

**JOURNAL**  
OF THE  
**STATE SENATE**



**FIRST EXTRAORDINARY SESSION**  
of the  
**SIXTY-FIFTH LEGISLATURE**  
of the  
**STATE OF IDAHO**  
**2020**



# SENATE JOURNAL OF THE IDAHO LEGISLATURE

FIRST EXTRAORDINARY SESSION  
SIXTY-FIFTH LEGISLATURE

**FIRST LEGISLATIVE DAY  
MONDAY, AUGUST 24, 2020**

Senate Chamber

At the hour of 10 a.m. on Friday, August 24, 2020, being the day and hour fixed by proclamation of the Governor of the State of Idaho for the convening of the First Extraordinary Session of the Sixty-fifth Idaho Legislature, the members of the Senate convened in the Senate Chamber of the Capitol in the city of Boise, with President Janice McGeachin presiding. Secretary of the Senate Jennifer Novak read the following Certification and Proclamation calling the Legislature to meet in Extraordinary Session:

STATE OF IDAHO  
OFFICE OF THE SECRETARY OF STATE

### CERTIFICATION

I, LAWRENCE DENNEY, Secretary of State of the State of Idaho and legal custodian of the Seal of said State and all Proclamations of the Governor of the State of Idaho concerning the convening of the Sixty-Fifth Idaho Legislature in an Extraordinary Session, recieved and filed in this office on the Nineteenth day of August, 2020, and that same appears of record in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Idaho. Done at Boise, Idaho, this Nineteenth day of August, 2020.

/s/ LAWRENCE DENNEY  
Secretary of State

STATE OF IDAHO  
THE OFFICE OF THE GOVERNOR  
EXECUTIVE DEPARTMENT  
BOISE

### PROCLAMATION

WHEREAS, the SARS-CoV- 2 virus that originated in China and causes the disease COVID-19 has caused untold misery and devastation throughout the world, including in the United States and in Idaho; and

WHEREAS, the health and safety of all Idahoans is the greatest priority of our state and its leaders; and

WHEREAS, citizen participation in our elections by voting is essential to our republic; and

WHEREAS, the White House has recently reported that several Idaho counties are in the "Red Zone" for COVID-19

due to a high rate of new cases per 100,000 and a test positivity rate above 10 percent, including some of Idaho's most populous counties; and

WHEREAS, the COVID-19 pandemic has significantly decreased the availability of possible polling locations and willingness of poll workers to serve on Election Day; and

WHEREAS, I am informed by the Secretary of State that on average approximately 4,000 poll workers help carry out the general election and that the median age of those poll workers is 70 years old; and

WHEREAS, I am informed by the Secretary of State that over half of those who customarily serve as poll workers do not plan to do so for the 2020 general election; and

WHEREAS, I am informed by the Secretary of State that an unprecedented number of Idahoan's will vote absentee in this year's general election, which will require those ballots to be processed and counted by the county clerks' offices while simultaneously preparing for and operate polling places for in person voting on Election Day; and

WHEREAS, there is an urgent need to address and ensure the privacy, integrity and security of Idaho's election process; and

WHEREAS, the existence of COVID-19 in Idaho and in the United States has significantly harmed Idaho's economy, caused the loss of many Idaho jobs, and caused our schools, universities, and other institutions to temporarily close; and

WHEREAS, the United States and the State of Idaho have enacted numerous laws and programs to help workers, professional educators, businesses, health care workers, patients, and citizens respond to and recover from the negative impacts caused by COVID-19; and

WHEREAS, safely reopening Idaho's economy is crucial to Idaho's recovery from the COVID-19 pandemic and will enable Idaho's workers to get back to work and Idaho's students to get back to school; and

WHEREAS, the COVID-19 pandemic has created unprecedented uncertainty as to liability due to the existence and spread of COVID-19 in Idaho; and

WHEREAS, small and large businesses, schools, colleges and universities, and religious, philanthropic and other non-profit institutions confront the risk of litigation accusing them of negligently exposing employees, customers, students, and worshipers to coronavirus. Health care workers face the threat of lawsuits arising from their efforts to fight the virus; and

WHEREAS, establishing temporary and consistent standards to govern liability for certain tort claims related to COVID-19 will help Idaho's economy recover in a safe and prudent manner and will encourage planning, care, and appropriate risk management by small and large businesses, schools, colleges and universities, religious, philanthropic and other non-profit institutions, and health care providers; and

WHEREAS, the standards set by this special session must be carefully tailored to the crisis caused by the COVID-19 pandemic and extend no further than necessary to meet this unique crisis. Those who do not act in good faith to respond safely to the COVID-19 pandemic should not be immune from liability; and

WHEREAS, article IV, section 9 of the Constitution of the State of Idaho empowers the Governor, on extraordinary occasions, to convene the Legislature by proclamation; and

WHEREAS, the Idaho Legislature has requested a special session to address issues caused by the COVID-19 pandemic that require immediate action; and

