

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIFTH LEGISLATURE

**SIXTY-FIFTH LEGISLATIVE DAY
TUESDAY, MARCH 10, 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 Anthon and Lodge, absent and excused.

Prayer was offered by Chaplain Jeff Tanner.

The Pledge of Allegiance was led by Lexi Rich, 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 9, 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 10, 2020

The JUDICIARY AND RULES Committee reports that [S 1401](#), [S 1402](#), [S 1403](#), [S 1404](#), [S 1405](#), and [S 1406](#) have been correctly printed.

LAKEY, Chairman

[S 1401](#) was referred to the Transportation Committee.

[S 1402](#) was referred to the State Affairs Committee.

[S 1403](#), [S 1404](#), [S 1405](#), and [S 1406](#) were referred to the Finance Committee.

Senator Lodge was recorded present at this order of business.

March 9, 2020

The JUDICIARY AND RULES Committee reports that 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 delivered to the Office of the Governor at 12:02 p.m., March 9, 2020.

LAKEY, Chairman

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

March 9, 2020

The RESOURCES AND ENVIRONMENT Committee reports out [H 547](#), [H 565](#), and [H 592](#) with the recommendation that they do pass.

HEIDER, Chairman

[H 547](#), [H 565](#), and [H 592](#) were filed for second reading.

March 9, 2020

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Craig Hill to the Lake Pend Oreille Basin Commission, term to expire July 24, 2022.

HEIDER, Chairman

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

March 9, 2020

The EDUCATION Committee reports out [H 501](#) and [H 511](#), as amended, with the recommendation that they do pass.

MORTIMER, Chairman

[H 501](#) and [H 511](#), as amended, were 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

March 10, 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 Justin Shank of Boise, Idaho, to the office of Acting State Senator for Legislative District 16, Ada County, State of Idaho. The appointment is effective March 10, 2020 and will continue for as long as necessary.

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*, Grant Burgoyne, State Senator, District 16, Ada County, State of Idaho, has nominated Justin Shank, Boise, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 16, Ada County, State of Idaho.

NOW, THEREFORE, I, BRAD LITTLE, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Justin Shank of Boise, Idaho, to the office of Acting State Senator, District 16, Ada, State of Idaho, for a term commencing on Tuesday, March 10, 2020, and will continue for as long as necessary.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 10th day of March, 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, and of the Statehood of Idaho the one hundred thirtieth.

/s/ BY THE GOVERNOR BRAD LITTLE
/s/ SECRETARY OF STATE LAWRENCE 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 Senator Shank, and he was recorded present at this order of business.

April 16, 2019

The Honorable Janice McGeachin
President of the Senate
Idaho Legislature

Dear Madam President:

I have the honor to inform you that Todd Lakey of Meridian, Idaho, was reappointed as a member of the State Insurance Fund Board to serve a term commencing December 1, 2018, and expiring December 1, 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 Commerce and Human Resources Committee.

March 9, 2020

The Honorable Janice McGeachin
President of the Senate
Idaho Legislature

Dear Madam President:

I have the honor to inform you that Megan Ronk of Meridian, Idaho, was reappointed as a member of the Idaho Commission on Human Rights to serve a term commencing July 1, 2019, and expiring July 1, 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 State Affairs Committee.

March 9, 2020

The Honorable Janice McGeachin
President of the Senate
Idaho Legislature

Dear Madam President:

I have the honor to inform you that Estella Zamora of Caldwell, Idaho, was reappointed as a member of the Idaho Commission on Human Rights to serve a term commencing July 1, 2019, and expiring July 1, 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 State Affairs Committee.

March 9, 2020

The Honorable Janice McGeachin
President of the Senate
Idaho Legislature

Dear Madam President:

I have the honor to inform you that Brian Scigliano of Boise, Idaho, was reappointed as a member of the Idaho Commission on Human Rights to serve a term commencing July 1, 2019, and expiring July 1, 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 State Affairs Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 9, 2020

Dear Madam President:

I transmit herewith [H 605](#), [H 604](#), [H 606](#), [H 555](#), [H 576](#), [H 582](#), [H 583](#), [H 415](#), [H 610](#), [H 577](#), and [HJM 15](#), which have passed the House.

MAULIN, Chief Clerk

[H 605](#), [H 604](#), [H 606](#), [H 555](#), [H 576](#), [H 582](#), [H 583](#), [H 415](#), [H 610](#), [H 577](#), and [HJM 15](#) were filed for first reading.

