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THIRTY-NINTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 13, 2020

Senate Chamber

President McGeachin called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Buckner-Webb and Woodward, absent and formally excused by the Chair; and President Pro Tempore Hill, absent and excused.

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 February 12, 2020, was read and approved as corrected.

LAKELY, 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 Sixth Order of Business.

Reports of Standing Committees

February 13, 2020

The JUDICIARY AND RULES Committee reports that S 1333, S 1334, and S 1335 have been correctly printed.

LAKELY, Chairman

S 1333, S 1334, and S 1335 were referred to the State Affairs Committee.

February 12, 2020

The JUDICIARY AND RULES Committee reports that Enrolled SCR 118 was delivered to the Office of the Secretary of State at 3:05 p.m., February 12, 2020.

LAKELY, Chairman

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

February 12, 2020

The RESOURCES AND ENVIRONMENT Committee reports out HJM 11 with the recommendation that it do pass.

HEIDER, Chairman

HJM 11 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 12, 2020

The JUDICIARY AND RULES Committee reports out H 348 with the recommendation that it do pass.

LAKELY, Chairman

H 348 was filed for second reading.

February 12, 2020

The JUDICIARY AND RULES Committee reports out S 1321 with the recommendation that it be re-referred.

LAKELY, Chairman

There being no objection, S 1321 was referred to the Commerce and Human Resources Committee.

February 12, 2020

The EDUCATION Committee reports out S 1323 with the recommendation that it do pass.

MORTIMER, Chairman

S 1323 was filed for second reading.

February 12, 2020

The LOCAL GOVERNMENT AND TAXATION Committee reports out S 1303 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

RICE, Chairman

There being no objection, S 1303 was referred to the Fourteenth Order of Business, General Calendar.

February 12, 2020

The HEALTH AND WELFARE Committee reports out S 1295 with the recommendation that it do pass.

MARTIN, Chairman

S 1295 was filed for second reading.

President Pro Tempore Hill was recorded present at this order of business.

February 12, 2020

The HEALTH AND WELFARE Committee reports out H 342 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MARTIN, Chairman

There being no objection, H 342 was referred to the Fourteenth Order of Business, General Calendar.

February 13, 2020

The AGRICULTURAL AFFAIRS Committee reports out S 1291 with the recommendation that it do pass.

GUTHRIE, Chairman

S 1291 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

January 31, 2020

The Honorable Janice McGeachin
President of the Senate
Idaho Legislature

Dear Madam President:

I have the honor to inform you that I have appointed Troy Rohn of Boise, Idaho, to be Acting State Senator for Legislative District 19, Ada County, State of Idaho.

This appointment is effective Wednesday, February 12, through Friday, February 14, 2020.

Sincerely,
/s/ Brad Little
Governor

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO

CERTIFICATE OF APPOINTMENT

KNOW ALL PEOPLE, that pursuant to the provisions of Section 59-917, Idaho Code, Cherie Buckner-Webb, State Senator, District 19, Ada County, State of Idaho, has nominated Troy Rohn of Boise, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 19, Ada County.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Troy Rohn to the office of Acting State Senator, District 19, Ada County, for a term commencing Wednesday, February 12 through Friday, February 14, 2020.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capital in Boise on this 31st day of January, this, in the year of our Lord two thousand and twenty, and of the Independence of the United States of America, the two hundred and forty-fourth year, and of the Statehood of Idaho the one hundred thirtieth.

/s/ BY THE GOVERNOR BRAD LITTLE

/s/ SECRETARY OF STATE LAWERENCE DENNEY

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

The President announced that the Oath of Office had been administered previously to Acting Senator Rohn, and he was recorded present at this order of business.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 12, 2020

Dear Madam President:

I transmit herewith H 385, HCR 31, and H 388, which have passed the House.

MAULIN, Chief Clerk

H 385, HCR 31, and H 388 were filed for first reading.

February 12, 2020

Dear Madam President:

I return herewith S 1257, S 1258, S 1271, S 1272, S 1235, S 1236, S 1240, and S 1242, which have passed the House.

MAULIN, Chief Clerk

S 1257, S 1258, S 1271, S 1272, S 1235, S 1236, S 1240, and S 1242 were referred to the Judiciary and Rules Committee for enrolling.

February 12, 2020

Dear Madam President:

I transmit herewith Enrolled H 368 and H 369 for the signature of the President.

MAULIN, Chief Clerk

The President signed Enrolled H 368 and H 369 and ordered them returned to the House.

February 12, 2020

Dear Madam President:

I return herewith Enrolled SCR 119, which has been signed by the Speaker.

MAULIN, Chief Clerk

Enrolled SCR 119 was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Winder, granted by unanimous consent, SCR 133 retained its place on the calendar for Tuesday, February 18, 2020.

The President announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Katherine Simpson was before the Senate for final consideration, the question being, "Shall the report be adopted?"

