

SENATE JOURNAL OF THE IDAHO LEGISLATURE

May 10, 2021

FIRST REGULAR SESSION
SIXTY-SIXTH LEGISLATURE

ONE HUNDRED TWENTY-SECOND LEGISLATIVE DAY WEDNESDAY, MAY 12, 2021

Senate Chamber

President McGeachin called the Senate to order at 1 p.m.

Roll call showed all members present except Senators Bair, Den Hartog, and Vick, absent and formally excused by the Chair; and Senators Agenbroad, Cook, Crabtree, Grow, Lent, Nye, Riggs, Thayne, Ward-Engelking, and Woodward, absent and excused.

Prayer and Pledge of Allegiance was offered by Chaplain Doug Armstrong.

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 May 5, 2021, 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 Anthon, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

May 10, 2021

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 May 10, 2021 and am transmitting to the Secretary of State the following Senate Bills, to wit:

[S 1053](#), as amended, [S 1063](#), [S 1064](#), [S 1065](#),
[S 1067](#), [S 1075](#), [S 1105](#), [S 1178](#), [S 1205](#),
[S 1212](#), [S 1213](#), [S 1215](#), and [S 1216](#)

Sincerely,
/s/ Brad Little
Governor of Idaho

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

The Honorable Janice McGeachin
President of the Senate
Idaho State Senate

Dear Madam President:

I have the honor to inform you that I have signed on May 10, 2021 and am transmitting to the Secretary of State the following Senate Bill, to wit:

[S 1204](#)

I am concerned the language in S 1204 is in conflict with Idaho Code 67-3516(2) allowing the administrator of the Division of Financial Management, the Board of Examiners, and the State Controller's Office to grant non-state fund spending authority "if not cognizable at the time when appropriations were made." This statutory authority is longstanding.

The bill declares all funds resulting from the American Rescue Plan Act (ARPA) are cognizable, although the Legislative Services Office identified in Idaho Report 21-01 that there are programs for "which there are not specified dollar amounts for funding awards or sufficient guidance..." Thus, by the Legislature's own admission, certain funds are not cognizable, notwithstanding this bill's declaration to the contrary. As such, critical funding for issues such as suicide prevention and funding to the aging population are at risk of timely distribution.

I have made clear my commitment to work collaboratively with the Legislature on the discretionary funds and look forward to working together on investments that will benefit our children and grandchildren. However, limiting the authority to use non-discretionary grant funds for specific programs that are demonstrably not cognizable at the time of appropriations will mean that there will be significant delays for programs that may be needed to facilitate our economic rebound.

Sincerely,
/s/ Brad Little
Governor of Idaho

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

May 10, 2021

The Honorable Janice McGeachin
President of the Senate
Idaho State Senate

Dear Madam President:

I have the honor to inform you that I have signed on May 10, 2021 and am transmitting to the Secretary of State the following Senate Bill, to wit:

[S 1217](#)

Unlike Senate Bill 1136a, which I previously vetoed this legislative session, Senate Bill 1217 preserves the ability of future Governors to take timely and necessary action to protect Idahoans in future extreme emergencies, such as destructive earthquakes and cyberattacks, while also creating a responsible process to ensure the legislature is involved and able to assist with the state's response efforts. Further, Senate Bill 1217 better complements our state constitution and safeguards the separation of powers between the legislative and executive branches.

Thank you to my colleagues and friends in the Senate who worked with my office to improve and modernize Idaho Code § 46-601. I am also grateful to all of those in legislature who listened to my concerns as well as those of Major General Michael Garshak and Director Brad Richey. I also commend Senate leadership for their recent collaboration and willingness to compromise in the legislative process that resulted in broad support for Senate Bill 1217.

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

May 5, 2021

Dear Madam President:

I transmit herewith [H 319](#), as amended, which has passed the House.

MAULIN, Chief Clerk

[H 319](#), as amended, was filed for first reading.

May 5, 2021

Dear Madam President:

I return herewith [S 1150](#), as amended in the House, which has passed the House.

MAULIN, Chief Clerk

Senator Lodge requested unanimous consent that [S 1150](#), as amended in the House, be referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

Senator Stennett objected.

On motion by Senator Lodge, seconded by Senator Anthon, by voice vote, [S 1150](#), as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

On motion by Senator Anthon, seconded by Senator Stennett, by voice vote the Senate recessed at 1:28 p.m. until the hour of 2:30 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 2:30 p.m., pursuant to recess, President McGeachin presiding.

Roll call showed all members present except Senators Bair, Den Hartog, and Vick, absent and formally excused by the Chair; and Senator Stennett, absent and excused.

Prior to recess the Senate was at the Ninth Order of Business, Messages from the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the House amendments to [S 1150](#), as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to [S 1150](#), as amended in the House?"

Senator Lodge requested unanimous consent that the Senate concur by voice vote in the House amendments to [S 1150](#), as amended in the House.

Senator Burgoyne objected.

On motion by Senator Lodge, seconded by Senator Anthon, the Senate concurred by voice vote in the House amendments to [S 1150](#), as amended in the House.

[S 1150](#), as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

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

Second Reading of Bills

[H 397](#), by Appropriations Committee, was read the second time at length and filed for third reading.

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

Reports of Standing Committees

May 12, 2021

The JUDICIARY AND RULES Committee reports that [S 1150](#), as amended in the House, has been correctly engrossed.

LAKEY, Chairman

[S 1150](#), as amended in the House, was filed for first reading.

On request by Senator Anthon, 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 1219 BY FINANCE COMMITTEE AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE STATE CONTROLLER FOR FISCAL YEAR 2021; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE CONTROLLER FOR FISCAL YEAR 2021; AND DECLARING AN EMERGENCY.

S 1220 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO 2021 EFFECTIVE DATES; AMENDING CHAPTER 290, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 2, CHAPTER 290, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 291, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 3, CHAPTER 291, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 292, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 7, CHAPTER 292, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN

EFFECTIVE DATE; AMENDING CHAPTER 294, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 3, CHAPTER 294, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 295, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 5, CHAPTER 295, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING SECTION 7, CHAPTER 296, LAWS OF 2021, TO PROVIDE AN EFFECTIVE DATE; AMENDING SECTION 3, CHAPTER 297, LAWS OF 2021, TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 298, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 4, CHAPTER 298, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 299, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 4, CHAPTER 299, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 300, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 4, CHAPTER 300, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING SECTION 3, CHAPTER 301, LAWS OF 2021, TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 302, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 2, CHAPTER 302, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 303, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 11, CHAPTER 303, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 305, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 8, CHAPTER 305, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 307, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 6, CHAPTER 307, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 308, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 10, CHAPTER 308, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 309, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 2, CHAPTER 309, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 310, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 2, CHAPTER 310, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING SECTION 6, CHAPTER 312, LAWS OF 2021, TO PROVIDE AN EFFECTIVE DATE; AMENDING SECTION 18, CHAPTER 313, LAWS OF 2021, TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 314, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 12, CHAPTER 314, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING SECTION 7, CHAPTER 315, LAWS OF 2021, TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 316, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 2, CHAPTER 316, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 317, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 2, CHAPTER 317, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING SECTION 4, CHAPTER 318, LAWS OF 2021, TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 321, LAWS OF 2021, BY THE

ADDITION OF A NEW SECTION 43, CHAPTER 321, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 322, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 2, CHAPTER 322, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 323, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 2, CHAPTER 323, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 324, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 2, CHAPTER 324, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 325, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 15, CHAPTER 325, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 326, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 2, CHAPTER 326, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 327, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 3, CHAPTER 327, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 330, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 5, CHAPTER 330, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 335, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 2, CHAPTER 335, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 337, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 2, CHAPTER 337, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING SECTION 13, CHAPTER 338, LAWS OF 2021, TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 339, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 3, CHAPTER 339, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 340, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 6, CHAPTER 340, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 341, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 3, CHAPTER 341, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AMENDING CHAPTER 344, LAWS OF 2021, BY THE ADDITION OF A NEW SECTION 4, CHAPTER 344, LAWS OF 2021, TO DECLARE AN EMERGENCY AND TO PROVIDE AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

[S 1219](#) and [S 1220](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

Senator Stennett was recorded present at this order of business.

[S 1150](#), as amended in the House, by State Affairs Committee, was read the first time at length and filed for second reading.

H 319, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

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

Reports of Standing Committees

May 12, 2021

The JUDICIARY AND RULES Committee reports that S 1219 and S 1220 have been correctly printed.

LAKEY, Chairman

S 1219 was referred to the Finance Committee.

S 1220 was referred to the State Affairs Committee.

