enrolling.

February 5, 2020

Dear Mr. President:

I transmit herewith Enrolled H 331 for the signature of the President.

MAULIN, Chief Clerk

The President Pro Tempore signed Enrolled H 331 and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

**Motions and Resolutions**

On request by Senator Harris, granted by unanimous consent, SJM 108 was referred to the Agricultural Affairs Committee.

The President Pro Tempore announced that SCR 120 was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Thayn, seconded by Senator Ward-Engelking, SCR 120 was adopted by voice vote, 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 1289

**BY RESOURCES AND ENVIRONMENT COMMITTEE**

AN ACT

RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-732, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE GROUPING OF CERTAIN LANDS FOR ASSESSMENT PURPOSES AND TO MAKE TECHNICAL CORRECTIONS.

S 1290

**BY RESOURCES AND ENVIRONMENT COMMITTEE**

AN ACT

RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-206, IDAHO CODE, TO PROVIDE THAT CERTAIN IRRIGATION DISTRICTS MAY COMBINE PRECINCTS INTO ONE POLLING PLACE, TO PROVIDE FOR THE LOCATION OF THE POLLING PLACE, TO PROVIDE FOR JUDGES OF ELECTION, AND TO MAKE TECHNICAL CORRECTIONS.

S 1291

**BY RESOURCES AND ENVIRONMENT COMMITTEE**

AN ACT

RELATING TO THE RANGELAND RESOURCES COMMISSION; AMENDING SECTION 58-1403, IDAHO CODE, TO REVISE NOMINATION PROVISIONS FOR COMMISSION SEATS AND TO MAKE TECHNICAL CORRECTIONS.

S 1292

**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO MOTORCYCLES; AMENDING CHAPTER 14, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1431, IDAHO CODE, TO PROVIDE THAT LAW ENFORCEMENT SHALL NOT ENGAGE IN MOTORCYCLE PROFILING, TO DEFINE A TERM, AND TO PROVIDE THAT NO CAUSE OF ACTION SHALL BE CREATED.

S 1293

**BY EDUCATION COMMITTEE**

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 61, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-6106, IDAHO CODE, TO PROVIDE FLEXIBLE SCHOOL SCHEDULES FOR CERTAIN ELEMENTARY SCHOOL STUDENTS; AMENDING CHAPTER 61, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-6107, IDAHO CODE, TO PROVIDE FLEXIBLE SCHEDULE ELIGIBILITY CRITERIA FOR KINDERGARTEN THROUGH GRADE 3 STUDENTS; AMENDING CHAPTER 61, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-6109, IDAHO CODE, TO ESTABLISH MISCELLANEOUS PROVISIONS REGARDING FLEXIBLE SCHOOL SCHEDULES FOR ELEMENTARY SCHOOL STUDENTS; AND AMENDING THE HEADING FOR CHAPTER 61, TITLE 33, IDAHO CODE.

S 1294

**BY AGRICULTURAL AFFAIRS COMMITTEE**

AN ACT

RELATING TO DOMESTIC CERVIDAE; AMENDING SECTION 25-3708, IDAHO CODE, TO REVISE PROVISIONS REGARDING FEE.

S 1295

**BY HEALTH AND WELFARE COMMITTEE**

AN ACT

RELATING TO DENTISTS; AMENDING SECTION 54-901, IDAHO CODE, TO PROVIDE FOR TELDENTISTRY AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 54-924, IDAHO CODE, TO PROVIDE FOR CERTAIN GROUNDS FOR REFUSAL, REVOCATION, OR SUSPENSION.

S 1289, S 1290, S 1291, S 1292, S 1293, S 1294, and S 1295 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 317 and H 342, by Health and Welfare Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 356, by Agricultural Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

H 380 and H 381, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.
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NAYS–None.

Absent and excused–Woodward. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared

S 311 passed, title was approved, and the bill ordered returned to the House.

H 314 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Ward-Engelking arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:


NAYS–None.

Absent and excused–Woodward. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared

H 314 passed, title was approved, and the bill ordered returned to the House.

H 315 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Harris arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:


NAYS–None.

Absent and excused–Woodward. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared

H 315 passed, title was approved, and the bill ordered returned to the House.

H 316 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jordan 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. Total - 34.

NAYS–None.

Absent and excused–Woodward. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared H 316 passed, title was approved, and the bill ordered returned to the House.

S 1256 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cheatham arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:


NAYS–None.

Absent and excused–Woodward. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared S 1256 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 11:59 a.m. until the hour of 11 a.m., Friday, February 7, 2020.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary