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

SIXTY-SEVENTH LEGISLATIVE DAY
THURSDAY, MARCH 12, 2020

Senate Chamber

President McGeachin called the Senate to order at 9 a.m.

Roll call showed all members present except President Pro Tempore Hill and Senators Bair, Crabtree, Guthrie, Harris, and Vick, absent and excused.

Prayer was offered by Chaplain Jeff Tanner.

The Pledge of Allegiance was led by Ella Sharp, 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 11, 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.

Senator Guthrie was recorded present at this order of business.

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

Reports of Standing Committees

March 12, 2020

The JUDICIARY AND RULES Committee reports that S 1409, S 1410, S 1411, S 1412, and S 1413 have been correctly printed.

LAKEY, Chairman

S 1409, S 1410, S 1411, S 1412, and S 1413 were referred to the Finance Committee.

March 11, 2020

The LOCAL GOVERNMENT AND TAXATION Committee reports out H 517, as amended, H 562, and H 574 with the recommendation that they do pass.

RICE, Chairman

H 517, as amended, H 562, and H 574 were filed for second reading.

March 11, 2020

The LOCAL GOVERNMENT AND TAXATION Committee reports out H 561 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

RICE, Chairman

There being no objection, H 561 was referred to the Fourteenth Order of Business, General Calendar.

March 11, 2020

The HEALTH AND WELFARE Committee reports out H 497, as amended, H 538, and H 578 with the recommendation that they do pass.

MARTIN, Chairman

H 497, as amended, H 538, and H 578 were filed for second reading.

Senator Harris was recorded present at this order of business.

March 12, 2020

The FINANCE Committee reports out S 1410, S 1409, S 1411, S 1412, and S 1413 with the recommendation that they do pass.

BAIR, Chairman

S 1410, S 1409, S 1411, S 1412, and S 1413 were filed for second reading.

March 12, 2020

The AGRICULTURAL AFFAIRS Committee reports out H 487 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GUTHRIE, Chairman

There being no objection, H 487 was referred to the Fourteenth Order of Business, General Calendar.

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

Messages from the Governor

March 11, 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 11, 2020 and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1307, S 1359, S 1367, and S 1373

Sincerely,
/s/ Brad Little
Governor of Idaho

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

The Senate advanced to the Ninth Order of Business.
Messages from the House

March 11, 2020

Dear Madam President:

I transmit herewith HCR 36, H 618, H 619, and H 620, which have passed the House.

MAULIN, Chief Clerk

HCR 36, H 618, H 619, and H 620 were filed for first reading.

March 11, 2020

Dear Madam President:

I return herewith S 1284, S 1381, S 1382, S 1383, S 1355, SCR 134, SCR 135, SJM 107, and SJM 110, which have passed the House.

MAULIN, Chief Clerk

S 1284, S 1381, S 1382, S 1383, S 1355, SCR 134, SCR 135, SJM 107, and SJM 110 were referred to the Judiciary and Rules Committee for enrolling.

March 11, 2020

Dear Madam President:

I return herewith S 1378, which has failed to pass the House.

MAULIN, Chief Clerk

S 1378 was ordered filed in the office of the Secretary of the Senate.

Senator Bair was recorded present at this order of business.

March 11, 2020

Dear Madam President:

I transmit herewith Enrolled H 408 and H 515 for the signature of the President.

MAULIN, Chief Clerk

The President signed Enrolled H 408 and H 515 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

HCR 36, by Ways and Means Committee, was introduced, read at length, and referred to the Commerce and Human Resources Committee.

H 618, H 619, and H 620, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 510, H 551, H 553, and H 587, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

H 555, H 576, and H 599, by Education Committee, were read the second time at length and filed for third reading.

H 548, by State Affairs Committee, was read the second time at length and filed for third reading.

H 612 and H 613, by Appropriations Committee, were read the second time at length and filed for third reading.

S 1407 and S 1408, by Finance Committee, were read the second time at length and filed for third reading.

H 518, as amended in the Senate, by Revenue and Taxation 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

H 409, as amended in the Senate, 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:


Total - 35.

Whereupon the President declared that H 409, as amended in the Senate, had failed to pass the Senate and ordered the bill returned to the House.

S 1330, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Vick disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:


NAYS–None.

Absent and excused–Crabtree. Total - 1.

Total - 35.

Whereupon the President declared S 1330, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1385 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lakey 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, Burtenshaw, Cheatham, Den Hartog, Grow, Guthrie, Harris, Heider, Hill, Johnson, Lakey, Lee, Lent, Lodge, Martin,


Absent and excused–Crabtree. Total - 1.

Total - 35.