May 12, 2021

The FINANCE Committee reports out S 1219 with the recommendation that it do pass.

BAIR, Chairman

S 1219 was filed for second reading.

May 12, 2021

The STATE AFFAIRS Committee reports out S 1220 with the recommendation that it do pass.

LODGE, Chair

S 1220 was filed for second reading.

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

Second Reading of Bills

Motion to Suspend Rules

Moved by Senator Anthon, seconded by Senator Lee, that all rules of the Senate interfering with the immediate passage of S 1150, as amended in the House, 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 1150, as amended in the House, 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, Bayer, Burgoyne, Burtenshaw, Cook, Crabtree, Funk (Souza), Grow, Guthrie, Harris, Heider, Lakey, Lee, Lent, Lodge, Martin, Nelson, Patrick, Rice, Ricks, Riggs, Stennett, Ward-Engelking, Winder, Woodward, Zito. Total - 27.

NAYS—Nye, Rabe, Wintrow. Total - 3.

Absent and excused—Bair, Den Hartog, Johnson, Thayn, Vick. Total - 5.

Total - 35.

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

S 1150, as amended in the House, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Agenbroad, Anthon, Bayer, Burtenshaw, Cook, Crabtree, Funk (Souza), Grow, Guthrie, Harris, Heider, Johnson, Lakey, Lee, Lent, Lodge, Martin, Patrick, Rice, Ricks, Riggs, Thayn, Winder, Woodward, Zito. Total - 25.

NAYS—Burgoyne, Nelson, Nye, Rabe, Stennett, Ward-Engelking, Wintrow. Total - 7.

Absent and excused—Bair, Den Hartog, Vick. Total - 3.

Paired and voting included in roll call:

AYE - Thayn NAY - Nelson

Total - 35.

Whereupon the President declared S 1150, as amended in the House, passed, title was approved, and the bill referred to Judiciary and Rules Committee for enrolling.

Moved by Senator Anthon, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate consideration of S 1219 be suspended. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Agenbroad, Anthon, Bayer, Burgoyne, Burtenshaw, Cook, Crabtree, Funk (Souza), Grow, Guthrie, Harris, Heider, Johnson, Lakey, Lee, Lent, Lodge, Martin, Nelson, Nye, Patrick, Rabe, Rice, Ricks, Riggs, Stennett, Ward-Engelking, Winder, Wintrow, Woodward, Zito. Total - 31.

NAYS—None.

Absent and excused—Bair, Den Hartog, Thayn, Vick. Total - 4.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended and announced that S 1219 was before the Senate for final consideration.

S 1219 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Woodward 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, Bayer, Burgoyne, Burtenshaw, Cook, Crabtree, Funk (Souza), Grow, Guthrie, Harris, Heider, Johnson, Lakey, Lee, Lent, Lodge, Martin, Nelson, Nye, Patrick, Rabe, Rice, Ricks, Riggs, Stennett, Ward-Engelking, Winder, Wintrow, Woodward, Zito. Total - 31.

NAYS—None.

Absent and excused—Bair, Den Hartog, Thayn, Vick. Total - 4.

Total - 35.

Whereupon the President declared S 1219 passed, title was approved, and the bill ordered transmitted to the House.

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

Messages from the House

May 12, 2021

Dear Madam President:

I transmit herewith [HCR 23](#), which has passed the House.

MAULIN, Chief Clerk

[HCR 23](#) was filed for first reading.

May 12, 2021

Dear Madam President:

I return herewith [S 1214](#), which has passed the House.

MAULIN, Chief Clerk

[S 1214](#) was referred to the Judiciary and Rules Committee for enrolling.

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

Reports of Standing Committees

May 12, 2021

The JUDICIARY AND RULES Committee reports that [S 1150](#), as amended in the House, and [S 1214](#) have been correctly enrolled.

LAKEY, Chairman

The President signed Enrolled [S 1150](#), as amended in the House, and [S 1214](#) and ordered them transmitted to the House for the signature of the Speaker.

On request by Senator Anthon, 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 23](#), by Ways and Means Committee, was introduced, read at length, and referred to the State Affairs Committee.

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

Second Reading of Bills

On motion by Senator Anthon, seconded by Senator Stennett, by voice vote the Senate recessed at 4:27 p.m. until the hour of 5:30 p.m. of this day.

RECESS AFTERNOON SESSION

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

Messages from the House

May 12, 2021

Dear Madam President:

I transmit herewith [H 407](#), which has passed the House.

