

# SENATE JOURNAL OF THE IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-SEVENTH LEGISLATURE

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**THIRTY-EIGHTH LEGISLATIVE DAY  
WEDNESDAY, FEBRUARY 14, 2024**

Senate Chamber

President Bedke called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Bjerke and Cook, absent and excused.

Prayer was offered by Chaplain Doug Armstrong.

The Pledge of Allegiance was led by Caitlyn Ross, 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 February 13, 2024, 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 Fifth Order of Business.

### Petitions, Resolutions, and Memorials

#### SJM 104

#### 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 Second Regular Session of the Sixty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the United States Congress has before it the Hearing Protection Act; and

WHEREAS, the Hearing Protection Act will reclassify suppressors to regulate them like a regular firearm; and

WHEREAS, the Act would benefit Idaho's recreational gun users and provide them better access to hearing protection equipment; and

WHEREAS, Idaho's Senator Jim Risch supports the Act and has commented that: "Idaho's sportsmen and women want to safely and legally enjoy recreational activities such as hunting and target shooting, but burdensome government regulations unfairly restrict access to suppressors. The Hearing Protection

Act will reclassify suppressors to allow Idaho's law-abiding gun owners to more easily protect their hearing and enjoy this pastime"; and

WHEREAS, Senator Mike Crapo has been the chief sponsor of the Hearing Protection Act since 2017 and Congressman Russ Fulcher is one of 52 original cosponsors of the Act in Congress; and

WHEREAS, suppressors are safety tools that reduce the sound of gunfire to a level that will not cause instant and permanent hearing loss. Suppressors enable more accurate marksmanship and allow shooting ranges to be better neighbors; and

WHEREAS, suppressor restrictions from the 1930s put the hearing health of gun owners at risk; and

WHEREAS, under current law, suppressors are regulated as heavily as machine guns under the prohibition-era National Firearms Act (NFA) of 1934. Any NFA firearm or suppressor carries a mandatory \$200 tax, for which a stamp is issued proving the payment of that tax once the application is approved. It is not uncommon to have to wait up to 270 days for the paperwork to be processed; and

WHEREAS, removing suppressors from the NFA would not pose a threat to public safety. It would reduce the Bureau of Alcohol, Tobacco and Firearms' workload and allow the agency to direct more resources to reducing violent crime, rather than processing paperwork.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the United States Congress to pass the Hearing Protection Act.

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.

### SR 101

#### BY STATE AFFAIRS COMMITTEE

##### A SENATE RESOLUTION

STATING FINDINGS OF THE SENATE AND PROVIDING FOR THE AMENDMENT OF RULE 3 OF THE RULES OF THE SENATE.

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

WHEREAS, the Senate deems it necessary and desirable that Rule 3 of the Rules of the Senate be amended.

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled in the Second Regular Session of the Sixty-seventh Idaho Legislature, that Rule 3 of the Rules of the Senate shall be amended to read as follows:

#### RULE 3

Organization. – (A) At the first meeting of the Senate at which a quorum shall be present, the Senate shall proceed to elect a President Pro Tempore and a Secretary and shall adopt temporary rules which, unless otherwise specifically stated, shall be the permanent rules of the preceding session.

Seating. – (B) Following election of its leadership, the Senate shall be declared "at ease" and the Senators shall retire to the sides of the Senate and proceed to select their seats in the following manner:

(1) The President Pro Tempore, Majority and Assistant Majority Leader, Minority and Assistant Minority Leader, and Majority and Minority Caucus Chairman shall first select their seats, in the order listed.

(2) Former members of the Senate shall next select their seats and those with consecutive terms immediately prior to the present session shall have priority over those with the same or a greater number of nonconsecutive terms, and of those not having served immediately prior to the present session, priority shall be consistent with the total number of terms served in the Senate.

In the event two or more Senators, not having served a term immediately prior to the present session, shall have served an equal number of past terms, service in the House of Representatives shall be computed to determine priority as between them.

(3) Former members of the House of Representatives shall next select their seats and those having served the greatest number of terms in the House of Representatives shall have priority.

(4) The names of all remaining Senators shall be placed in a receptacle by the Secretary and by him withdrawn therefrom and as the name of each Senator is withdrawn, he shall proceed to the seat selected by him until the business of selecting seats shall be completed.

(5) The seating arrangements set forth in the preceding paragraph shall be subject to the provision that the members of each party shall be seated as nearly as possible in adjacent seats, and in the event one party has a majority which requires seating a portion of its members on the side of the Chamber occupied by the minority, such majority party shall have the right to select as many seats as may be necessary to accommodate its membership on the side closest to the regular seats of the majority party, subject only to Paragraph B(1) of this rule and the minority party shall be required to make such seats available to the members of the majority party.

(6) On and after December 1, 2024, prior substitution in either the House or Senate shall not count as time served for determining seniority.

Substitutes. – (C) A substitute shall exercise the powers and duties of a Senator while acting as a substitute, but the Senator shall retain the office.

[SJM 104](#) and [SR 101](#) were 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

Senator Bjerke was recorded present at this order of business.

February 13, 2024

The FINANCE Committee reports out [S 1330](#), [S 1331](#), [S 1332](#), [S 1333](#), [S 1334](#), [S 1335](#), and [S 1336](#) with the recommendation that they do pass.

GROW, Chairman

Senator Grow made a unanimous consent request, that [S 1330](#), [S 1331](#), [S 1332](#), [S 1333](#), [S 1334](#), [S 1335](#), and [S 1336](#) be recommitted to the Finance Committee.

