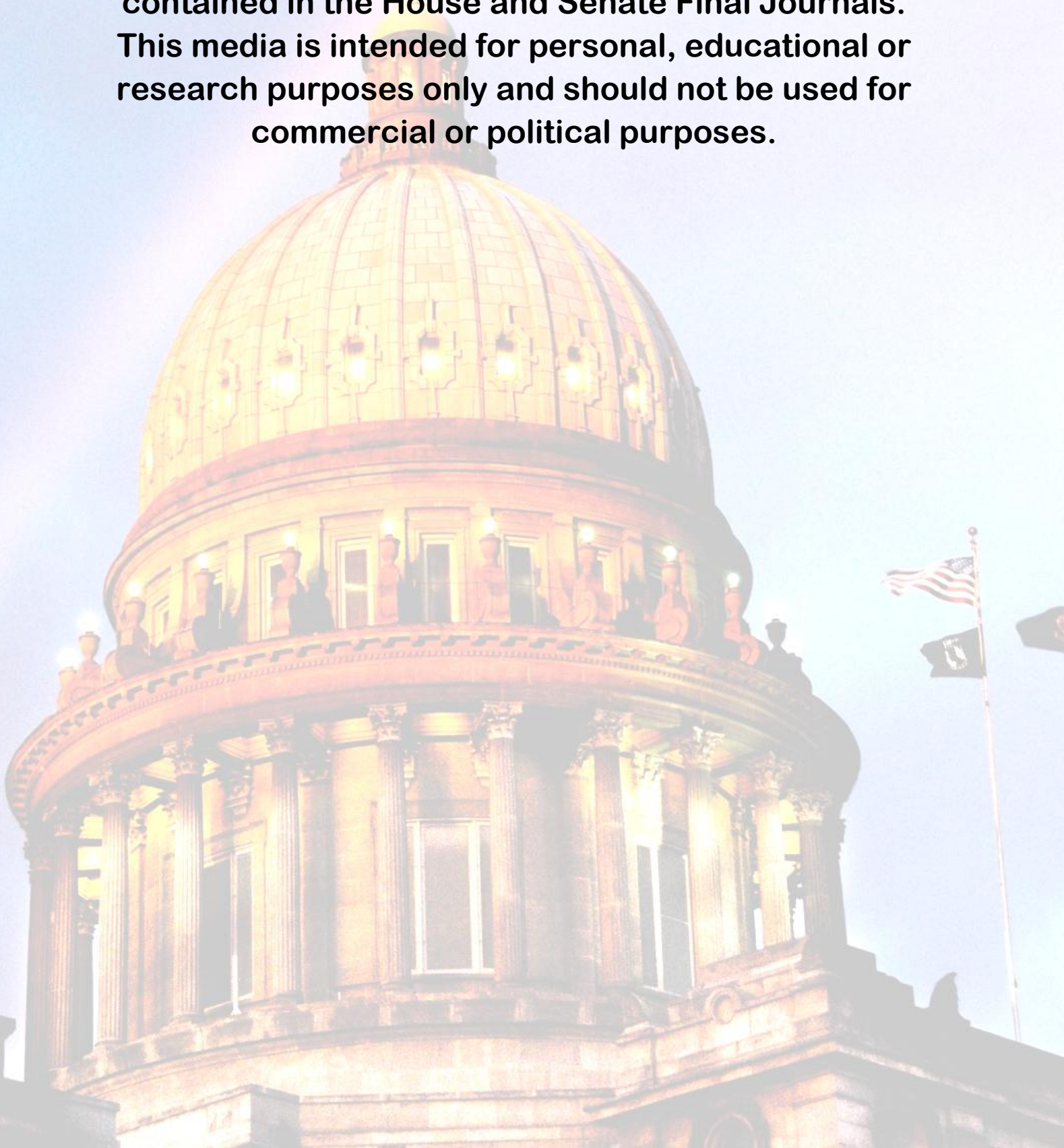


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SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-FOURTH LEGISLATURE

SIXTY-SIXTH LEGISLATIVE DAY
WEDNESDAY, MARCH 15, 2017

Senate Chamber

President Little called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Brackett, Buckner-Webb, Davis, Harris, Johnson, and Keough, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Aaron Swanson, 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 14, 2017, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Reports of Standing Committees

Senator Harris was recorded present at this order of business.

March 14, 2017

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 205](#), [H 216](#), and [H 235](#) with the recommendation that they do pass.

JOHNSON, Chairman

[H 205](#), [H 216](#), and [H 235](#) were filed for second reading.

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

Messages from the House

March 14, 2017

Dear Mr. President:

I transmit herewith [H 206](#), [H 217](#), [H 265](#), [H 266](#), [H 253](#), [H 254](#), [H 262](#), [H 137](#), as amended, [HCR 26](#), [HJM 6](#), [HCR 28](#), [H 270](#), [H 257](#), and [H 274](#), which have passed the House.

MAULIN, Chief Clerk

[H 206](#), [H 217](#), [H 265](#), [H 266](#), [H 253](#), [H 254](#), [H 262](#), [H 137](#), as amended, [HCR 26](#), [HJM 6](#), [HCR 28](#), [H 270](#), [H 257](#), and [H 274](#) were filed for first reading.

March 14, 2017

Dear Mr. President:

I transmit herewith Enrolled [H 41](#) and [H 73](#) for the signature of the President.

MAULIN, Chief Clerk

The President signed Enrolled [H 41](#) and [H 73](#) and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Davis was recorded present at this order of business.

The President announced that [SCR 120](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Siddoway, seconded by Senator Stennett, [SCR 120](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that [SCR 121](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Siddoway, seconded by Senator Jordan, [SCR 121](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

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

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

Senator Keough was recorded present at this order of business.

[H 206](#) and [H 217](#), by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 265](#) and [H 266](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 253](#), [H 254](#), and [H 262](#), by Ways and Means Committee, were introduced, read the first time at length, and referred to the Education Committee.

[H 137](#), as amended, by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[HCR 26](#), by Ways and Means Committee, was introduced, read at length, and referred to the Education Committee.

[HJM 6](#), by Ways and Means Committee, was introduced, read at length, and referred to the Agricultural Affairs Committee.

[HCR 28](#), by Ways and Means Committee, was introduced, read at length, and referred to the Judiciary and Rules Committee.

[H 270](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 257](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the Education Committee.

[H 274](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 222](#), by Health and Welfare Committee, was read the second time at length and filed for third reading.

[H 146](#), by Judiciary, Rules and Administration Committee, was read the second time at length and filed for third reading.

[S 1164](#), [S 1165](#), [S 1166](#), [S 1167](#), and [S 1168](#), by Finance Committee, were read the second time at length and filed for third reading.

[H 99](#), as amended, [H 136](#), and [H 138](#), by Business Committee, were read the second time at length and filed for third reading.

[H 243](#), by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

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

[H 111](#), as amended, and [H 131](#), as amended, by Transportation and Defense Committee, were read the second time at length and filed for third reading.

[H 212](#) and [H 213](#), by Health and Welfare Committee, were read the second time at length and filed for third reading.

[H 242](#), by Education Committee, was read the second time at length and filed for third reading.

[H 11](#), as amended in the Senate, by Health and Welfare Committee, was read the second time at length and filed for third reading.

[S 1090](#), as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[S 1139](#), as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

[S 1169](#), [S 1170](#), [S 1171](#), [S 1172](#), [S 1173](#), [S 1174](#), [S 1175](#), and [S 1176](#), by Finance Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, [SJR 103](#) retained its place on the calendar.

[S 1151](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Agenbroad, Anthon, Bair, Bayer, Brackett, Burgoyne, Crabtree, Davis, Den Hartog, Foreman, Guthrie, Hagedorn, Harris, Heider, Hill, Jordan, Keough, Lee, Lodge, Martin, Mortimer, Nonini, Nye, Patrick, Rice, Siddoway, Souza, Stennett, Thayne, Vick, Ward-Engelking, Winder. Total - 32.

NAYS—None.

Absent and excused—Buckner-Webb, Johnson, Lakey. Total - 3.

Total - 35.

Whereupon the President declared [S 1151](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1043](#), as amended in the House, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Den Hartog 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, Crabtree, Davis, Den Hartog, Foreman, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Lakey, Lee, Lodge, Martin, Nonini, Nye, Patrick, Rice, Siddoway, Souza, Stennett, Thayne, Vick, Ward-Engelking, Winder. Total - 32.

NAYS—Keough, Mortimer. Total - 2.

Absent and excused—Buckner-Webb. Total - 1.

Total - 35.

Whereupon the President declared [S 1043](#), as amended in the House, passed, title was approved, and the bill referred to Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, [S 1152](#) retained its place on the Third Reading Calendar for Friday, March 17, 2017.

[S 1153](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Souza 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, Crabtree, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lakey, Lee, Lodge, Martin, Mortimer, Nonini, Nye, Patrick, Rice, Siddoway, Souza, Stennett, Thayne, Vick, Ward-Engelking, Winder. Total - 33.

NAYS—Foreman. Total - 1.

Absent and excused—Buckner-Webb. Total - 1.

Total - 35.

Whereupon the President declared [S 1153](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1156](#) 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:

AYES—Agenbroad, Anthon, Bair, Bayer, Brackett, Burgoyne, Crabtree, Davis, Den Hartog, Foreman, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lakey, Lee, Lodge, Martin, Mortimer, Nonini, Nye, Patrick, Rice, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 34.

NAYS—None.

Absent and excused—Buckner-Webb. Total - 1.

Total - 35.

Whereupon the President declared [S 1156](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1157](#) 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?"

Roll call resulted as follows:

AYES—Agenbroad, Anthon, Bair, Bayer, Brackett, Burgoyne, Crabtree, Davis, Den Hartog, Foreman, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lakey, Lee, Lodge, Martin, Mortimer, Nonini, Nye, Patrick, Souza, Stennett, Thayn, Ward-Engelking, Winder. Total - 31.

NAYS—Rice, Siddoway, Vick. Total - 3.

Absent and excused—Buckner-Webb. Total - 1.

Total - 35.

Whereupon the President declared [S 1157](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1158](#) 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, Bair, Brackett, Burgoyne, Crabtree, Davis, Foreman, Guthrie, Hagedorn, Heider, Hill, Johnson, Jordan, Keough, Lakey, Lee, Lodge, Martin, Nonini, Nye, Patrick, Souza, Stennett, Thayn, Ward-Engelking, Winder. Total - 27.

NAYS—Bayer, Den Hartog, Harris, Mortimer, Rice, Siddoway, Vick. Total - 7.

Absent and excused—Buckner-Webb. Total - 1.

Total - 35.

Whereupon the President declared [S 1158](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1159](#) 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, Bair, Bayer, Brackett, Burgoyne, Crabtree, Davis, Den Hartog, Foreman, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lakey, Lee, Lodge, Martin, Mortimer, Nonini, Nye, Patrick, Rice, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 34.

NAYS—None.

Absent and excused—Buckner-Webb. Total - 1.

Total - 35.

Whereupon the President declared [S 1159](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1160](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Nye arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senators Lee and Nye disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Agenbroad, Anthon, Bair, Bayer, Brackett, Burgoyne, Crabtree, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lakey, Lee, Lodge, Martin, Mortimer, Nonini, Nye, Patrick, Rice, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 33.

NAYS—Foreman. Total - 1.

Absent and excused—Buckner-Webb. Total - 1.

Total - 35.

Whereupon the President declared [S 1160](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 184](#), as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway 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, Crabtree, Davis, Den Hartog, Foreman, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lakey, Lee, Lodge, Martin, Mortimer, Nonini, Nye, Patrick, Rice, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 34.

NAYS—None.

Absent and excused—Buckner-Webb. Total - 1.

Total - 35.

Whereupon the President declared [H 184](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House for possible concurrence.

[H 118](#), as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Patrick arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Agenbrood, Anthon, Bair, Bayer, Brackett, Burgoyne, Crabtree, Davis, Den Hartog, Foreman, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lakey, Lee, Lodge, Martin, Mortimer, Nonini, Nye, Patrick, Rice, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 34.

NAYS—None.

Absent and excused—Buckner-Webb. Total - 1.

Total - 35.

Whereupon the President declared [H 118](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House for possible concurrence.

[H 141](#), having been held, 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—Agenbrood, Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Crabtree, Davis, Den Hartog, Foreman, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lakey, Lee, Lodge, Martin, Mortimer, Nonini, Nye, Patrick, Rice, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 35.

Whereupon the President declared [H 141](#) passed, title was approved, and the bill ordered returned to the House.

[H 171](#) 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—Agenbrood, Anthon, Bair, Bayer, Brackett, Crabtree, Davis, Den Hartog, Foreman, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Keough, Lakey, Lee, Lodge, Martin, Mortimer, Nonini, Patrick, Rice, Siddoway, Souza, Thayn, Vick, Winder. Total - 29.

NAYS—Buckner-Webb, Burgoyne, Jordan, Nye, Stennett, Ward-Engelking. Total - 6.

Total - 35.

Whereupon the President declared [H 171](#) passed, title was approved, and the bill ordered returned to the House.

[H 186](#), 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?"