Whereupon the President declared S 1385 passed, title was approved, and the bill ordered transmitted to the House.

S 1401 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett 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–Winder. Total - 1.

Total - 35.

Whereupon the President declared S 1401 passed, title was approved, and the bill ordered transmitted to the House.

S 1403 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:


Whereupon the President declared S 1403 passed, title was approved, and the bill ordered transmitted to the House.

S 1404 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:


Whereupon the President declared S 1404 passed, title was approved, and the bill ordered transmitted to the House.

S 1405 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:


Whereupon the President declared S 1405 passed, title was approved, and the bill ordered transmitted to the House.

S 1406 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:


Absent and excused–Brackett, Winder. Total - 2.

Total - 35.

Whereupon the President declared S 1406 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 Fourth Order of Business.

Reading of Communications

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

Petitions, Resolutions, and Memorials

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

Messages from the House

March 12, 2020

Dear Madam President:

I transmit herewith H 617 and H 616, which have passed the House.

MAULIN, Chief Clerk

H 617 and H 616 were filed for first reading.

March 12, 2020

Dear Madam President:

I return herewith S 1400, which has passed the House.

MAULIN, Chief Clerk

S 1400 was referred to the Judiciary and Rules Committee for enrollment.

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 617, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 616, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

On motion by Senator Winder, seconded by Senator Jordan, by voice vote the Senate recessed at 11:56 a.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 Agenbroad, Bair, Brackett, Buckner-Webb, Burtenshaw, Crabtree, Grow, Johnson, Lee, Nye, Stennett, Ward-Engelking, and Woodward, absent and excused.

Prior to recess the Senate was at the Eleventh Order of Business, Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials.

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

Reports of Standing Committees

March 12, 2020

The JUDICIARY AND RULES Committee reports that S 1284, S 1381, S 1382, S 1383, S 1355, S 1400, SCR 134, SCR 135, SJM 107, and SJM 110 have been correctly enrolled.

LAKEY, Chairman

The President signed Enrolled S 1284, S 1381, S 1382, S 1383, S 1355, S 1400, SCR 134, SCR 135, SJM 107, and SJM 110 and ordered them transmitted to the House for the signature of the Speaker.

Senator Stennett was recorded present at this order of business.

March 12, 2020

The FINANCE Committee reports out H 618, H 619, and H 620 with the recommendation that they do pass.

BAIR, Chairman

H 618, H 619, and H 620 were filed for second reading.

March 12, 2020

The COMMERCE AND HUMAN RESOURCES Committee reports out H 415 and HCR 36 with the recommendation that they do pass.

PATRICK, Chairman

H 415 was filed for second reading.

HCR 36 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

Senator Brackett was recorded present at this order of business.

March 12, 2020

The TRANSPORTATION Committee reports out H 566 with the recommendation that it do pass.

BRACKETT, Chairman

H 566 was filed for second reading.

March 12, 2020

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

Robert Hoff to the Idaho Transportation Board, term to expire January 31, 2026.

Todd Hitchcock to the Aeronautics Advisory Board, term to expire January 31, 2025.

BRACKETT, 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.

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

Messages from the House

March 12, 2020

Dear Madam President:

I transmit herewith HCR 37, which has passed the House.

MAULIN, Chief Clerk

HCR 37 was filed for first reading.

March 12, 2020

Dear Madam President:

I return herewith S 1304, S 1329, S 1278, S 1273, and S 1316, which have passed the House.

MAULIN, Chief Clerk

S 1304, S 1329, S 1278, S 1273, and S 1316 were referred to the Judiciary and Rules Committee for enrolling.

March 12, 2020

Dear Madam President:

I transmit herewith Enrolled HJM 14 for the signature of the President.

MAULIN, Chief Clerk

The President signed Enrolled HJM 14 and ordered it returned to the House.
March 12, 2020

Dear Madam President:

I return herewith Enrolled S 1267, S 1374, S 1375, S 1376, S 1377, S 1261, S 1282, S 1287, S 1299, S 1291, S 1262, S 1264, S 1219, S 1220, S 1227, S 1256, S 1337, S 1223, S 1224, S 1225, S 1285, S 1339, S 1351, as amended, and S 1231, as amended in the House, which have been signed by the Speaker.

MAULIN, Chief Clerk

Enrolled S 1267, S 1374, S 1375, S 1376, S 1377, S 1261, S 1282, S 1287, S 1299, S 1291, S 1262, S 1264, S 1219, S 1220, S 1227, S 1256, S 1337, S 1223, S 1224, S 1225, S 1286, S 1339, S 1351, as amended, and S 1231, as amended in the House, were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Senators Agenbroad, Buckner-Webb, Burtenshaw, Crabtree, Grow, Johnson, Lee, Nye, Ward-Engelking, and Woodward were recorded present at this order of business.