Senator Wintrow objected.

Moved by Senator Grow, seconded by Senator Cook that [S 1330](#), [S 1331](#), [S 1332](#), [S 1333](#), [S 1334](#), [S 1335](#), and [S 1336](#) be recommitted back to the Finance Committee.

The President announced the motion carried by voice vote and [S 1330](#), [S 1331](#), [S 1332](#), [S 1333](#), [S 1334](#), [S 1335](#), and [S 1336](#) were recommitted to the Finance Committee.

February 13, 2024

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

Claire Sharp to the Idaho Industrial Commission, term to expire January 13, 2027;

Janelle White as the Administrator of the Division of Human Resources, term to continue at the pleasure of the Governor;

Todd Lakey to the State Insurance Fund Board, term to expire January 20, 2025.

COOK, Chairman

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

February 13, 2024

The TRANSPORTATION Committee reports out [S 1282](#), [S 1317](#), and [S 1319](#) with the recommendation that they do pass.

OKUNIEWICZ, Chairman

[S 1282](#), [S 1317](#), and [S 1319](#) were filed for second reading.

February 13, 2024

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 444](#) and [H 449](#) with the recommendation that they do pass.

RICKS, Chairman

[H 444](#) and [H 449](#) were filed for second reading.

February 14, 2024

The STATE AFFAIRS Committee reports out [S 1290](#), [S 1291](#), [S 1311](#), [S 1312](#), and [S 1313](#) with the recommendation that they do pass.

GUTHRIE, Chairman

[S 1290](#), [S 1291](#), [S 1311](#), [S 1312](#), and [S 1313](#) were filed for second reading.

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

#### Messages from the House

February 13, 2024

Dear Mr. President:

I transmit herewith [H 465](#), [H 515](#), and [H 471](#), which have passed the House.

MCGINNIS, Chief Clerk

[H 465](#), [H 515](#), and [H 471](#) were filed for first reading.

February 13, 2024

Dear Mr. President:

I return herewith [S 1266](#), which has passed the House.

MCGINNIS, Chief Clerk

[S 1266](#) was referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

Senator Cook was recorded present at this order of business.

The President announced that the Resources and Environment Committee report relative to the Gubernatorial appointment of Margaret Chipman was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lee, seconded by President Pro Tempore Winder, the Gubernatorial appointment of Margaret Chipman as a member of the Oil and Gas Conservation Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Resources and Environment Committee report relative to the Gubernatorial reappointment of Ray Hinchcliff was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Harris, seconded by Senator Ward-Engelking, the Gubernatorial reappointment of Ray Hinchcliff as a member of the Oil and Gas Conservation Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Lakey, granted by unanimous consent, [SCR 114 and SCR 115](#) were referred to the Judiciary and Rules Committee.

The President announced that the Resources and Environment Committee report relative to the Gubernatorial reappointment of Tammy Overacker was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Burtenshaw, seconded by Senator Semmelroth, the Gubernatorial reappointment of Tammy Overacker as a member of the Idaho Outfitters and Guides Licensing Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

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 465](#) and [H 515](#), by Judiciary, Rules and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[H 471](#), 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 advanced to the Thirteenth Order of Business.

#### Third Reading of Bills

Having been held, [S 1258](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Herndon arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Adams, Anthon, Bernt, Bjerke, Burtenshaw, Carlson, Cook, Den Hartog, Foreman, Grow, Guthrie, Harris, Hart, Herndon, Just, Lakey, Lenney, Lent, Nichols, Okuniewicz, Rabe, Ricks, Ruchti, Schroeder, Semmelroth, Taylor, Toews, Trakel, VanOrden, Ward-Engelking, Winder, Wintrow, Zuiderveld. Total - 33.

NAYS—Hartgen, Lee. Total - 2.

Total - 35.

Whereupon the President declared [S 1258](#) passed, title was approved, and the bill ordered transmitted to the House.

Senator Hart requested unanimous consent that [H 406](#) be referred back to the Judiciary and Rules Committee for a committee study on the fiscal note.

Senator Lakey objected.

Moved by Senator Hart, seconded by Senator Ruchti, that [H 406](#) be referred back to the Judiciary and Rules Committee.

Pursuant to Senate Rule 39(C), a roll call vote was requested by Senator Lakey, and was supported by Senators Den Hartog, Hartgen and Lee.

The question being, "Shall [H 406](#) be recommitted to the Judiciary and Rules Committee?"

AYES—Carlson, Hart, Just, Nichols, Rabe, Ruchti, Semmelroth, Taylor, Ward-Engelking, Wintrow, Zuiderveld. Total - 11.

NAYS—Adams, Anthon, Bernt, Bjerke, Burtenshaw, Cook, Den Hartog, Foreman, Grow, Guthrie, Harris, Hartgen, Herndon, Lakey, Lee, Lenney, Lent, Okuniewicz, Ricks, Schroeder, Toews, Trakel, VanOrden, Winder. Total - 24.

Total - 35.

Whereupon the President declared the motion failed to recommit [H 406](#) to the Judiciary and Rules Committee.

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

**Miscellaneous Business**

On motion by Senator Anthon, seconded by Senator Wintrow, by voice vote, the Senate adjourned at 12:16 p.m. until the hour of 11 a.m., Thursday, February 15, 2024.

SCOTT BEDKE, President

Attest: JENNIFER NOVAK, Secretary