Roll call resulted as follows:

AYES—Agenbrood, Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Crabtree, Davis, Den Hartog, Foreman, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lakey, Lee, Lodge, Martin, Mortimer, Nonini, Nye, Patrick, Rice, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 35.

Whereupon the President declared [H 186](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 199](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Nonini arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Agenbrood, Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Crabtree, Davis, Den Hartog, Foreman, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lakey, Lee, Lodge, Martin, Mortimer, Nonini, Nye, Patrick, Rice, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 35.

Whereupon the President declared [H 199](#) passed, title was approved, and the bill ordered returned to the House.

[H 130](#) was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Agenbrood, Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Crabtree, Davis, Den Hartog, Foreman, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lakey, Lee, Lodge, Martin, Mortimer, Nonini, Nye, Patrick, Rice, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 35.

Whereupon the President declared [H 130](#) passed, title was approved, and the bill ordered returned to the House.

[H 215](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bayer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Agenbrood, Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Crabtree, Davis, Den Hartog, Foreman, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lakey, Lee, Lodge, Martin, Mortimer, Nonini, Nye, Patrick, Rice, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 35.

Whereupon the President declared [H 215](#) passed, title was approved, and the bill ordered returned to the House.

[H 123](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Agenbrood arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Moved by Senator Burgoyne, that [H 123](#) be referred to the Fourteenth Order of Business for amendment. Senators Buckner-Webb, Foreman, Jordan, Lodge, Nye, and Stennett stood in support of the motion. The question being, "Shall the motion prevail?"

Whereupon the President declared that the motion to refer [H 123](#) to the Fourteenth Order of Business for amendment did not prevail. The question being, "Shall [H 123](#) pass?"

Roll call resulted as follows:

AYES—Agenbroad, Anthon, Bayer, Brackett, Buckner-Webb, Crabtree, Den Hartog, Guthrie, Hagedorn, Heider, Lee, Martin, Nonini. Total - 13.

NAYS—Bair, Burgoyne, Davis, Foreman, Harris, Hill, Johnson, Jordan, Keough, Lakey, Lodge, Mortimer, Nye, Patrick, Rice, Siddoway, Souza, Stennett, Thayne, Vick, Ward-Engelking, Winder. Total - 22.

Paired and voting included in roll call:

AYE - Brackett NAY - Vick

Total - 35.

Whereupon the President declared that **H 123** had failed to pass the Senate and ordered the bill returned to the House.

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

Petitions, Resolutions, and Memorials

SJM 102

BY STATE AFFAIRS COMMITTEE

A JOINT MEMORIAL

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Sixty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the State of Idaho is committed to the conservation of greater sage-grouse (*Centrocercus urophasianus*) and its present habitat located within the state; and

WHEREAS, the state has produced a statewide sage-grouse conservation plan in support of this commitment; and

WHEREAS, Idaho's Department of Fish and Game and Office of Species Conservation possess significant expertise in the management of greater sage-grouse and its habitat and whose experts have attempted to work in full cooperation with the federal agencies managing federal lands within the borders of the state; and

WHEREAS, the Secretary of the Interior has determined that the species is neither endangered nor threatened under the Endangered Species Act; and

WHEREAS, the Congress and the President are to be commended for recognizing the unprecedented collaboration among the various states regarding greater sage-grouse conservation and the need to continue on-the-ground conservation and monitoring activities as recognized through the enactment of Section 117 of the Consolidated Appropriations Act of 2016 (P.L. 114-113); and

WHEREAS, implementation of the state's conservation plan will produce scientific data related to disease or predation of the species, the adequacy of existing regulatory mechanisms, and other natural or man-made factors affecting the species' existence, all of which must be considered when conserving the species; and

WHEREAS, the State of Idaho wishes to continue its collaboration with other states possessing current habitat for greater sage-grouse; and

WHEREAS, time is needed to continue to implement the state conservation plan over a period of multiple, consecutive

sage-grouse life cycles to determine the efficacy of the plan and the need for modification, if any; and

WHEREAS, the Governor and Legislature of the State of Idaho are finding that the Secretary of the Interior through the Bureau of Land Management and the Secretary of Agriculture through the U.S. Forest Service are implementing terms and conditions on grazing permits and other types of permits that include conservation measures and/or management actions that are contrary and/or not consistent with the statewide sage-grouse conservation plan; and