March 9, 2020

Dear Madam President:

I transmit herewith Enrolled [H 318](#), [H 371](#), [H 372](#), [H 401](#), [H 534](#), [H 536](#), [H 537](#), [H 541](#), [H 406](#), [H 543](#), [H 556](#), [H 557](#), [H 398](#), [H 417](#), [H 418](#), [H 421](#), [H 423](#), [H 476](#), and [H 342](#), as amended in the Senate, for the signature of the President.

MAULIN, Chief Clerk

The President signed Enrolled [H 318](#), [H 371](#), [H 372](#), [H 401](#), [H 534](#), [H 536](#), [H 537](#), [H 541](#), [H 406](#), [H 543](#), [H 556](#), [H 557](#), [H 398](#), [H 417](#), [H 418](#), [H 421](#), [H 423](#), [H 476](#), and [H 342](#), as amended in the Senate, and ordered them returned 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

[H 605](#), [H 604](#), and [H 606](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 555](#) and [H 576](#), by Education Committee, were introduced, read the first time at length, and referred to the Education Committee.

[H 582](#) and [H 583](#), by Ways and Means Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[H 415](#), by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 610](#), by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

[H 577](#), by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[HJM 15](#), by Ways and Means Committee, was introduced, read at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1398](#), [S 1399](#), and [S 1400](#), by Finance Committee, were read the second time at length and filed for third reading.

[H 579](#), [H 580](#), [H 596](#), [H 597](#), and [H 598](#), by Appropriations Committee, were read the second time at length and filed for third reading.

[H 432](#), as amended, [H 457](#), as amended, [H 463](#), [H 464](#), and [H 466](#), by Judiciary, Rules and Administration Committee, were read the second time at length and filed for third reading.

[H 325](#), as amended in the Senate, as amended in the Senate, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

[H 409](#), as amended in the Senate, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

[S 1230](#), as amended, by Transportation 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 1390](#) 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, Bair, Bayer, Brackett, Buckner-Webb, Burtenshaw, Cheatham, Crabtree, Den Hartog, Grow, Guthrie, Harris, Heider, Hill, Johnson, Jordan, Lakey, Lee, Lent, Lodge, Martin, Mortimer, Nelson, Nye, Patrick, Rice, Shank (Burgoyne), Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder, Woodward. Total - 34.

NAYS—None.

Absent and excused—Anthon. Total - 1.

Total - 35.

Whereupon the President declared [S 1390](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1391](#) 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, Bair, Bayer, Brackett, Buckner-Webb, Burtenshaw, Cheatham, Crabtree, Den Hartog, Grow, Guthrie, Harris, Heider, Hill, Johnson, Jordan, Lakey, Lee, Lent, Lodge, Martin, Mortimer, Nelson, Nye, Patrick, Rice, Shank (Burgoyne), Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder, Woodward. Total - 34.

NAYS—None.

Absent and excused—Anthon. Total - 1.

Total - 35.

Whereupon the President declared [S 1391](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1392](#) 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, Bair, Brackett, Buckner-Webb, Burtenshaw, Crabtree, Grow, Hill, Johnson, Jordan, Lee, Lodge, Martin, Nelson, Nye, Shank (Burgoyne), Stennett, Ward-Engelking, Winder, Woodward. Total - 20.

NAYS—Bayer, Cheatham, Den Hartog, Guthrie, Harris, Heider, Lakey, Lent, Mortimer, Patrick, Rice, Souza, Thayn, Vick. Total - 14.

Absent and excused—Anthon. Total - 1.

Total - 35.

Whereupon the President declared [S 1392](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Winder, granted by unanimous consent, [S 1380](#) retained its place on the Third Reading Calendar.

[S 1393](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Agenbroad arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Agenbroad, Bair, Brackett, Buckner-Webb, Burtenshaw, Cheatham, Crabtree, Guthrie, Harris, Heider, Hill, Johnson, Jordan, Lakey, Lee, Lent, Lodge, Martin, Nelson, Nye, Patrick, Rice, Shank (Burgoyne), Souza, Stennett, Ward-Engelking, Winder, Woodward. Total - 28.

NAYS—Bayer, Den Hartog, Grow, Mortimer, Thayn, Vick. Total - 6.

Absent and excused—Anthon. Total - 1.

Total - 35.

Whereupon the President declared [S 1393](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1394](#) 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, Bair, Bayer, Brackett, Buckner-Webb, Burtenshaw, Cheatham, Crabtree, Den Hartog, Grow, Harris, Heider, Hill, Johnson, Jordan, Lakey, Lee, Lent, Lodge, Martin, Mortimer, Nelson, Nye, Patrick, Rice, Shank (Burgoyne), Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder, Woodward. Total - 33.

NAYS—Guthrie. Total - 1.

Absent and excused—Anthon. Total - 1.

Total - 35.

Whereupon the President declared [S 1394](#) 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 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 [S 1330](#), [H 440](#), and [H 500](#), without recommendation, amended as follows:

SENATE AMENDMENT TO S 1330 AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 6 through 42; and delete page 2, and insert:

"SECTION 1. That Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a **NEW CHAPTER**, to be known and designated as Chapter 62, Title 33, Idaho Code, and to read as follows:

CHAPTER 62

EXTENDED EMPLOYMENT SERVICES PROGRAM

33-6201. DEFINITIONS. As used in this chapter:

- (1) "Board" means the state board of education.
- (2) "Disability" means a developmental disability as defined in 45 CFR 1325.3 or a learning disability, mental illness, or traumatic brain injury as defined in board rule.
- (3) "Division" means the division of vocational rehabilitation.
- (4) "Extended employment services" or "EES" means long-term maintenance services that assist participants in maintaining employment or gaining employment skills in preparation for community employment or that provide assistance to adult participants within an industry or a business setting or a community rehabilitation program intended to maintain paid employment. Extended employment services include individual supported employment, group community-based supported employment, and work services.
- (5) "Group community-based supported employment" means self-employment or paid employment that is:
 - (a) For a group of no more than eight (8) participants who are paid at least minimum wage and who, because of their disabilities, need ongoing support to maintain employment;
 - (b) Conducted in a variety of community and industry settings where the participants have opportunities to interact with coworkers or others without known paid work supports at least to the extent that those opportunities typically exist in that work setting;
 - (c) Supported by training and supervision needed to maintain that employment; and
 - (d) Not conducted in the work services area of a provider.
- (6) "Individual community-supported employment" means self-employment or paid employment:
 - (a) For which a participant is paid a competitive wage;
 - (b) For which the participant, because of the participant's disability, needs ongoing support to maintain the employment;
 - (c) That is conducted in a community or industry setting where persons without known paid work supports are employed; and
 - (d) Is supported by authorized activities needed to sustain paid work by persons with disabilities, including but not limited to supervision, training, and transportation.
- (7) "Individual program plan" means a plan for extended employment services appropriate for an individual participant based on the participant's needs and personal goals.
- (8) "Participant" means a person eligible for and enrolled in the extended employment services program established pursuant to section 33-6202, Idaho Code.
- (9) "Program" means the extended employment services program established pursuant to section 33-6202, Idaho Code.
- (10) "Provider" means a community rehabilitation program services provider approved by the division to provide extended employment services.
- (11) "Work services" means activities, typically conducted on provider premises, intended to assist participants in

understanding the value and demands of work and developing functional capacities that increase or maintain the skill sets of participants to achieve and maintain employment.

33-6202. PROGRAM ESTABLISHED. (1) There is hereby established in the board an extended employment services (EES) program for the purpose of increasing employment opportunities for program participants. The program shall be administered by the division. Extended employment services offered under the program are separate and apart from any federal program but may be collaborative with and supportive of federal programs. Administrative costs charged to the EES program shall be limited, subject to federal indirect cost rate matching requirements, and subject to audit and review.

(2) Program services shall be:

- (a) Provided when eligible individuals do not have access to comparable services or have fully utilized comparable services for which they are eligible; and
- (b) Separate and apart from and delivered subsequent to vocational rehabilitation services as defined in 29 U.S.C. 705(40), provided by the division.

33-6203. ELIGIBILITY. (1) A person is eligible to participate in the program if the person:

- (a) Has a disability that constitutes a barrier to maintaining paid employment without long-term vocational support;
- (b) Is sixteen (16) years of age or older; and
- (c) Is an Idaho resident.

(2) The division may periodically review a participant's eligibility and service level need for the program.

33-6204. COVERED SERVICES – INDIVIDUAL PROGRAM PLAN. (1) Subject to available funding, the program shall provide the following services to participants, as appropriate:

- (a) Individual community-supported employment;
- (b) Group community-based supported employment; and
- (c) Work services.

(2) The services provided to a participant shall be based on the participant's individual program plan, as developed according to board rule.

33-6205. EES PROVIDERS – REQUIREMENTS – REVOCATION OF APPROVAL – AGREEMENT REVIEW. (1) The division shall approve any person or entity before such person or entity may provide extended employment services under the program. The division shall enter an agreement with each program provider. The agreement shall specify:

- (a) Requirements for the provider;
- (b) Services to be offered by the provider;
- (c) Scope of work under the agreement;
- (d) Service fees; and
- (e) Other terms, conditions, and provisions as determined by the division and agreed to by the provider.

(2) The division may terminate or revoke the approval status and discontinue authorizing or purchasing services from providers for actions in violation of the agreement or rules promulgated by the board.

(3) A provider agreement shall be reviewed annually and is subject to revision as required by the division in cooperation with providers.

33-6206. PROGRAM IMPLEMENTATION. The board is hereby authorized to take such actions as are necessary to

implement the provisions of this chapter, including promulgation of necessary rules."

CORRECTION TO TITLE

On page 1, delete lines 2 through 4 and insert:
 "RELATING TO EXTENDED EMPLOYMENT SERVICES; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 62, TITLE 33, IDAHO CODE, TO DEFINE TERMS, TO ESTABLISH AN EXTENDED EMPLOYMENT SERVICES PROGRAM, TO PROVIDE ELIGIBILITY REQUIREMENTS AND TO PROVIDE FOR PERIODIC REVIEW OF ELIGIBILITY, TO PROVIDE FOR COVERED SERVICES AND AN INDIVIDUAL PROGRAM PLAN, TO ESTABLISH PROVISIONS REGARDING PROVIDERS OF EXTENDED EMPLOYMENT SERVICES, AND TO PROVIDE FOR PROGRAM IMPLEMENTATION."

SENATE AMENDMENT TO H 440

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 31, following "chapter" insert: "; provided, however, that any remedies available for violations of this section regarding public contracts shall be determined as otherwise provided by state law"; following line 31, insert:

"(7) Nothing in this section shall be interpreted as prohibiting action that must be taken to establish or maintain eligibility for any federal program where ineligibility would result in a loss of federal funds to the state."; and in line 32, delete "7" and insert: "8".

CORRECTION TO TITLE

On page 1, in line 6, following "REMEDIES," insert: "TO PROVIDE THAT CERTAIN ACTIONS SHALL NOT BE PROHIBITED,".

SENATE AMENDMENT TO H 440

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 11, following "EDUCATION" delete "-"; in line 12, delete "PUBLIC CONTRACTING"; in line 14, following "employment" delete "," and insert: "or"; in line 15, delete ", or public contracting"; in line 20, delete ", public education, or public contracting" and insert: "or public education"; following line 31, insert:

"(7) Nothing in this section shall be interpreted as prohibiting action that must be taken to establish or maintain eligibility for any federal program where ineligibility would result in a loss of federal funds to the state."; and in line 32, delete "7" and insert: "8".

AMENDMENT TO THE BILL

On page 1, following line 35, insert:

"SECTION 2. That Chapter 28, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-2802A, Idaho Code, and to read as follows:

67-2802A. DISCRIMINATION IN PROCUREMENT PROHIBITED. Political subdivisions of the state of Idaho in their procurements governed by this chapter shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin unless permitted by an exception described in section 67-5909A, Idaho Code.

SECTION 3. That Section 67-2809, Idaho Code, be, and the same is hereby amended to read as follows:

67-2809. LEGISLATIVE INTENT – PUBLIC WORKS – AGREEMENTS – SAVINGS – SEVERABILITY. (1) It is the intent of the legislature to provide for the efficient and cost-effective procurement of goods and services by political subdivisions as market participants.

(2) Notwithstanding any other provision found in chapter 10, title 44, Idaho Code, chapter 28, title 67, Idaho Code, and chapter 57, title 67, Idaho Code, the following shall apply:

(a) This act shall be known as the "Open Access to Work Act."

(b) For purposes of this section, the following terms have the following meanings:

(i) "Political subdivision" means the state of Idaho, or any county, city, school district, sewer district, fire district or any other taxing subdivision or district of any public or quasi-public corporation of the state, or any agency thereof, or with any other public board, body, commission, department or agency, or officer or representative thereof;

(ii) "Public works" shall have the same meaning as that provided for "public works construction" in section 54-1901, Idaho Code.

(c) (i) Except as provided in subsection (2)(c)(ii) of this section or as required by federal or state law, the state or any political subdivision that contracts for the construction, alteration, equipping, furnishing, maintenance, repair or improvement of public works shall not require that a contractor, subcontractor, material supplier or carrier engaged in the construction, alteration, equipping, furnishing, maintenance, repair or improvement of public works pay its employees:

1. A predetermined amount of wages or wage rate; or
2. A type, amount or rate of employee benefits.

(ii) Subsection (2)(c)(i) of this section shall not apply when federal law requires the payment of prevailing or minimum wages to persons working on projects funded in whole or in part by federal funds.

(d) The state or any political subdivision that contracts for the construction, alteration, equipping, furnishing, maintenance, repair or improvement of public works or obligates funds pursuant to such a contract shall ensure that neither the awarding governmental entity nor any construction manager acting on the governmental entity's behalf shall:

(i) In its bid documents, specifications, project agreements or other controlling documents for a public works construction contract, require or prohibit bidders, offerors, contractors, subcontractors or material suppliers to enter into or adhere to prehire agreements, project labor agreements, collective bargaining agreements or any other agreement with one (1) or more labor organizations on the same or other related construction projects; or

(ii) Discriminate against, or treat differently, bidders, offerors, contractors, subcontractors or material suppliers for becoming or refusing to become or remain signatories or otherwise to adhere to agreements with one (1) or more labor organizations on the same or other related construction projects; or

(iii) Discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin unless permitted by an exception described in section 67-5909A, Idaho Code.

Nothing in subsection (2)(d) of this section shall prohibit bidders, offerors, contractors, subcontractors or material suppliers from voluntarily entering into agreements described in subparagraph (i) of this paragraph.

(e) Any interested party, which shall include a bidder, offeror, contractor, subcontractor or taxpayer, shall have standing to challenge any bid award, specification, project agreement, controlling document, grant or cooperative agreement that violates the provisions of this section, and such interested party shall be awarded costs and attorney's fees in the event that such challenge prevails.

(f) The provisions of this section apply to any contract executed after the effective date of this act.

(3) This act does not prohibit or interfere with the rights of employers or other parties to enter into agreements or engage in any other activity protected by the national labor relations act, 29 U.S.C. section 151, et seq.

(4) The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 4. That Section 67-9210, Idaho Code, be, and the same is hereby amended to read as follows:

67-9210. AWARD OF CONTRACT. (1) The administrator shall award contracts to, and place orders for property with, the lowest responsible bidder. Qualifications for responsibility shall be prescribed by rule.

(2) Where both the bids and quality of property offered are the same, preference shall be given to property of local and domestic production and manufacture or from bidders having a significant Idaho economic presence as defined in section 67-2349, Idaho Code. In connection with the award of any contract for the placement of any order for state printing, binding, engraving or stationery work, the provisions of sections 60-101 and 60-103, Idaho Code, shall apply to the extent that the same may be inconsistent with any requirements contained in this section.

(3) In awarding contracts, the administrator shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin unless permitted by an exception described in section 67-5909A, Idaho Code."

CORRECTION TO TITLE

On page 1, in line 2, delete "THE COMMISSION ON HUMAN RIGHTS" and insert: "DISCRIMINATION IN PUBLIC EMPLOYMENT, PUBLIC EDUCATION, AND PUBLIC CONTRACTS"; in line 6, following "REMEDIES," insert: "TO PROVIDE THAT CERTAIN ACTIONS SHALL NOT BE PROHIBITED,"; also in line 6, following "SEVERABILITY" insert: "; AMENDING CHAPTER 28, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2802A, IDAHO CODE, TO PROHIBIT DISCRIMINATION IN PROCUREMENT; AMENDING SECTION 67-2809, IDAHO CODE, TO PROHIBIT DISCRIMINATION IN PROCUREMENT; AND AMENDING SECTION 67-9210, IDAHO CODE, TO PROHIBIT DISCRIMINATION IN PROCUREMENT".

SENATE AMENDMENT TO H 500
AMENDMENT TO SECTION 1

On page 3 of the printed bill, delete lines 3 through 7, and insert: "by a public primary or secondary school, a public institution of higher education, or any school or institution whose students or teams compete against a public school or institution of higher education"; and delete lines 15 through 20, and insert:

"(3) A dispute regarding a student's sex shall be resolved by the school or institution by requesting that the student provide a health examination and consent form or other statement signed by the student's personal health care provider that shall verify the student's biological sex. The health care provider may verify the student's biological sex as part of a routine sports physical examination relying only on one (1) or more of the following: the student's reproductive anatomy, genetic makeup, or normal endogenously produced testosterone levels. The state board of education shall promulgate rules for schools and institutions to follow regarding the receipt and timely resolution of such disputes consistent with this subsection."

The Committee also has [H 518](#), [S 1362](#), [H 402](#), [H 384](#), and [H 461](#) 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 1330](#), 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 440](#), as amended in the Senate, and [H 500](#), 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 Sixth Order of Business.

Reports of Standing Committees

March 10, 2020

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1330](#), [H 440](#), and [H 500](#) have been correctly printed.

LAKEY, Chairman

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

March 10, 2020

The JUDICIARY AND RULES Committee reports that [S 1330](#), as amended, has been correctly engrossed.

LAKEY, Chairman

[S 1330](#), as amended, was filed for first reading.

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**

[H 440](#), as amended in the Senate, by State Affairs Committee, was read the first time at length and filed for second reading.

[H 500](#), as amended in the Senate, by Education Committee, was read the first time at length and filed for second reading.

[S 1330](#), as amended, by Education Committee, was read the first time at length and filed for second reading.

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

Reports of Standing Committees

On motion by Senator Winder, seconded by Senator Buckner-Webb, by voice vote the Senate recessed at 12:29 p.m. until the hour of 4 p.m. of this day.

**RECESS
AFTERNOON SESSION**

The Senate reconvened at 4 p.m., pursuant to recess, President McGeachin presiding.

Roll call showed all members present except Senators Anthon, Harris, Lee, Lodge, Nelson, and Souza, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

March 10, 2020

The STATE AFFAIRS Committee reports out [H 509](#) and [S 1385](#) with the recommendation that they do pass.

LODGE, Chairman

[H 509](#) and [S 1385](#) were filed for second reading.

March 10, 2020

The STATE AFFAIRS Committee reports out [S 1387](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

LODGE, Chairman

There being no objection, [S 1387](#) was referred to the Fourteenth Order of Business, General Calendar.

March 10, 2020

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 594](#) with the recommendation that it do pass.

PATRICK, Chairman

[H 594](#) was filed for second reading.

March 10, 2020

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Carolyn Lodge to the Idaho Health Insurance Exchange Board, term to expire April 4, 2023.

Donald "Keith" Reynolds as the Director of the Department of Administration, term to continue at the pleasure of the Governor.

Terry Gestrin to the State Insurance Fund Board, term to expire December 1, 2023.

PATRICK, 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.

March 10, 2020

The TRANSPORTATION Committee reports out [S 1401](#) with the recommendation that it do pass.

BRACKETT, Chairman

[S 1401](#) was filed for second reading.

March 10, 2020

The FINANCE Committee reports out [H 604](#), [H 605](#), [H 606](#), [H 610](#), [S 1403](#), [S 1404](#), [S 1405](#), and [S 1406](#) with the recommendation that they do pass.

BAIR, Chairman

[H 604](#), [H 605](#), [H 606](#), [H 610](#), [S 1403](#), [S 1404](#), [S 1405](#), and [S 1406](#) were 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

March 10, 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 on March 9, 2020 and am transmitting to the Secretary of State the following Senate Bills, to wit:

[S 1246](#), [S 1259](#), [S 1260](#), [S 1268](#), as amended, [S 1269](#), [S 1280](#), [S 1281](#), [S 1306](#), [S 1341](#), [S 1346](#), and [S 1347](#)

Sincerely,
/s/ Brad Little
Governor of Idaho

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

March 10, 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 on March 10, 2020 and am transmitting to the Secretary of State the following Senate Bills, to wit:

[S 1248](#), [S 1310](#), and [S 1334](#)

Sincerely,
/s/ Brad Little
Governor of Idaho

The correspondence was 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 Eleventh Order of Business.