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 340, as amended, without recommendation, amended as follows:

**SENATE AMENDMENT TO H 340**

**AMENDMENT TO SECTION 1**

On page 3 of the engrossed bill, in line 32, following "Idaho," insert: "To remain eligible for the pilot program and the exclusion provided in subsection (7)(d) of this section, a facility must meet the following requirements:

(a) Prior to accepting any children for treatment, the facility must notify local law enforcement of the facility's presence in the community;

(b) The facility must be located within fifty (50) miles of a health care facility providing emergency medical care;

(c) The facility must conduct criminal history background checks on all staff at the facility who will have direct access to children;

(d) The facility must pass all zoning, electrical, and fire safety inspections;

(e) The facility must have separate facilities for males and females with secure sleeping areas for children that are separate from any sleeping areas used by adults and must provide for the separate use of bathrooms and shower rooms by sex and age;

(f) Prior to accepting a child for treatment, the facility must verify that:

(i) The child has a referral from a health care provider or a court verifying the child's need for substance abuse disorder or alcohol treatment;

(ii) The child's parent, guardian, or other legal custodian has notified the child's school counselor or court officer that the child will be entering the facility; and

(iii) The child's parent, guardian, or other legal custodian has signed a consent for the child to receive routine medical care, emergency medical or surgical care, and substance abuse disorder or alcohol treatment as needed; and

(g) The facility must undergo review by the child protection legislative review panel in 2023 and every two (2) years thereafter, which review must include a report from local law enforcement on:

(i) Any complaints filed against the facility in accordance with section 16-1605, Idaho Code, and a summary of such complaints; and

(ii) Evaluations of the facility by parents whose children received treatment at the facility.

The Committee also has S 1362, H 402, H 384, H 461, and S 1387 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.

**H 340**, as amended, as amended in the Senate, was 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 440**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Vick arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:


Total - 35.

Whereupon the President declared H 440, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Winder, granted by unanimous consent, H 500, as amended in the Senate, retained its place on the Third Reading Calendar.

**H 542**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Johnson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Agenbroad, Anthon, Bair, Bayer, Brackett, Burtenshaw, Cheatham, Den Hartog, Grow, Guthrie, Harris, Heider, Hill, Johnson, Lakey, Lent, Lodge, Martin, Mortimer,

NAYS–None.


Total - 35.

Whereupon the President declared H 542 passed, title was approved, and the bill ordered returned to the House.

On request by Senator Winder, granted by unanimous consent, H 502, H 416, H 424, and H 491 retained their place on the Third Reading Calendar.

H 563 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:


NAYS–None.


Total - 35.

Whereupon the President declared H 563 passed, title was approved, and the bill ordered returned to the House.

H 564 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:


NAYS–None.


Total - 35.

Whereupon the President declared H 564 passed, title was approved, and the bill ordered returned to the House.

H 568 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:


NAYS–None.


Total - 35.

Whereupon the President declared H 568 passed, title was approved, and the bill ordered returned to the House.

On request by Senator Winder, granted by unanimous consent, H 500aas was placed at the head of the Third Reading Calendar, followed by Senate bills, followed by House bills amended in the Senate, followed by House bills.

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

Reports of Standing Committees

March 12, 2020

The JUDICIARY AND RULES Committee reports that Senate amendments to H 340, as amended, have been correctly printed.

LAKEY, Chairman

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

March 12, 2020

The JUDICIARY AND RULES Committee reports that S 1304, S 1329, S 1278, S 1273, and S 1316 have been correctly enrolled.

LAKEY, Chairman

The President signed Enrolled S 1304, S 1329, S 1278, S 1273, and S 1316 and ordered them transmitted to the House for the signature of the Speaker.

March 12, 2020

The LOCAL GOVERNMENT AND TAXATION Committee reports out H 550, H 552, H 560, and H 589 with the recommendation that they do pass.

RICE, Chairman

H 550, H 552, H 560, and H 589 were filed for second reading.

March 12, 2020

The LOCAL GOVERNMENT AND TAXATION Committee reports out H 496 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

RICE, Chairman

There being no objection, H 496 was 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

H 340, as amended, as amended in the Senate, by Health and Welfare Committee, was read the first time at length and filed for second reading.
HCR 37, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

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 6:20 p.m. until the hour of 10 a.m., Friday, March 13, 2020.

JANICE MCGEACHIN, President

Attest: JENNIFER NOVAK, Secretary