WHEREAS, the Governor and Legislature of the State of Idaho were compelled to seek redress in federal court from the onerous, unnecessary, and ill-conceived federal land use plan amendments adopted by the U.S. Departments of Agriculture and of the Interior. That matter was dismissed in January 2017 without a finding on the merits and is subject to appeal.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that Congress should, by legislative enactment, provide protections for adoption and implementation of state sage-grouse conservation plans by, among other things, making no funds available for use by either the Secretary of the Interior or the Secretary of Agriculture to implement federal land use plan amendments if they are inconsistent with the state's sage-grouse conservation plan for a period of 10 years through and including fiscal year 2027; and provide a mechanism for the Governor of a state to ensure state sage-grouse plans can be implemented on lands operated by the Bureau of Land Management and the U.S. Forest Service; furthermore, that such congressional legislation should provide a mechanism to ensure that any federal resource management plans conform to state sage-grouse plans and that any inconsistencies of the federal resource management plans should be resolved by the Governor of the affected state to ensure federal resource management plans conform to state management plans for a period of at least 10 years.

BE IT FURTHER RESOLVED that Congress should continue to make no funds available for use by the Secretary of the Interior to consider, prepare, write, or issue, pursuant to Section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), a petition, finding or proposed regulation for greater sage-grouse for a period of 10 years through and including fiscal year 2027.

BE IT FURTHER RESOLVED that during this 10-year period, Congress should provide a litigation safe-harbor protecting: (a) the state sage-grouse management plans from litigation by private activist organizations that would interfere with implementation of state sage-grouse management plans; and (b) the status of sage-grouse as "not-warranted" pursuant to Section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), such that neither the state plans nor the "not-warranted" status is subject to judicial review.

BE IT FURTHER RESOLVED that during this 10-year period, the State of Idaho will continue to implement its sage-grouse conservation plan, thereby establishing and enhancing its efficacy over time.

BE IT FURTHER RESOLVED that Congress should, by legislation, recognize and encourage state primacy in the long-term management of sage-grouse and its habitat to ensure an effective and balanced approach that seeks to recover and protect sage-grouse populations while protecting state economic interests, educational funding from state lands, and valid existing rights, including private property rights.

BE IT FURTHER RESOLVED that we encourage the U.S. Departments of Agriculture and of the Interior to conduct settlement discussions with the state in an effort to reach a

settlement relating to sage-grouse and the federal land use plan amendments adopted by the U.S. Departments of Agriculture and of the Interior, associated with the federal court action that is now subject to appeal.

BE IT FURTHER RESOLVED that Congress continue to make no funds available for use by the Secretary of the Interior through the Bureau of Land Management to consider, prepare, write or issue any decision-documents pursuant to 43 CFR 4100, Subpart 4160, based upon any determinations made pursuant to 43 CFR 4100, including any determinations made pursuant to Subpart 4180, that implement, or continue to implement, sage-grouse conservation measures and/or sage-grouse management actions that are not prescribed by the statewide sage-grouse conservation plan and not approved by Idaho's Office of Species Conservation, for a period of 10 years through and including fiscal year 2027.

BE IT FURTHER RESOLVED that Congress continue to make no funds available for use by the Secretary of Agriculture through the U.S. Forest Service to consider, prepare, write or issue any decision-documents pursuant to 36 CFR 214, based upon any determinations made pursuant to 36 CFR 222, that implement, or continue to implement, sage-grouse conservation measures and/or sage-grouse management actions that are not prescribed by the statewide sage-grouse conservation plan and not approved by Idaho's Office of Species Conservation, for a period of 10 years through and including fiscal year 2027.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

[SJM 102](#) was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, 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 1177

**BY FINANCE COMMITTEE
AN ACT**

APPROPRIATING MONEYS TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2018; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING AN APPROPRIATION AND TRANSFER OF MONEYS TO THE IDAHO OPPORTUNITY FUND; PROVIDING AN APPROPRIATION AND TRANSFER OF MONEYS TO THE GENERAL FUND; AND PROVIDING AN APPROPRIATION AND TRANSFER OF MONEYS TO THE TOURISM AND PROMOTION FUND.

S 1178

**BY FINANCE COMMITTEE
AN ACT**

APPROPRIATING MONEYS TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 2018; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

S 1179

**BY FINANCE COMMITTEE
AN ACT**

APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2018; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

S 1180

**BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO PROPERTY TAX EXEMPTIONS; AMENDING SECTION 63-602W, IDAHO CODE, TO REVISE EXEMPTION CRITERIA, AMOUNT AND DURATION FOR THE PROPERTY TAX EXEMPTION FOR BUSINESS INVENTORY EXEMPT FROM TAXATION AND BUSINESS INVENTORY THAT IS A COMPONENT OF REAL PROPERTY THAT IS A SINGLE FAMILY DWELLING; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

S 1181

**BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO THE CHILD PROTECTIVE ACT; AMENDING SECTION 16-1627, IDAHO CODE, TO PROVIDE THAT A COURT SHALL CONSIDER CERTAIN METHODS WHEN DECIDING WHETHER TO AUTHORIZE MEDICAL OR SURGICAL CARE FOR A CHILD.