WHEREAS, I have determined that the existence and spread of COVID-19 in Idaho is such an extraordinary occasion that necessitates convening a special session of the Idaho Legislature; and

WHEREAS, the Idaho Legislature formed working groups that have studied those issues caused by the COVID-19 pandemic and recommended specific bills to be considered at a special session of the Idaho Legislature; and

WHEREAS, article III, section 9 of the Constitution of the State of Idaho gives each house of the Legislature the authority to identify and implement the safety protocols, including capacity limits, it deems necessary to conduct its proceedings within its respective chambers, offices, and committee rooms.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, do by this Proclamation convene the 65th Idaho Legislature in Extraordinary Session in the legislative chambers at the Capitol in Boise City, Ada County, Idaho, at the hour of 10:00 A.M on the 24th day of August, 2020 for the following enumerated purpose and no other:

To consider the passage of RS28046 regarding absentee voting during the pandemic, RS28045 regarding in person polling locations during the pandemic, and RS28049 regarding civil liability, copies of which are attached hereto.

The Extraordinary Session of the Legislature convened by this Proclamation shall have no power to legislate on any subjects other than those specified herein.

I HEREBY DIRECT AND REQUIRE that a copy of this Proclamation be delivered to the Lieutenant Governor, to each of the members of the 65th Idaho Legislature and to the Constitutional Officers of Idaho at the earliest practicable time.

IN WITNESS 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 the 19th day of August in the year of our Lord two thousand and twenty.

/s/ Brad Little  
Governor

/s/ LAWRENCE DENNEY  
Secretary of State

The Certification and Proclamation was ordered filed in the office of the Secretary of the Senate.

The following Certificate of Election was read by the Secretary of the Senate:

STATE OF IDAHO  
OFFICE OF THE SECRETARY OF STATE

**CERTIFICATE OF ELECTION**

I, Lawrence Denney, Secretary of State of the State of Idaho and legal custodian of the records of elections held in the State of Idaho, do hereby certify that the following is a full, true, and complete list of those elected to serve as members of the Senate

of the First Extraordinary Session of the Sixty-fifth Legislature, as shown by official records on file in my office:

| DISTRICT | NAME                           |
|----------|--------------------------------|
| 1        | ..... Jim Woodward (R)         |
| 2        | ..... Steve Vick (R)           |
| 3        | ..... Don Cheatham (R)         |
| 4        | ..... Mary Souza (R)           |
| 5        | ..... David Nelson (D)         |
| 6        | ..... Daniel Johnson (R)       |
| 7        | ..... Carl G. Crabtree (R)     |
| 8        | ..... Steven P. Thayn (R)      |
| 9        | ..... Abby Lee (R)             |
| 10       | ..... Jim Rice (R)             |
| 11       | ..... Patti Anne Lodge (R)     |
| 12       | ..... Todd Lakey (R)           |
| 13       | ..... Jeff C. Agenbroad (R)    |
| 14       | ..... C. Scott Grow (R)        |
| 15       | ..... Fred S. Martin (R)       |
| 16       | ..... Grant Burgoyne (D)       |
| 17       | ..... Maryanne Jordan (D)      |
| 18       | ..... Janie Ward-Engelking (D) |
| 19       | ..... Cherie Buckner-Webb (D)  |
| 20       | ..... Chuck Winder (R)         |
| 21       | ..... Regina M. Bayer (R)      |
| 22       | ..... Lori Den Hartog (R)      |
| 23       | ..... Bert Brackett (R)        |
| 24       | ..... Lee Heider (R)           |
| 25       | ..... Jim Patrick (R)          |
| 26       | ..... Michelle Stennett (D)    |
| 27       | ..... Kelly Arthur Anthon (R)  |
| 28       | ..... Jim Guthrie (R)          |
| 29       | ..... Mark Nye (D)             |
| 30       | ..... Dean M. Mortimer (R)     |
| 31       | ..... Steve Bair (R)           |
| 32       | ..... Mark R. Harris (R)       |
| 33       | ..... Dave Lent (R)            |
| 34       | ..... Brent Hill (R)           |
| 35       | ..... Van Burtenshaw (R)       |

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Idaho. Done at Boise, the Capitol of Idaho, this Nineteenth day of August, 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-fifth.

/s/ LAWRENCE DENNEY  
Secretary of State

The Certificate of Election was ordered filed in the office of the Secretary of the Senate.

Roll call showed all members present except Senators Buckner-Webb and Jordan, absent and formally excused by the Chair.

Prayer was offered by Chaplain Jeff Tanner, Church of Jesus Christ of Latter-day Saints, Meridian, Idaho.

The Pledge of Allegiance was led by Sarah Jane McDonald, Sergeant-at-Arms.

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

**Motions and Resolutions**

On request by Senator Winder, seconded by Senator Stennett, by voice vote, the Rules of the Senate and Joint Rules of the Senate and House of Representatives of the Second Regular Session of the Sixty-fifth Idaho Legislature were adopted as the temporary rules for the First Extraordinary Session of the Sixty-fifth Idaho Legislature.

Moved by Senator Winder, seconded by Senator Stennett, that the following attaches be elected to fill the offices provided for by the *Constitution* of the State of Idaho and by statute:

Journal Clerk .....Jacob Rourk  
Sergeant-at-Arms ..... Sarah Jane McDonald  
Senate Chaplain .....Jeff Tanner  
Committee Secretaries:  
Judiciary and Rules Committee Secretary .....Linda Kambeitz  
State Affairs Committee Secretary .....Gaye Bennett  
Honorary Page:  
Page.....Marlee Novak

The question being, Shall the motion prevail?

Roll call resulted as follows:

AYES--Agenbroad, Anthon, Bair, Bayer, Brackett, Burgoyne, Burtenshaw, Cheatham, Crabtree, Den Hartog, Grow, Guthrie, Harris, Heider, Hill, Johnson, Lakey, Lee, Lent, Lodge, Martin, Mortimer, Nelson, Nye, Patrick, Rice, Souza, Stennett, Thayne, Vick, Ward-Engelking, Winder, Woodward. Total - 33.

NAYS--None.

Absent and excused --Buckner-Webb, Jordan. Total - 2.

Total - 35.

Whereupon the President declared the attaches duly elected to their respective positions. The President instructed the Sergeant-at-Arms, Sarah Jane McDonald, to escort the attaches to the Desk at which time the Oath of Office was administered to the elected attaches and they were escorted from the Chamber.

The Senate advanced to the Eleventh Order of Business.

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

**S 1001**

**BY STATE AFFAIRS COMMITTEE**

**AN ACT**

RELATING TO ELECTIONS; AMENDING SECTION 34-1003, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ISSUANCE OF ABSENTEE BALLOTS; AMENDING SECTION 34-1007, IDAHO CODE, TO REVISE PROVISIONS REGARDING COUNTING ABSENTEE BALLOTS; AND DECLARING AN EMERGENCY.

**S 1002**

**BY STATE AFFAIRS COMMITTEE**

**AN ACT**

RELATING TO ELECTIONS; AMENDING CHAPTER 11, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1115, IDAHO CODE, TO PROVIDE FOR ALTERNATIVE PROCEDURES FOR ELECTION DAY VOTING AND TO PROVIDE FOR VOTE CENTERS; DECLARING AN EMERGENCY; AND PROVIDING A SUNSET DATE.

**S 1001** and **S 1002** were introduced, read the first time at length, and 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**

August 24, 2020

The JUDICIARY AND RULES Committee reports that **S 1001** and **S 1002** have been correctly printed.

LAKEY, Chairman

**S 1001** and **S 1002** were referred to the State Affairs Committee.

August 24, 2020

The STATE AFFAIRS Committee reports out **S 1001** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

LODGE, Chairman

There being no objection, **S 1001** was referred to the Fourteenth Order of Business, General Calendar.

August 24, 2020

The STATE AFFAIRS Committee reports out **S 1002** with the recommendation that it do pass.

LODGE, Chairman

**S 1002** was filed for second reading.

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

**Second Reading of Bills**

**Motion to Suspend Rules**

Moved by Senator Winder, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **S 1002** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **S 1002** be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Agenbroad, Anthon, Bair, Bayer, Brackett, Burgoyne, Burtenshaw, Cheatham, Crabtree, Den Hartog, Grow, Guthrie, Harris, Heider, Hill, Johnson, Lakey, Lee, Lent, Lodge, Martin, Mortimer, Nelson, Nye, Patrick, Rice, Stennett, Thayne, Vick, Ward-Engelking, Winder, Woodward. Total - 32.

NAYS--None.

Absent and excused--Buckner-Webb, Jordan, Souza. Total - 3.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

**S 1002** was read the second time by title and 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?"

On request by Senator Lodge, granted by unanimous consent, the following typographical correction was made to [S 1002](#), pursuant to Senate Rule 9(F):

On page 1, line 30, change "ballots" to "ballot."

On page 1, line 31, change "ballots" to "ballot."

On page 1, line 32, change "ballots" to "ballot."

Roll call resulted as follows:

AYES—Agenbroad, Anthon, Bair, Bayer, Brackett, Burtenshaw, Cheatham, Crabtree, Den Hartog, Grow, Guthrie, Harris, Heider, Hill, Johnson, Lakey, Lee, Lent, Lodge, Martin, Mortimer, Nelson, Nye, Patrick, Rice, Souza, Thayn, Vick, Ward-Engelking, Winder, Woodward. Total - 31.

NAYS—Buckner-Webb, Burgoyne, Jordan, Stennett. Total - 4.

Paired and voting included in roll call:

AYE - Cheatham

NAY - Jordan

AYE - Lent

NAY - Buckner-Webb

Total - 35.