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

Senator Harris was recorded present at this order of business.

S 1407 **BY FINANCE COMMITTEE** AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF DRUG POLICY FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE OFFICE OF DRUG POLICY FOR FISCAL YEAR 2021; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

S 1408 **BY FINANCE COMMITTEE** AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REAPPROPRIATION AUTHORITY; AND PROVIDING FOR AN APPROPRIATION AND TRANSFER OF FUNDS.

[S 1407](#) and [S 1408](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

Senator Lee was recorded present at this order of business.

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

Third Reading of Bills

[S 1380](#), having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

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

NAYS—Crabtree. Total - 1.

Absent and excused—Anthon, Lodge. Total - 2.

Total - 35.

Whereupon the President declared [S 1380](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1395](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator

Grow arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

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

NAYS—Bayer. Total - 1.

Absent and excused—Anthon, Lodge. Total - 2.

Total - 35.

Whereupon the President declared [S 1395](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1396](#) 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, Bair, Bayer, Brackett, Buckner-Webb, Burtenshaw, Cheatham, Crabtree, Den Hartog, Grow, Guthrie, Harris, Heider, Hill, Johnson, Jordan, Lakey, Lee, Lent, Martin, Mortimer, Nelson, Nye, Patrick, Rice, Shank (Burgoyne), Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder, Woodward. Total - 33.

NAYS—None.

Absent and excused—Anthon, Lodge. Total - 2.

Total - 35.

Whereupon the President declared [S 1396](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1397](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Agenbroad, Bair, Bayer, Brackett, Buckner-Webb, Burtenshaw, Cheatham, Crabtree, Den Hartog, Grow, Guthrie, Harris, Heider, Hill, Johnson, Jordan, Lakey, Lee, Lent, Martin, Mortimer, Nelson, Nye, Patrick, Rice, Shank (Burgoyne), Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder, Woodward. Total - 33.

NAYS—None.

Absent and excused—Anthon, Lodge. Total - 2.

Total - 35.

Whereupon the President declared [S 1397](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1363](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Rice arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Buckner-Webb, Den Hartog, Grow, Heider, Jordan, Lakey, Lee, Lodge, Martin, Nelson, Rice, Shank (Burgoyne), Souza, Stennett, Ward-Engelking. Total - 15.

NAYS—Agenbroad, Bair, Bayer, Brackett, Burtenshaw, Cheatham, Crabtree, Guthrie, Harris, Hill, Johnson, Lent, Mortimer, Nye, Patrick, Thayn, Vick, Winder, Woodward. Total - 19.

Absent and excused—Anthon. Total - 1.

Total - 35.

Whereupon the President declared that [S 1363](#), as amended, had failed to pass the Senate and ordered the bill filed in the office of the Secretary of the Senate.

[S 1379](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Rice arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Agenbroad, Brackett, Buckner-Webb, Burtenshaw, Crabtree, Den Hartog, Grow, Guthrie, Heider, Hill, Johnson, Jordan, Lakey, Lee, Lodge, Martin, Nelson, Nye, Patrick, Rice, Shank (Burgoyne), Souza, Stennett, Ward-Engelking, Winder. Total - 25.

NAYS—Bair, Bayer, Cheatham, Harris, Lent, Mortimer, Thayn, Vick, Woodward. Total - 9.

Absent and excused—Anthon. Total - 1.

Total - 35.

Whereupon the President declared [S 1379](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1324](#), as amended, 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:

AYES—Buckner-Webb, Grow, Hill, Johnson, Jordan, Lee, Lent, Lodge, Martin, Mortimer, Nelson, Nye, Shank (Burgoyne), Stennett, Thayn, Ward-Engelking, Winder. Total - 17.

NAYS—Agenbroad, Bair, Bayer, Brackett, Burtenshaw, Cheatham, Crabtree, Den Hartog, Guthrie, Harris, Heider, Lakey, Rice, Souza, Vick, Woodward. Total - 16.

Absent and excused—Anthon, Patrick. Total - 2.

Total - 35.

Whereupon the President declared [S 1324](#), as amended, 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 amended in the Senate, 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 6:04 p.m. until the hour of 10 a.m., Wednesday, March 11, 2020.

JANICE MCGEACHIN, President

Attest: JENNIFER NOVAK, Secretary