Pursuant to Senate Rule 39(H), Senators Burgoyne and Lee disclosed a possible conflict of interest under applicable law.

On motion by Senator Nye, seconded by Senator Anthon, the Gubernatorial appointment of Katherine Simpson as a member of the Idaho Judicial Council 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 appointment confirmation for her signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Terry Kirkham was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Anthon, seconded by Senator Lent, the Gubernatorial appointment of Terry Kirkham as a member of the Commission on Pardons and Parole 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 appointment confirmation for her signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Education Committee report relative to the Gubernatorial appointment of Kurt Liebich was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Winder, seconded by Senator Ward-Engelking, the Gubernatorial appointment of Kurt Liebich as a member of the State Board of Education 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 appointment confirmation for her signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Paul Zurlo was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Ward-Engelking, seconded by Senator Agenbroad, the Gubernatorial appointment of Paul Zurlo as a member of the Idaho Health Insurance Exchange Board 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 appointment confirmation for her signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Health and Welfare Committee report relative to the Gubernatorial appointment of Dr. John MacMillan was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Heider, seconded by Senator Brackett, the Gubernatorial appointment of Dr. John MacMillan as a member of the Board of Environmental Quality 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 appointment 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 1336**

**BY JUDICIARY AND RULES COMMITTEE**

**AN ACT**

RELATING TO ASSAULT OR BATTERY UPON CERTAIN PERSONNEL; AMENDING SECTION 18-915, IDAHO CODE, TO PROVIDE FOR THE CRIME OF ASSAULT OR BATTERY UPON MEMBERS OR EMPLOYEES OF THE COMMISSION OF PARDONS AND PAROLE AND TO MAKE TECHNICAL CORRECTIONS.

**S 1337**

**BY JUDICIARY AND RULES COMMITTEE**

**AN ACT**

RELATING TO PAYMENTS IN CRIMINAL AND INFRACTION CASES; AMENDING SECTION 31-3201I, IDAHO CODE, TO PROVIDE FOR PAYMENT IN INFRACTION CASES, TO PROVIDE CODE REFERENCES, TO PROVIDE FOR CERTAIN FINES IN CRIMINAL CASES, AND TO MAKE TECHNICAL CORRECTIONS.

**S 1338**

**BY JUDICIARY AND RULES COMMITTEE**

**AN ACT**

RELATING TO THE PUBLIC RECORDS ACT; AMENDING SECTION 74-106, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONAL INFORMATION SHALL BE EXEMPT FROM DISCLOSURE.

**S 1339**

**BY JUDICIARY AND RULES COMMITTEE**

**AN ACT**

RELATING TO THE MAGISTRATE DIVISION; AMENDING SECTION 1-2203, IDAHO CODE, TO PROVIDE FOR A COUNTY CLERK ON DISTRICT MAGISTRATE COMMISSIONS AND TO MAKE TECHNICAL CORRECTIONS.

**S 1340**

**BY JUDICIARY AND RULES COMMITTEE**

**AN ACT**

RELATING TO SENTENCING; AMENDING SECTION 19-2521, IDAHO CODE, TO PROVIDE FOR A POLICY OF SENTENCING FOR PERSONS CONVICTED OF A CRIME, TO PROVIDE FOR CERTAIN FACTORS THAT SHALL BE ACCORDED WEIGHT IN FAVOR OF AVOIDING A SENTENCE OF IMPRISONMENT, TO PROVIDE FOR CERTAIN FACTORS THAT SHALL BE ACCORDED WEIGHT IN FAVOR OF A SENTENCE OF IMPRISONMENT, AND TO DEFINE A TERM.

S 1336, S 1337, S 1338, S 1339, and S 1340 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 385**, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

**HCR 31**, by Environment, Energy and Technology Committee, was introduced, read at length, and referred to the State Affairs Committee.

**H 388**, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**H 412**, by Appropriations Committee, was read the second time at length and filed for third reading.

**H 332, H 333, and H 375**, by Transportation and Defense Committee, were read the second time at length and filed for third reading.
H 313 and H 318, by Health and Welfare Committee, were read the second time at length and filed for third reading.

S 1305, by Health and Welfare Committee, was read the second time at length and filed for third reading.

S 1293 and S 1304, by Education Committee, were read the second time at length and filed for third reading.

S 1283, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1306, 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**

S 1265 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair 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 declared S 1266 passed, title was approved, and the bill ordered transmitted to the House.

S 1278 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–Anthon, Bayer, Cheatham, Crabtree, Den Hartog, Harris, Lent, Rice, Souza, Vick. Total - 10.

Absent and excused–Woodward. Total - 1.

Total - 35.

Whereupon the President declared S 1278 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Winder, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

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 12:08 p.m. until the hour of 10:30 a.m., Friday, February 14, 2020.

JANICE McGEACHIN, President

Attest: JENNIFER NOVAK, Secretary