Whereupon the President declared [S 1002](#) 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 1001](#), without recommendation, amended as follows:

#### SENATE AMENDMENT TO S 1001

##### AMENDMENT TO SECTION 2

On page 3 of the printed bill, delete lines 10 through 13, and insert: "prior to election day. If the absentee ballots are opened prior to election day, the ballots shall be securely maintained in a nonproprietary electronic access-controlled room under twenty-four (24) hour nonproprietary video surveillance that is livestreamed to the public and which video must be archived for at least ninety (90) days following the election. The ballots shall be boxed and secured in the same access-controlled room each day after being opened or scanned. A minimum of two (2) election officials must be present whenever absentee ballots are accessed. No results shall be tabulated for absentee ballots until the polls close on the day of the election held prior to December 31, 2020."

VICK, Chairman

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

[S 1001](#), 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.

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

#### Reports of Standing Committees

August 24, 2020

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1001](#) have been correctly printed.

LAKEY, Chairman

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

August 24, 2020

The JUDICIARY AND RULES Committee reports that [S 1001](#), as amended, has been correctly engrossed.

LAKEY, Chairman

[S 1001](#), 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

[S 1001](#), as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

The Senate advanced to the Twelfth Order of Business.

#### Second Reading of Bills

#### Motion to Suspend Rules

Moved by Senator Winder, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of [S 1001](#), as amended, be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [S 1001](#), as amended, be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

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

NAYS—None.

Absent and excused—Buckner-Webb, Jordan. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

[S 1001](#), as amended, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Harris arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

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

NAYS—None.

Absent and excused—Buckner-Webb, Jordan. Total - 2.

Total - 35.

Whereupon the President declared [S 1001](#), 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 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 5:29 p.m. until the hour of 10 a.m., Tuesday, August 25, 2020.

JANICE MCGEACHIN, President

Attest: JENNIFER NOVAK, Secretary

**SENATE JOURNAL**  
OF THE  
**IDAHO LEGISLATURE**

FIRST EXTRAORDINARY SESSION  
SIXTY-FIFTH LEGISLATURE

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**SECOND LEGISLATIVE DAY**  
**TUESDAY, AUGUST 25, 2020**

Senate Chamber

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

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

Prayer was offered by Chaplain Jeff Tanner.

The Pledge of Allegiance was led by Senator Dave Lent.

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 August 24, 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 Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Winder, seconded by Senator Stennett, by voice vote, the Senate adjourned at 4:04 p.m. until the hour of 10 a.m., Wednesday, August 26, 2020.

JANICE MCGEACHIN, President

Attest: JENNIFER NOVAK, Secretary



# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

FIRST EXTRAORDINARY SESSION  
SIXTY-FIFTH LEGISLATURE

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**THIRD LEGISLATIVE DAY  
WEDNESDAY, AUGUST 26, 2020**

Senate Chamber

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

Roll call showed all members present except Senators Buckner-Webb and Jordan, absent and formally excused by the Chair.

Prayer was offered by Chaplain Jeff Tanner.

The Pledge of Allegiance was led by Senator Jim Woodward.

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 August 25, 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 Ninth Order of Business.

### Messages from the House

August 25, 2020

Dear Madam President:

I transmit herewith [H 1](#) and [HCR 1](#), which have passed the House.

MAULIN, Chief Clerk

[H 1](#) 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 1](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

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

### Reports of Standing Committees

August 26, 2020

The STATE AFFAIRS Committee reports out [H 1](#) with the recommendation that it do pass.

LODGE, Chairman

[H 1](#) was filed for second reading.

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

### Second Reading of Bills

#### Motion to Suspend Rules

Moved by Senator Winder, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of [H 1](#) be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [H 1](#) be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

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

NAYS—None.

Absent and excused—Buckner-Webb, Jordan. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

[H 1](#) was read the second time by title and 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:

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

NAYS—Buckner-Webb, Jordan. Total - 2.

Paired and voting included in roll call:

AYE - Lakey

NAY - Buckner-Webb

AYE - Vick

NAY - Jordan

Total - 35.

Whereupon the President declared [H 1](#) passed, title was approved, and the bill ordered returned to the House.

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

**Petitions, Resolutions, and Memorials**

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

**Reports of Standing Committees**

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

**Petitions, Resolutions, and Memorials**

**SR 101**

**BY STATE AFFAIRS COMMITTEE**

**A SENATE RESOLUTION**

**STATING FINDINGS OF THE SENATE AND MAKING CERTAIN RESOLUTIONS REGARDING THE STATE OF EMERGENCY IN IDAHO.**

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

WHEREAS, Section 1, Article II of the Idaho Constitution states that the "powers of the government of this state are divided into three distinct departments, the legislative, executive and judicial; and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any powers properly belonging to either of the others . . ."; and

WHEREAS, the Idaho Legislature as representatives of the people of Idaho have a constitutional right as a separate and equal branch of government to exercise the power of appropriation and the making of laws; and

WHEREAS, the COVID-19 coronavirus outbreak in Idaho has resulted in an emergency response that includes the expenditure of public funds, administrative rulemaking, and changes to Idaho laws by the Idaho executive branch; and

WHEREAS, the Governor issued a Proclamation dated August 19, 2020, calling an extraordinary session of the Legislature with the only subjects for consideration being: 1) absentee voting during the pandemic; 2) in-person polling locations during the pandemic; and 3) civil liability relating to COVID-19; and

WHEREAS, during the course of the emergency, contradictions and shortcomings in the Constitution, statutes, and rules regarding emergencies have become clear; and

WHEREAS, Section 9, Article IV of the Idaho Constitution limits the topics the Legislature may consider during an extraordinary session to only those subjects set forth in the proclamation; and

WHEREAS, Section 46-1008, Idaho Code, states that the "Legislature by concurrent resolution may terminate a state of disaster emergency at any time" that conflicts with the subject limitation applicable to extraordinary sessions; and

WHEREAS, when the Constitution and a statute conflict, the Constitution prevails; and

WHEREAS, circumstances during the course of the declared emergency demonstrate the need for the greater ability of the Legislature to respond in a timely fashion to the concerns of the citizens of Idaho as they relate to the appropriate exercise of legislative authority; and

WHEREAS, the Senate desires to take steps to maintain the constitutional balance of powers in times of emergencies; and

WHEREAS, the Senate has considered whether terminating the emergency declaration is within the constitutional authority of the Legislature during this extraordinary legislative session, along with the impacts to the daily lives of Idaho citizens; and

WHEREAS, the Senate has acknowledged that any action terminating the emergency declaration would not end the orders

of the local health districts, state administrative agencies, local government, and other unelected officials. Examples of local decisions that would not terminate by ending the statewide emergency declaration include school closures, face covering mandates, restrictions on group gatherings, business closures, and church attendance; and

WHEREAS, the Senate has concluded that any action by the Legislature beyond those subjects identified in the Governor's Proclamation, including efforts to terminate any emergency declaration, during this extraordinary session is unconstitutional; and

WHEREAS, the members of the Senate desire always to honor their oath of office and uphold the Idaho Constitution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled in the First Extraordinary Session of the Sixty-fifth Idaho Legislature, that the Senate of the State of Idaho calls on the Governor to end the state of emergency, but in a manner that preserves financial support for Idaho's hospitals and nursing homes and keeps the regulatory reductions in place for Idaho citizens.

BE IT FURTHER RESOLVED by the Idaho Senate that in the next regular session of the Idaho Legislature, the following matters be considered for legislation:

1. A declaration that all Idahoans who work, provide for families, pay taxes, and otherwise contribute to the Idaho economy must be deemed essential in any declared emergency;
2. An amendment to the Idaho Constitution providing that, in limited circumstances, the Idaho Legislature may call itself back into session while remaining a part-time, citizen Legislature;
3. A limitation on the length of any emergency declaration of the Governor without the concurrence of the Legislature;
4. A limitation on the emergency powers and spending authority of the executive branch without the approval of the Legislature;
5. A prohibition on quarantining healthy individuals;
6. The ending of orders prohibiting Idahoans from attending places of worship;
7. Rescinding existing emergency declarations; and
8. A review of the authority of the public health districts and local government subdivisions.

BE IT FURTHER RESOLVED by the Idaho Senate that all Idahoans have the right to physically participate in elections by presenting themselves at local polling stations to cast their ballots.

BE IT FURTHER RESOLVED that the Idaho Senate reaffirms the right of all Idahoans to make health and safety decisions for themselves and their families.

BE IT FURTHER RESOLVED that the Secretary of the Senate be and is hereby authorized and instructed to send a copy of this resolution to the Governor of the State of Idaho.

**SR 101** was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

August 26, 2020

The JUDICIARY AND RULES Committee reports that **SR 101** has been correctly printed.

LAKEY, Chairman

[SR 101](#) was 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 Tenth Order of Business.

### Motions and Resolutions

Moved by President Pro Tempore Hill, seconded by Senator Winder, that all rules of the Senate interfering with the immediate consideration of [SR 101](#) be suspended. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Agenbroad, Anthon, Bair, Bayer, Brackett, Burgoyne, Burtenshaw, Cheatham, Crabtree, Den Hartog, Grow, Guthrie, Harris, Heider, Hill, Johnson, Lakey, Lee, Lent, Martin, Mortimer, Nelson, Nye, Patrick, Rice, Souza, Stennett, Thayne, Vick, Ward-Engelking, Winder, Woodward. Total - 32.

NAYS—None.

Absent and excused—Buckner-Webb, Jordan, Lodge. Total - 3.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended and announced that [SR 101](#) was before the Senate for final consideration.