S 1182

**BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO CHILDREN; AMENDING SECTION 16-1602, IDAHO CODE, TO REVISE A DEFINITION; AND AMENDING SECTION 16-1627, IDAHO CODE, TO REVISE A PROVISION REGARDING TREATMENT BY PRAYER THROUGH SPIRITUAL MEANS.

S 1183

**BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO FIREARMS; AMENDING SECTION 5-341, IDAHO CODE, TO PROVIDE THAT PROPERTY OWNERS SHALL HAVE IMMUNITY FOR THE CARRYING, POSSESSION OR STORAGE OF FIREARMS IN CERTAIN INSTANCES AND TO DEFINE A TERM; AND AMENDING SECTION 6-904, IDAHO CODE, TO PROVIDE THAT A GOVERNMENTAL ENTITY AND ITS EMPLOYEES SHALL NOT BE LIABLE FOR CERTAIN CLAIMS REGARDING FIREARMS.

[S 1177](#), [S 1178](#), [S 1179](#), [S 1180](#), [S 1181](#), [S 1182](#), and [S 1183](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

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

Reports of Standing Committees

March 15, 2017

The JUDICIARY AND RULES Committee reports that [SJM 102](#), [S 1177](#), [S 1178](#), [S 1179](#), [S 1180](#), [S 1181](#), [S 1182](#), and [S 1183](#) have been correctly printed.

LODGE, Chairman

On request by Senator Davis, granted by unanimous consent, [SJM 102](#) was referred to the Resources and Environment Committee.

[S 1177](#), [S 1178](#), and [S 1179](#) were referred to the Finance Committee.

[S 1180](#) was referred to the Local Government and Taxation Committee.

[S 1181](#), [S 1182](#), and [S 1183](#) were referred to the State Affairs Committee.

March 15, 2017

The FINANCE Committee reports out [H 265](#), [H 266](#), [S 1177](#), [S 1178](#), and [S 1179](#) with the recommendation that they do pass.

KEOUGH, Chairman

[H 265](#), [H 266](#), [S 1177](#), [S 1178](#), and [S 1179](#) were filed for second reading.

March 15, 2017

The STATE AFFAIRS Committee reports out [HCR 17](#) with the recommendation that it do pass.

SIDDOWNAY, Chairman

[HCR 17](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:30 p.m. until the hour of 3:30 p.m. of this day.

**RECESS
AFTERNOON SESSION**

The Senate reconvened at 3:30 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senators Bayer, Harris, Rice, and Ward-Engelking, absent and excused.

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

March 15, 2017

The RESOURCES AND ENVIRONMENT Committee reports out [SJM 102](#) with the recommendation that it do pass.

BAIR, Chairman

[SJM 102](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 15, 2017

The STATE AFFAIRS Committee reports out [H 93](#) with the recommendation that it do pass.

SIDDOWNAY, Chairman

[H 93](#) was filed for second reading.

March 15, 2017

The JUDICIARY AND RULES Committee reports out [S 1154](#) with the recommendation that it do pass.

LODGE, Chairman

[S 1154](#) was filed for second reading.

March 15, 2017

The JUDICIARY AND RULES Committee reports out [H 202](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

LODGE, Chairman

There being no objection, [H 202](#) was referred to the Fourteenth Order of Business, General Calendar.

March 15, 2017

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 67](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

JOHNSON, Chairman

There being no objection, [H 67](#) was referred to the Fourteenth Order of Business, General Calendar.

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

Third Reading of Bills

[SJR 103](#) 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 resolution and opened the debate. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Agenbroad, Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Crabtree, Davis, Den Hartog, Foreman, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lakey, Lee, Lodge, Martin, Mortimer, Nonini, Nye, Patrick, Rice, Siddoway, Souza, Stennett, Thayn, Vick, Winder. Total - 34.

NAYS—None.

Absent and excused—Ward-Engelking. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared [SJR 103](#) adopted, title was approved, and the resolution ordered transmitted to the House.