MAULIN, Chief Clerk

[H 407](#) was filed for first reading.

May 12, 2021

Dear Madam President:

I return herewith Enrolled [S 1150](#), as amended in the House, and [S 1214](#), which have been signed by the Speaker.

MAULIN, Chief Clerk

Enrolled [S 1150](#), as amended in the House, and [S 1214](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Anthon, 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 407](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

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

Reports of Standing Committees

May 12, 2021

The STATE AFFAIRS Committee reports out [H 407](#) with the recommendation that it do pass.

LODGE, Chair

[H 407](#) was filed for second reading.

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

Second Reading of Bills

Motion to Suspend Rules

Moved by Senator Anthon, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of [H 407](#) 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 407](#) 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, Bayer, Burgoyne, Burtenshaw, Cook, Funk (Souza), Grow, Guthrie, Harris, Heider, Johnson, Lakey, Lee, Lent, Lodge, Martin, Nye, Patrick, Rabe, Rice, Ricks, Riggs, Stennett, Ward-Engelking, Winder, Wintrow, Woodward, Zito. Total - 29.

NAYS—None.

Absent and excused—Bair, Crabtree, Den Hartog, Nelson, Thayn, Vick. Total - 6.

Total - 35.

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

[H 407](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator

Anthon 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, Bayer, Burgoyne, Burtenshaw, Cook, Funk (Souza), Grow, Guthrie, Harris, Heider, Johnson, Lakey, Lee, Lent, Lodge, Martin, Nye, Patrick, Rabe, Rice, Ricks, Riggs, Stennett, Ward-Engelking, Winder, Wintrow, Woodward, Zito. Total - 29.

NAYS—None.

Absent and excused—Bair, Crabtree, Den Hartog, Nelson, Thayn, Vick. Total - 6.

Total - 35.

Whereupon the President declared [H 407](#) passed, title was approved, and the bill ordered returned to the House.

On motion by Senator Anthon, seconded by Senator Stennett, by voice vote the Senate recessed at 7:12 p.m. until the hour of 8 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 8 p.m., pursuant to recess, President McGeachin presiding.

Roll call showed all members present except Senators Bair, Crabtree, Den Hartog, Heider, Johnson, Nelson, Thayn, and Vick, absent and excused.

Prior to recess the Senate was at the Twelfth Order of Business, Second Reading of Bills.

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

Reports of Standing Committees

May 12, 2021

The JUDICIARY AND RULES Committee reports that Enrolled [S 1150](#), as amended in the House, and [S 1214](#) were delivered to the Office of the Governor at 7:12 p.m., May 12, 2021.

LAKEY, Chairman

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

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

Messages from the House

May 12, 2021

Dear Madam President:

I transmit herewith [H 408](#), which has passed the House.

MAULIN, Chief Clerk

[H 408](#) was filed for first reading.

May 12, 2021

Dear Madam President:

I return herewith [S 1219](#), which has passed the House.

MAULIN, Chief Clerk

[S 1219](#) was referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Anthon, 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 408](#), by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

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

Reports of Standing Committees

May 12, 2021

The JUDICIARY AND RULES Committee reports that [S 1219](#) has been correctly enrolled.

LAKEY, Chairman

The President signed Enrolled [S 1219](#) and ordered it transmitted to the House for the signature of the Speaker.

May 12, 2021

The FINANCE Committee reports out [H 408](#) with the recommendation that it do pass.

BAIR, Chairman

[H 408](#) was filed for second reading.

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

Second Reading of Bills

Motion to Suspend Rules

Moved by Senator Anthon, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of [H 408](#) 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 408](#) 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, Bayer, Burgoyne, Burtenshaw, Cook, Funk (Souza), Grow, Guthrie, Harris, Lakey, Lee, Lent, Lodge, Martin, Nye, Patrick, Rabe, Rice, Ricks, Riggs, Stennett, Ward-Engelking, Winder, Wintrow, Woodward, Zito. Total - 27.

NAYS—None.

Absent and excused—Bair, Crabtree, Den Hartog, Heider, Johnson, Nelson, Thayn, Vick. Total - 8.

Total - 35.

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

[H 408](#) 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, Anthon, Bayer, Burgoyne, Burtenshaw, Cook, Funk (Souza), Grow, Guthrie, Harris, Lakey, Lee, Lent, Lodge, Martin, Nye, Patrick, Rabe, Rice, Ricks, Riggs, Stennett, Ward-Engelking, Winder, Wintrow, Woodward. Total - 26.

NAYS—Zito. Total - 1.

Absent and excused—Bair, Crabtree, Den Hartog, Heider, Johnson, Nelson, Thayne, Vick. Total - 8.

Total - 35.

Whereupon the President declared [H 408](#) passed, title was approved, and the bill ordered returned to the House.

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

Petitions, Resolutions, and Memorials

SCR 112

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND PROVIDING THAT NO UNVOUCHERED OR VOUCHERED EXPENSE ALLOWANCE SHALL BE PAYABLE TO ANY MEMBER OF THE LEGISLATURE FOR ANY TIME PERIOD DURING A TEMPORARY ADJOURNMENT FOLLOWING THE PASSAGE OF THREE DAYS FROM THE DATE OF ADOPTION OF THIS CONCURRENT RESOLUTION WITHOUT THE APPROVAL OF THE PRESIDENT PRO TEMPORE OF THE SENATE OR THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, RESPECTIVELY.

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

WHEREAS, the First Regular Session of the Sixty-sixth Idaho Legislature convened on January 11, 2021, and continues in session as of the date of introduction of this concurrent resolution; and

WHEREAS, the approved motion by the Citizens' Committee on Legislative Compensation determined that, if the Legislature, by passage of a concurrent resolution, adjourns for more than three days, no unvouchered or vouchered expense allowance shall be payable to any member of the Legislature for the time period during such temporary adjournment without the approval of the President Pro Tempore of the Senate or the Speaker of the House of Representatives, respectively.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-sixth Idaho Legislature, the Senate and the House of Representatives concurring therein, that no unvouchered or vouchered expense allowance shall be payable to any member of the Legislature for any time period during a temporary adjournment following the passage of three days from the date of adoption of this concurrent resolution without the approval of the President Pro Tempore of the Senate or the Speaker of the House of Representatives, respectively.

[SCR 112](#) 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

May 12, 2021

The JUDICIARY AND RULES Committee reports that [SCR 112](#) has been correctly printed.

LAKEY, Chairman

[SCR 112](#) 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 Anthon, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

May 12, 2021

Dear Madam President:

I transmit herewith Enrolled [H 407](#) and [H 408](#) for the signature of the President.

MAULIN, Chief Clerk

The President signed Enrolled [H 407](#) and [H 408](#) and ordered them returned to the House.

May 12, 2021

Dear Madam President:

I return herewith Enrolled [S 1219](#), which has been signed by the Speaker.

MAULIN, Chief Clerk

Enrolled [S 1219](#) was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Moved by Senator Anthon, seconded by Senator Burgoyne, that all rules of the Senate interfering with the immediate consideration of [SCR 112](#) be suspended. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Agenbroad, Anthon, Bayer, Burgoyne, Burtenshaw, Cook, Funk (Souza), Grow, Guthrie, Harris, Lakey, Lee, Lent, Lodge, Martin, Nye, Patrick, Rabe, Rice, Ricks, Riggs, Ward-Engelking, Winder, Wintrow, Woodward, Zito. Total - 26.

NAYS—None.

Absent and excused—Bair, Crabtree, Den Hartog, Heider, Johnson, Nelson, Stennett, Thayne, Vick. Total - 9.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended and announced that [SCR 112](#) was before the Senate for final consideration.

On motion by Senator Anthon, seconded by Senator Harris, [SCR 112](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

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

Reports of Standing Committees

May 12, 2021

The JUDICIARY AND RULES Committee reports that Enrolled [S 1219](#) was delivered to the Office of the Governor at 10:32 p.m., May 12, 2021.

LAKEY, Chairman

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

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

Miscellaneous Business

On request by Senator Anthon, granted by unanimous consent, the President appointed a committee consisting of Senator Lakey, Chairman, and Senators Lent and Stennett to notify the Governor that the Senate had completed its business and was ready to adjourn *Sine Die*. The committee was excused.

On request by Senator Anthon, granted by unanimous consent, the President appointed a committee consisting of Senator Agenbroad, Chairman, and Senators Riggs and Burgoyne to notify the House of Representatives that the Senate had completed its business and was ready to adjourn *Sine Die*. The committee was excused.

The committee appointed to wait upon the Governor returned and reported that it had delivered the Senate's message. The committee conveyed the Governor's response to the President and the members of the Senate.