The President announced that [SR 101](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by President Pro Tempore Hill, seconded by Senator Winder, [SR 101](#) was adopted by voice vote, title was approved, and the resolution ordered filed in the office of the Secretary of the Senate.

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

### Messages from the House

[HCR 1](#) was filed for first reading.

August 26, 2020

Dear Madam President:

I transmit herewith [H 6](#), which has passed the House.

MAULIN, Chief Clerk

[H 6](#) was filed for first reading.

August 26, 2020

Dear Madam President:

I return herewith [S 1001](#), as amended, which has passed the House.

MAULIN, Chief Clerk

[S 1001](#), as amended, was referred to the Judiciary and Rules Committee for enrolling.

August 26, 2020

Dear Madam President:

I transmit herewith Enrolled [H 1](#) for the signature of the President.

MAULIN, Chief Clerk

The President signed Enrolled [H 1](#) and ordered it 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

President Pro Tempore Hill requested unanimous consent that [HCR 1](#) be laid on the table.

The question being, "Shall the motion prevail to lay [HCR 1](#) upon the table?" The President announced that, by voice vote, the motion did prevail.

[H 6](#), by Judiciary, Rules and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

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

### Reports of Standing Committees

August 26, 2020

The JUDICIARY AND RULES Committee reports that [S 1001](#), as amended, has been correctly enrolled.

LAKEY, Chairman

The President signed Enrolled [S 1001](#), as amended, and ordered it transmitted to the House for the signature of the Speaker.

August 26, 2020

The JUDICIARY AND RULES Committee reports out [H 6](#) with the recommendation that it do pass.

LAKEY, Chairman

[H 6](#) was filed for second reading.

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

### Second Reading of Bills

#### Motion to Suspend Rules

Moved by Senator Winder, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of [H 6](#) be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [H 6](#) be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:



We, JANICE MCGEACHIN, President of the Senate, and JENNIFER NOVAK, Secretary of the Senate, do hereby certify and attest as follows:

That the daily Senate Journal of the proceedings of August 26th, 2020, the Third Legislative Day of the First Extraordinary Session of the Sixty-fifth Legislature, has been read and approved:

And, said Journal contains a true, complete, and accurate record of all Senate proceedings of said day, including final actions by the Senate and the Governor of the State of Idaho, as statutorily mandated.

IN WITNESS WHEREOF, we have hereunto set our hand this 1st day of September, 2020.

JANICE MCGEACHIN, President

Attest: JENNIFER NOVAK, Secretary

\*\*\*\*\*

## SECTION I

**SIXTY-FIFTH LEGISLATURE - FIRST EXTRAORDINARY SESSION - 2020**  
**OFFICERS AND ADMINISTRATION OF THE SENATE**

| <b>Name</b>  | <b>Address</b> |
|--|----------------|
| MCGEACHIN, JANICE .....<br>Lieutenant Governor/President of the Senate | Idaho Falls    |
| HILL, BRENT .....<br>President Pro Tempore                             | Rexburg        |
| WINDER, CHUCK .....<br>Majority Leader                                 | Boise          |
| VICK, STEVE .....<br>Assistant Majority Leader                         | Dalton Gardens |
| ANTHON, KELLY ARTHUR .....<br>Majority Caucus Chair                    | Burley         |
| STENNETT, MICHELLE .....<br>Minority Leader                            | Ketchum        |
| BUCKNER-WEBB, CHERIE .....<br>Assistant Minority Leader                | Boise          |
| JORDAN, MARYANNE .....<br>Minority Caucus Chair                        | Boise          |
| NOVAK, JENNIFER .....<br>Secretary of the Senate                       | Boise          |
| ROURK, JACOB .....<br>Journal Clerk                                    | Boise          |
| JONES, MARY SUE .....<br>Chief of Staff to President Pro Tem           | Boise          |
| LEWERS, CATHERINE .....<br>Minority Chief of Staff                     | Boise          |
| MCDONALD, SARAH JANE .....<br>Sergeant-at-Arms                         | Boise          |
| TANNER, JEFF .....<br>Chaplain   | Boise          |