[H 204](#) 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:

AYES—Agenbroad, Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Crabtree, Davis, Den Hartog, Foreman, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lakey, Lee, Lodge, Martin, Mortimer, Nonini, Nye, Patrick, Rice, Siddoway, Souza, Stennett, Thayne, Vick, Winder. Total - 34.

NAYS—None.

Absent and excused—Ward-Engelking. Total - 1.

Total - 35.

Whereupon the President declared [H 204](#) passed, title was approved, and the bill ordered returned to the House.

[H 86](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Martin 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, Buckner-Webb, Burgoyne, Crabtree, Davis, Den Hartog, Foreman, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lakey, Lee, Lodge, Martin, Mortimer, Nonini, Nye, Patrick, Rice, Siddoway, Souza, Stennett, Thayne, Vick, Winder. Total - 34.

NAYS—None.

Absent and excused—Ward-Engelking. Total - 1.

Total - 35.

Whereupon the President declared [H 86](#) passed, title was approved, and the bill ordered returned to the House.

[H 87](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Martin 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, Buckner-Webb, Burgoyne, Crabtree, Davis, Den Hartog, Foreman, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lakey, Lee, Lodge, Martin, Mortimer, Nonini, Nye, Patrick, Rice, Siddoway, Souza, Stennett, Thayne, Vick, Winder. Total - 34.

NAYS—None.

Absent and excused—Ward-Engelking. Total - 1.

Total - 35.

Whereupon the President declared [H 87](#) passed, title was approved, and the bill ordered returned to the House.

[H 98](#) 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?"

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

Roll call resulted as follows:

AYES—Agenbroad, Brackett, Buckner-Webb, Burgoyne, Davis, Guthrie, Harris, Heider, Hill, Jordan, Keough, Lakey, Lee, Lodge, Martin, Mortimer, Nye, Patrick, Rice, Stennett, Thayne, Winder. Total - 22.

NAYS—Anthon, Bair, Bayer, Crabtree, Den Hartog, Foreman, Hagedorn, Johnson, Nonini, Siddoway, Souza, Vick. Total - 12.

Absent and excused—Ward-Engelking. Total - 1.

Total - 35.

Whereupon the President declared [H 98](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by Senate Finance Committee bills, followed by House bills amended in the Senate, followed by House bills, followed by House Appropriation Committee bills.

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

Messages from the Governor

March 15, 2017

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Steve Ackerman of 406 S. Stibnite Ave., Kuna, ID, 83634, to be Acting State Senator for Legislative District 22, Ada County, State of Idaho.

This appointment commences March 16, 2017, through Friday, March 17, 2017.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

THE OFFICE OF THE GOVERNOR EXECUTIVE DEPARTMENT BOISE, IDAHO CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents, that pursuant to the provisions of Section 59-917, *Idaho Code*, Lori Den Hartog, State Senator, District 22, Ada, State of Idaho, has nominated Steve Ackerman of 406 S. Stibnite Ave., Kuna, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 22, Ada County, State of Idaho.

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Steve Ackerman of Kuna, Idaho, to the office of State Senator, District 22, Ada, State of Idaho, for a term commencing Thursday, March 16, through Friday, March 17, 2017.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this Fifteenth day of March, in the year of our Lord two thousand and seventeen and of the Independence of the United States of America, the two hundred and forty-first year.

/s/ BY THE GOVERNOR C.L. "BUTCH" OTTER
/s/ SECRETARY OF STATE LAWRENCE DENNEY

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 14, 2017

Dear Mr. President:

I return herewith Enrolled [S 1029](#), [S 1055](#), [S 1064](#), [S 1008](#), [S 1085](#), [S 1112](#), [S 1060](#), [S 1034](#), as amended, [S 1084](#), [S 1075](#), [S 1035](#), [S 1115](#), [S 1116](#), [S 1127](#), [S 1128](#), and [S 1129](#), which have been signed by the Speaker.

MAULIN, Chief Clerk

Enrolled [S 1029](#), [S 1055](#), [S 1064](#), [S 1008](#), [S 1085](#), [S 1112](#), [S 1060](#), [S 1034](#), as amended, [S 1084](#), [S 1075](#), [S 1035](#), [S 1115](#), [S 1116](#), [S 1127](#), [S 1128](#), and [S 1129](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 14, 2017

Dear Mr. President:

I return herewith Enrolled [SCR 107](#), which has been signed by the Speaker.

MAULIN, Chief Clerk

Enrolled [SCR 107](#) was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

March 15, 2017

Dear Mr. President:

I return herewith [S 1094](#), [S 1123](#), [S 1031](#), [S 1047](#), [S 1049](#), [S 1098](#), [S 1039](#), as amended, [S 1045](#), [S 1046](#), and [S 1057](#), which have passed the House.

