SENATE JOURNAL
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IDAHO LEGISLATURE
SECOND REGULAR SESSION
SIXTY-FIFTH LEGISLATURE

SIXTY-FOURTH LEGISLATIVE DAY
MONDAY, MARCH 9, 2020

Senate Chamber

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

Roll call showed all members present except Senator Burgoyne, absent and formally excused by the Chair; and Senators Buckner-Webb, Lodge, and Souza, absent and excused.

Prayer was offered by Chaplain Jeff Tanner.

The Pledge of Allegiance was led by Lila Pulver, 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 March 6, 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 Sixth Order of Business.

Reports of Standing Committees

March 6, 2020

The JUDICIARY AND RULES Committee reports that S 1361, S 1344, S 1359, S 1366, S 1367, and S 1373 have been correctly enrolled.

LAKEY, Chairman

The President signed Enrolled S 1361, S 1344, S 1359, S 1366, S 1367, and S 1373 and ordered them transmitted to the House for the signature of the Speaker.

March 6, 2020

The FINANCE Committee reports out S 1398, S 1399, S 1400, H 579, H 580, H 596, H 597, and H 598 with the recommendation that they do pass.

BAIR, Chairman

S 1398, S 1399, S 1400, H 579, H 580, H 596, H 597, and H 598 were filed for second reading.

March 6, 2020

The JUDICIARY AND RULES Committee reports out H 432, as amended, H 457, as amended, H 463, H 464, and H 466 with the recommendation that they do pass.

LAKEY, Chairman

H 432, as amended, H 457, as amended, H 463, H 464, and H 466 were filed for second reading.

March 6, 2020

The JUDICIARY AND RULES Committee reports out H 402, H 384, and H 461 with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

LAKEY, Chairman

There being no objection, H 402, H 384, and H 461 were referred to the Fourteenth Order of Business, General Calendar.

Senator Lodge was recorded present at this order of business.

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

Messages from the Governor

March 5, 2020

The Honorable Janice McGeachin
President of the Senate
Idaho Legislature

Dear Madam President:

I have the honor to inform you that Arnold Carlos Ponce of Mountain Home, Idaho, was appointed as a member of the Sexual Offender Management Board to serve a term commencing February 26, 2020, and expiring January 1, 2023.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Brad Little
Governor

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

The gubernatorial appointment was referred to the Judiciary and Rules Committee.

March 5, 2020

The Honorable Janice McGeachin
President of the Senate
Idaho Legislature

Dear Madam President:

I have the honor to inform you that Craig Hill of Priest Lake, Idaho, was reappointed as a member of the Lake Pend Oreille Basin Commission to serve a term commencing July 24, 2019, and expiring July 24, 2022.

This reappointment was made subject to confirmation by the Senate. Notice of reappointment is hereby given.

Sincerely,
/s/ Brad Little
Governor
The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Resources and Environment Committee.

March 5, 2020

The Honorable Janice McGeachin
President of the Senate
Idaho Legislature

Dear Madam President:

I have the honor to inform you that Heidi Hart of Meridian, Idaho, was appointed as a member of the Idaho Health Insurance Exchange Board to serve a term commencing April 4, 2019, and expiring April 4, 2021.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Brad Little
Governor

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

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

March 5, 2020

The Honorable Janice McGeachin
President of the Senate
Idaho Legislature

Dear Madam President:

I have the honor to inform you that Mark Ciavarella of Meridian, Idaho, was appointed as a member of the State Building Authority to serve a term commencing March 3, 2020, and expiring January 1, 2022.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Brad Little
Governor

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

The Gubernatorial appointment was referred to the State Affairs Committee.

March 6, 2020

The Honorable Janice McGeachin
President of the Senate
Idaho Legislature

Dear Madam President:

I have the honor to inform you that Anthony Vahsholtz of Nampa, Idaho, was appointed as a member of the State Building Authority to serve a term commencing March 4, 2020, and expiring January 1, 2024.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Brad Little
Governor

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

The Gubernatorial appointment was referred to the State Affairs Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 6, 2020

Dear Madam President:

I transmit herewith H 538, H 589, and H 566, which have passed the House.

MAULIN, Chief Clerk

H 538, H 589, and H 566 were filed for first reading.

March 6, 2020

Dear Madam President:

I transmit herewith Enrolled H 345, H 477, H 478, HJR 4, H 410, and H 370 for the signature of the President.

MAULIN, Chief Clerk

The President signed Enrolled H 345, H 477, H 478, HJR 4, H 410, and H 370 and ordered them returned to the House.

March 6, 2020

Dear Madam President:

I return herewith Enrolled S 1341, S 1269, S 1306, S 1259, S 1260, S 1281, S 1248, S 1346, S 1347, S 1246, S 1280, S 1352, S 1268, as amended, S 1307, S 1310, S 1334, S 1358, and S 1360, which have been signed by the Speaker.

MAULIN, Chief Clerk

Enrolled S 1341, S 1269, S 1306, S 1259, S 1260, S 1281, S 1248, S 1346, S 1347, S 1246, S 1280, S 1352, S 1268, as amended, S 1307, S 1310, S 1334, S 1358, and S 1360 were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Winder, granted by unanimous consent, SCR 138 was placed before the Senate for final consideration at this time.

The President announced that SCR 138 was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Patrick, seconded by Senator Stennett, SCR 138 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 advanced to the Eleventh Order of Business.

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

S 1401
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO RULES OF THE ROAD: AMENDING SECTION 49-614, IDAHO CODE, TO PROVIDE FOR ON-TRACK EQUIPMENT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-648, IDAHO CODE, TO PROVIDE FOR ON-TRACK EQUIPMENT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-649, IDAHO CODE, TO PROVIDE FOR ON-TRACK EQUIPMENT AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 49-650, IDAHO CODE, TO PROVIDE FOR ON-TRACK EQUIPMENT AND TO MAKE TECHNICAL CORRECTIONS.

S 1402
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO THE ANTI-BOYCOTT AGAINST ISRAEL ACT; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2359, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROHIBIT A PUBLIC ENTITY FROM ENTERING INTO CERTAIN CONTRACTS WITH COMPANIES THAT BOYCOTT ISRAEL, TO DEFINE TERMS, TO PROVIDE THAT CERTAIN CONTRACTS SHALL BE VOID, TO PROVIDE RULEMAKING AUTHORITY, AND TO PROVIDE APPLICABILITY.

S 1401 and S 1402 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 538, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 589, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 566, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 522, by Education Committee, was read the second time at length and filed for third reading.

H 438 and H 549, by Health and Welfare Committee, were read the second time at length and filed for third reading.

H 521, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

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

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Vick to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Vick, Chairman of the Committee of the Whole, reported out H 325, as amended in the Senate, S 1230, and H 409, without recommendation, amended as follows:

SENATE AMENDMENT TO SENATE AMENDMENT TO H 325
AMENDMENT TO THE AMENDMENT TO SECTION 1
On page 1 of the printed amendment, in line 3, delete ", but not less than fifteen million"; in line 4, delete "dollars ($15,000,000.)" and insert: "but not less than fifteen million dollars ($15,000,000.)"; and in line 7, following "(60%)" insert: ", but not less than fifteen million dollars ($15,000,000.)".

AMENDMENT TO THE AMENDMENT TO THE BILL
On page 2, delete lines 40 through 41, and insert: "(8) The Idaho transportation department shall establish and maintain a bridge main;

in line 45, delete "local highway"; and in line 46, delete "technical assistance council" and insert: "Idaho transportation department".

SENATE AMENDMENT TO S 1230
AMENDMENT TO SECTION 1
On page 3 of the printed bill, in line 28, following "jurisdiction" insert: "for a minimum of three (3) consecutive years prior to the date of application, provided that during such three (3) year period the applicant has not been incarcerated"; in line 35, delete "and"; and delete lines 36 through 41, and insert: "(iv) Submit a valid medical examiner's certificate, if applicable;

(v) Submit a criminal background check showing that the applicant has not been convicted of any alcohol or drug-related offenses for the ten (10) years prior to the date of application; and

(vi) If the lifetime disqualification was based on an alcohol or controlled substance conviction, submit proof of the applicant's successful completion of an appropriate rehabilitation program.

(b) A person who has been reinstated and issued a commercial driver's license under this subsection who subsequently is convicted of a disqualifying major offense under 49 CFR 383.51 shall not be eligible for future reinstatement of a commercial driver's license.".

SENATE AMENDMENT TO H 409
AMENDMENT TO SECTION 1
On page 1 of the printed bill, in line 14, delete "year 2020" and insert: "years 2020, 2021, and 2022"; in line 17, delete "2019" and insert: "the preceding year"; in line 18, following "2020" insert: ", 2021, or 2022"; and in line 19, delete "2020" and insert: "any such year".