SECTION II

2020 MEMBERS OF THE SENATE AND ASSIGNMENTS  
(Certificate of Election - First Extraordinary Session)

| Name   | Address          | District |
|--|------------------|----------|
| AGENBROAD, JEFF .....<br>Commerce and Human Resources - Vice Chair<br>Finance  | Nampa .....      | 13       |
| ANTHON, KELLY ARTHUR .....<br>Majority Caucus Chair<br>Judiciary and Rules<br>Local Government and Taxation<br>State Affairs | Burley.....      | 27       |
| BAIR, STEVE .....<br>Finance - Chair<br>Resources and Environment  | Blackfoot .....  | 31       |
| BAYER, REGINA M. ....<br>Agricultural Affairs<br>Health and Welfare  | Meridian.....    | 21       |
| BRACKETT, BERT .....<br>Transportation - Chair<br>Resources and Environment - Vice Chair                                     | Rogerson .....   | 23       |
| BUCKNER-WEBB, CHERIE .....<br>Assistant Minority Leader<br>Education<br>State Affairs<br>Transportation                      | Boise.....       | 19       |
| BURGOYNE, GRANT .....<br>Commerce and Human Resources<br>Judiciary and Rules<br>Local Government and Taxation                | Boise .....      | 16       |
| BURTENSHAW, VAN T. ....<br>Finance<br>Health and Welfare<br>Transportation   | Terreton .....   | 35       |
| CHEATHAM, DON .....<br>Judiciary and Rules<br>Local Government and Taxation  | Post Falls ..... | 3        |
| CRABTREE, CARL.....<br>Transportation - Vice Chair<br>Education<br>Finance   | Grangeville..... | 7        |

| Name   | Address           | District |
|--|-------------------|----------|
| DEN HARTOG, LORI .....<br>Agricultural Affairs - Vice Chair<br>Education<br>Transportation                                 | Meridian.....     | 22       |
| GROW, C. SCOTT .....<br>Local Government and Taxation - Vice Chair<br>Finance<br>Judiciary and Rules                       | Eagle.....        | 14       |
| GUTHRIE, JIM .....<br>Agricultural Affairs - Chair<br>Commerce and Human Resources<br>Resources and Environment            | McCammon.....     | 28       |
| HARRIS, MARK .....<br>State Affairs - Vice Chair<br>Agricultural Affairs<br>Health and Welfare                             | Soda Springs..... | 32       |
| HEIDER, LEE .....<br>Resources and Environment - Chair<br>Health and Welfare   | Twin Falls.....   | 24       |
| HILL, BRENT .....<br>President Pro Tempore<br>Local Government and Taxation<br>State Affairs                               | Rexburg.....      | 34       |
| JOHNSON, DANIEL G. ....<br>Finance - Vice Chair<br>Resources and Environment   | Lewiston.....     | 6        |
| JORDAN, MARYANNE .....<br>Minority Caucus Chair<br>Agricultural Affairs<br>Health and Welfare<br>Resources and Environment | Boise.....        | 17       |
| LAKEY, TODD M. ....<br>Judiciary and Rules - Chair<br>Commerce and Human Resources<br>Local Government and Taxation        | Nampa.....        | 12       |
| LEE, ABBY .....<br>Judiciary and Rules - Vice Chair<br>Finance<br>Health and Welfare                                       | Fruitland.....    | 9        |
| LENT, DAVE .....<br>Agricultural Affairs<br>Education  | Idaho Falls.....  | 33       |



SENATE INDEX

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| Name   | Address            | District |
|--|--------------------|----------|
| LODGE, PATTI ANNE.....<br>State Affairs - Chair<br>Judiciary and Rules<br>Transportation                         | Huston.....        | 11       |
| MARTIN, FRED S.....<br>Health and Welfare - Chair<br>Commerce and Human Resources                                | Boise.....         | 15       |
| MORTIMER, DEAN M.....<br>Education - Chair<br>Agricultural Affairs<br>Resources and Environment                  | Idaho Falls.....   | 30       |
| NELSON, DAVID.....<br>Agricultural Affairs<br>Health and Welfare<br>Transportation                               | Moscow.....        | 5        |
| NYE, MARK.....<br>Finance<br>Judiciary and Rules<br>Local Government and Taxation                                | Pocatello.....     | 29       |
| PATRICK, JIM L.....<br>Commerce and Human Resources - Chair<br>Agricultural Affairs<br>Resources and Environment | Twin Falls.....    | 25       |
| RICE, JIM.....<br>Local Government and Taxation - Chair<br>Transportation  | Caldwell.....      | 10       |
| SOUZA, MARY.....<br>Health and Welfare - Vice Chair<br>Commerce and Human Resources<br>State Affairs             | Coeur d'Alene..... | 4        |
| STENNETT, MICHELLE.....<br>Minority Leader<br>Resources and Environment<br>State Affairs                         | Ketchum.....       | 26       |
| THAYN, STEVEN P.....<br>Education - Vice Chair<br>Commerce and Human Resources<br>Judiciary and Rules            | Emmett.....        | 8        |

| <b>Name</b>                   | <b>Address</b>       | <b>District</b> |
|-------------------------------|----------------------|-----------------|
| VICK, STEVE .....             | Dalton Gardens ..... | 2               |
| Assistant Majority Leader     |                      |                 |
| Local Government and Taxation |                      |                 |
| State Affairs                 |                      |                 |
| <br>                          |                      |                 |
| WARD-ENGELKING, JANIE .....   | Boise.....           | 18              |
| Commerce and Human Resources  |                      |                 |
| Education                     |                      |                 |
| Finance                       |                      |                 |
| <br>                          |                      |                 |
| WINDER, CHUCK .....           | Boise.....           | 20              |
| Majority Leader               |                      |                 |
| Education                     |                      |                 |
| State Affairs                 |                      |                 |
| Transportation                |                      |                 |
| <br>                          |                      |                 |
| WOODWARD, JIM.....            | Sagle.....           | 1               |
| Education                     |                      |                 |
| Finance                       |                      |                 |