The President thanked and discharged the committee.

The committee appointed to wait upon the House of Representatives returned and reported that it had delivered the Senate's message. The committee conveyed the Speaker's response to the President and the members of the Senate.

The President thanked and discharged the committee.

On motion by Senator Anthon, seconded by Senator Stennett, that the Senate adjourn the First Regular Session of the Sixty-sixth Legislature of the Idaho Senate *Sine Die*.

Roll call vote was requested by Senator Zito.

President Pro Tempore Winder and Senator Bayer stood in support.

Roll call resulted as follows:

AYES—Agenbroad, Anthon, Burgoyne, Burtenshaw, Cook, Funk (Souza), Grow, Guthrie, Harris, Lakey, Lee, Lent, Lodge, Martin, Nye, Patrick, Rabe, Rice, Ricks, Riggs, Stennett, Ward-Engelking, Winder, Wintrow, Woodward. Total - 25.

NAYS—Bayer, Zito. Total - 2.

Absent and excused—Bair, Crabtree, Den Hartog, Heider, Johnson, Nelson, Thayne, Vick. Total - 8.

Total - 35.

Whereupon the President declared that a majority having voted in the affirmative, the First Regular Session of the Sixty-sixth Legislature of the Idaho Senate adjourned *Sine Die* at 11 p.m., Wednesday, May 12, 2021.

JANICE MCGEACHIN, President

Attest: JENNIFER NOVAK, Secretary

[Note: The following is action recorded after Senate recess]

Pursuant to Mason's Manual:

Section 204(3), RIGHT TO ADJOURN: Neither the Senate nor the House can constitutionally adjourn sine die without the consent of the other.

Section 445(2), MOTION TO ADJOURN SINE DIE: Neither the Senate nor the House can constitutionally adjourn sine die without the consent of the other.

Section 783(2), ADJOURNMENT FOR MORE THAN A SPECIFIED NUMBER OF DAYS: Either house's adoption of a motion to adjourn for more than the constitutionally limited days is a nullity and void *ab initio* (from the beginning).

May 13, 2021

Dear Madam President:

I return herewith [SCR 112](#), which has passed the House.

MAULIN, Chief Clerk

[SCR 112](#) was referred to the Judiciary and Rules Committee for enrolling.

May 13, 2021

The JUDICIARY AND RULES Committee reports that [SCR 112](#) has been correctly enrolled.

LAKEY, Chairman

The President Pro Tempore signed Enrolled [SCR 112](#) and ordered it transmitted to the House for the signature of the Speaker.

May 13, 2021

Dear Madam President:

I return herewith Enrolled [SCR 112](#), which has been signed by the Speaker.

MAULIN, Chief Clerk

Enrolled [SCR 112](#) was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

May 13, 2021

The JUDICIARY AND RULES Committee reports that Enrolled [SCR 112](#) was delivered to the Office of the Secretary of State at 2:32 p.m., May 13, 2021.

LAKEY, Chairman

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

May 17, 2021

The Honorable Janice McGeachin
President of the Senate
Idaho State Senate

Dear Madam President:

I have the honor to inform you that I have signed on May 17, 2021 and am transmitting to the Secretary of State the following Senate Bills, to wit:

[S 1219](#) and [S 1214](#)

Sincerely,
/s/ Brad Little
Governor of Idaho

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

May 18, 2021

The Honorable Janice McGeachin
President of the Senate
Idaho State Senate

Dear Madam President:

I hereby advise you that I have returned without my approval, disapproved and vetoed, the following Senate Bill, to wit:

[S 1150](#), as amended in the House

I am primarily concerned with the constitutionality and fairness of this bill. As amended, Senate Bill 1150a provides that signatures gathered outside of Idaho may only be collected from military members and missionaries. This is discriminatory and unfair to other qualified voters who wish to participate in Idaho's initiative and referendum process but find themselves temporarily out of the state when the opportunity arises. For example, families of military members deployed overseas should be afforded the same convenience to exercise their Article III, Section 1 rights when doing so presents no concerns for the security or integrity of the process. Further, as I articulated when I signed Senate Bill 1110 earlier this session, I support efforts to increase participation of all Idahoans - not just those living in urban areas - in our initiative and referendum process. I believe Senate Bill 1150 will frustrate that laudable goal.

Sincerely,
/s/ Brad Little
Governor of Idaho