SENATE AMENDMENT TO H 409
AMENDMENT TO SECTION 1
On page 1 of the printed bill, in line 16, following "exceeds" insert: "four percent (4%) over"; and following line 25, insert: "(4) Any distribution of funds to a taxing district as a result of the termination of a revenue allocation area of an urban
renewal district pursuant to section 50-2909(4), Idaho Code, shall be in addition to the limitations imposed in subsections (1) and (2) of this section. 

(5) Any increase in property tax revenues to a taxing district as a result of the termination of a property tax exemption granted by a board of county commissioners pursuant to section 63-602NN, Idaho Code, shall be in addition to the limitations imposed in subsections (1) and (2) of this section."

CORRECTION TO TITLE
On page 1, in line 5, delete "AN EXCEPTION" and insert: "EXCEPTIONS".

The Committee also has H 518, S 1362, and S 1330 under consideration, reports progress, and begs leave to sit again.

VICK, Chairman

On motion by Senator Vick, seconded by Senator Stennett, the report was adopted by voice vote.

S 1230, as amended, was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

H 325, as amended in the Senate, as amended in the Senate, and H 409, as amended in the Senate, were filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

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

Third Reading of Bills

H 408 was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:


NAYS–Vick. Total - 1.

Absent and excused–Bayer, Burgoyne. Total - 2.

Total - 35.

Whereupon the President declared H 515 passed, title was approved, and the bill ordered returned to the House.

S 1312, as amended, 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–None.

Absent and excused–Bayer, Burgoyne, Jordan. Total - 3.

Total - 35.

Whereupon the President declared S 1312, as amended, passed, title was approved, and the bill ordered transmitted to the House.

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

Reports of Standing Committees

March 9, 2020

The JUDICIARY AND RULES Committee reports that Senate amendments to H 325, as amended in the Senate, S 1230, and H 409 have been correctly printed.

LAKEY, Chairman

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

March 9, 2020

The JUDICIARY AND RULES Committee reports that S 1230, as amended, has been correctly engrossed.

LAKEY, Chairman

S 1230, as amended, was filed for first reading.
The STATE AFFAIRS Committee reports out H 440 and H 500 with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

LODGE, Chairman

There being no objection, H 440 and H 500 were referred to the Fourteenth Order of Business, General Calendar.

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 1403
BY FINANCE COMMITTEE
AN ACT
RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS TO THE ENVIRONMENTAL REMEDIATION BASIN FUND; PROVIDING REQUIREMENTS FOR THE ENVIRONMENTAL REMEDIATION BASIN FUND; PROVIDING REQUIREMENTS FOR THE WATER POLLUTION CONTROL FUND; PROVIDING REQUIREMENTS FOR THE USE OF CERTAIN MONEYS FOR AGRICULTURAL BEST MANAGEMENT PRACTICES; AND PROVIDING REAPPROPRIATION AUTHORITY.

S 1404
BY FINANCE COMMITTEE
AN ACT
RELATING TO THE APPROPRIATION TO THE MEDICAL BOARDS; APPROPRIATING MONEYS TO THE MEDICAL BOARDS FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REAPPROPRIATION AUTHORITY; APPROPRIATING ADDITIONAL MONEYS TO THE MEDICAL BOARDS FOR FISCAL YEAR 2020; AND DECLARING AN EMERGENCY.

S 1405
BY FINANCE COMMITTEE
AN ACT
RELATING TO THE APPROPRIATION TO THE STATE CONTROLLER FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE STATE CONTROLLER FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR THE RECOVERY OF STATE CONTROLLER SERVICE COSTS TO THE INDIRECT COST RECOVERY FUND; AND PROVIDING REAPPROPRIATION AUTHORITY.

S 1406
BY FINANCE COMMITTEE
AN ACT
RELATING TO THE APPROPRIATION TO THE STATE LIQUOR DIVISION FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE STATE LIQUOR DIVISION FOR FISCAL YEAR 2021; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

S 1403, S 1404, S 1405, and S 1406 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 325, as amended in the Senate, as amended in the Senate, by Transportation and Defense Committee, was read the first time at length and filed for second reading.

H 409, as amended in the Senate, by Revenue and Taxation Committee, was read the first time at length and filed for second reading.

S 1230, as amended, by Transportation Committee, was read the first time at length and filed for second reading.

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 12:15 p.m. until the hour of 10 a.m., Tuesday, March 10, 2020.

JANICE MCGEACHIN, President
Attest: JENNIFER NOVAK, Secretary