SECTION III

NUMERICAL INDEX OF SENATE BILLS

The following index lists in numerical order all bills which were introduced in the Senate, together with the name of the author and a brief description of the subject matter. The numbers in the Introduction column cite the page where the complete title may be found and the date of introduction of the bill. The numbers in the Vote or Disposition columns cite the page where the Senate's Final Vote or Final Disposition can be found. Amendments to a bill are noted at the bottom of the subject matter and the number opposite is the page in the Journal where the Senate amendments are recorded. Session Law chapter numbers for bills which became law are also noted. House amendments to Senate bills can be found in the House Journal.

| Senate Bill | Introduced by | Final Action | Subject Matter   | Introduction Page | Senate Vote Page | Final Disp. Page |
|-------------|---------------|--------------|--|-------------------|------------------|------------------|
| 1001        | State Affairs | LAW          | ELECTIONS - Amends existing law to revise provisions regarding the issuance of absentee ballots and the counting of absentee ballots. .... | 3                 | -                | 10               |
|             |               |              | <b>Amended in the Senate</b> .....   | 4                 | 5                |                  |
|             |               |              | <b>Session Law Chapter No. 1</b>   |                   |                  |                  |
| 1002        | State Affairs | H St Aff     | ELECTIONS - Adds to existing law to authorize the establishment of vote centers. ....  | 3                 | 3                | 3                |

SENATE INDEX

SECTION IV

SENATE RESOLUTIONS

| Senate Resolution | Introduced by | Final Action | Subject Matter  | Introduction Page | Senate Vote Page | Final Disp. Page |
|-------------------|---------------|--------------|---|-------------------|------------------|------------------|
| 101               | State Affairs | ADOPTED      | SENATE RESOLUTION - Stating findings of the Senate and making certain resolutions regarding the state of emergency in Idaho. .... | 8                 | 9                | 9                |

## SECTION V

## ENROLLED 2020 SENATE BILLS

WITH EFFECTIVE DATE AND SESSION LAW CHAPTER NUMBER CITED

| <b>Senate Bill No.</b> | <b>Session Laws Chapter No.</b> | <b>Introduced by</b> | <b>Signed by Governor</b> | <b>Effective Date(s)</b> |
|------------------------|---------------------------------|----------------------|---------------------------|--------------------------|
| 1001aa                 | 1                               | State Affairs        | 08/27/2020                | 08/27/2020               |

SECTION VI

NUMERICAL INDEX OF HOUSE BILLS RECEIVED BY THE SENATE

| House Bill No. | Introduced by                       | Final Action | Subject Matter   | Introduction Page | Senate Vote Page | Final Disp. Page |
|----------------|-------------------------------------|--------------|--|-------------------|------------------|------------------|
| 1              | State Affairs                       | LAW          | ELECTIONS – Amends existing law to provide that every elector must be provided the opportunity to vote in person, notwithstanding a state of emergency. .... | 7                 | 7                | 9                |
| 6              | Judiciary, Rules and Administration | LAW          | CORONAVIRUS LIMITED IMMUNITY ACT - Adds to existing law to provide limited immunity resulting from coronavirus.....  | 9                 | 10               | 10               |

SECTION VII

NUMERICAL INDEX OF HOUSE CONCURRENT RESOLUTIONS RECEIVED BY THE SENATE

| House<br>Concurrent<br>Resolution | Introduced<br>by | Final<br>Action   | Subject<br>Matter | Intro-<br>duction<br>Page | Senate<br>Vote<br>Page | Final<br>Disp.<br>Page |
|-----------------------------------|------------------|---|-------------------|---------------------------|------------------------|------------------------|
| 1                                 | Lay on the Table | STATE OF EMERGENCY – Stating findings of the<br>Legislature and declaring the state of emergency in Idaho to<br>be terminated. .... | 9                 | 9                         |                        |                        |

SECTION VIII

SENATE SPONSORS - **SENATE LEGISLATION VOTED** ON IN SENATE - 2020

| <b>BILL NO.</b> | <b>SPONSOR(S)</b> |
|-----------------|-------------------|
| S 1001aa        | Harris            |
| S 1002          | Lodge             |
|                 |                   |
|                 |                   |
| <b>SR NO.</b>   | <b>SPONSOR(S)</b> |
| SR 101          | Hill              |
|                 |                   |
|                 |                   |



SECTION VIII

SENATE SPONSORS - **HOUSE** LEGISLATION **VOTED** ON IN SENATE - 2020

| BILL NO. | SPONSOR(S) |
|----------|------------|
| H 1      | Lodge      |
| H 6      | Lakey      |
|          |            |
|          |            |