MAULIN, Chief Clerk

[S 1094](#), [S 1123](#), [S 1031](#), [S 1047](#), [S 1049](#), [S 1098](#), [S 1039](#), as amended, [S 1045](#), [S 1046](#), and [S 1057](#) were referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, 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 1184

BY JUDICIARY AND RULES COMMITTEE AN ACT

RELATING TO PROVIDING MONEYS FOR HIGHWAY CONSTRUCTION AND MAINTENANCE; APPROVING GARVEE AND GENERAL BONDING AUTHORITY TO

FINANCE CERTAIN HIGHWAY TRANSPORTATION PROJECTS; PROVIDING A DESCRIPTION OF PROJECTS TO BE FINANCED WITH BOND PROCEEDS; LIMITING THE SCOPE OF THE PROJECTS; PROVIDING A REQUIREMENT REGARDING A GARVEE PROGRAM MANAGEMENT SERVICES AGREEMENT; PROVIDING FOR ISSUANCE OF GARVEE BONDS; PROVIDING THAT BONDS BE ISSUED WHEN NECESSARY; AMENDING SECTION 40-315, IDAHO CODE, TO REMOVE AN ELIGIBLE PROJECT; AMENDING SECTION 40-701, IDAHO CODE, TO PROVIDE FOR MONEYS FROM THE STRATEGIC INITIATIVES PROGRAM AND TO REMOVE MONEYS GOING TO THE LAW ENFORCEMENT FUND; AMENDING SECTION 40-719, IDAHO CODE, TO REVISE DISTRIBUTION FROM THE STRATEGIC INITIATIVES PROGRAM AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 7, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-720, IDAHO CODE, TO CREATE CAPACITY, SAFETY AND CONGESTION MITIGATION PROGRAMS AND TO ESTABLISH PROVISIONS TO ADMINISTER THE PROGRAMS; AMENDING CHAPTER 7, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-721, IDAHO CODE, TO CREATE THE CAPACITY, SAFETY AND CONGESTION MITIGATION PROGRAM CAPITAL PROJECT FUND AND DEBT SERVICE FUND IN THE STATE TREASURY; AMENDING SECTION 57-814, IDAHO CODE, TO REVISE WHEN A TRANSFER IS MADE; AMENDING SECTION 63-2520, IDAHO CODE, TO REVISE DISTRIBUTION OF MONEYS; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3622VV, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM THE SALES OR USE TAX ON CERTAIN MATERIALS USED IN CONNECTION WITH A PUBLIC ROAD AND TO PROVIDE EXCEPTIONS; AMENDING SECTION 63-3638, IDAHO CODE, TO PROVIDE FOR DISTRIBUTION TO THE CAPACITY, SAFETY AND CONGESTION MITIGATION PROGRAM FUND AND TO PROVIDE FOR A DISTRIBUTION TO THE LAW ENFORCEMENT FUND; AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 46, TITLE 63, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE PURPOSE, TO PROVIDE FOR A LOCAL OPTION SALES AND USE TAX, TO PROVIDE A PLAN, TO PROVIDE FOR ADOPTION OF A PLAN, TO PROVIDE FOR AN ELECTION TO AUTHORIZE THE TAX, TO PROVIDE FOR COLLECTION AND ADMINISTRATION, TO PROVIDE FOR THE ESTABLISHMENT OF THE LOCAL OPTION SALES AND USE TAX FUND, TO PROVIDE FOR COOPERATIVE AGREEMENTS AND TO PROVIDE FOR REPEAL OR REAUTHORIZATION OF THE TAX; AMENDING SECTION 17, CHAPTER 341, LAWS OF 2015, TO EXTEND A SUNSET DATE FOR FIVE ADDITIONAL YEARS; AMENDING SECTION 7, CHAPTER 337, LAWS OF 2014, TO REVISE A SUNSET DATE; PROVIDING FOR A PERFORMANCE EVALUATION OF THE LOCAL HIGHWAY TECHNICAL ASSISTANCE COUNCIL; PROVIDING SEVERABILITY; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

[S 1184](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

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

Reports of Standing Committees

March 15, 2017

The JUDICIARY AND RULES Committee reports that [S 1184](#) has been correctly printed.

LODGE, Chairman

[S 1184](#) was referred to the Transportation Committee.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 4:45 p.m. until the hour of 9:30 a.m., Thursday, March 16, 2017.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary