

SENATE JOURNAL OF THE IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-SEVENTH LEGISLATURE

THIRTY-FIRST LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 7, 2024

Senate Chamber

President Pro Tempore Winder called the Senate to order at 10:30 a.m.

Roll call showed all members present.

Prayer was offered by Chaplain Doug Armstrong.

The Pledge of Allegiance was led by Naomi Foster, 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 6, 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 Sixth Order of Business.

Reports of Standing Committees

February 7, 2024

The JUDICIARY AND RULES Committee reports that [SJR 105](#), [S 1276](#), [S 1277](#), [S 1278](#), [S 1279](#), [S 1280](#), and [S 1281](#) have been correctly printed.

LAKEY, Chairman

[SJR 105](#) was referred to the State Affairs Committee.

[S 1276](#), [S 1277](#), and [S 1278](#) were referred to the Judiciary and Rules Committee.

[S 1279](#) was referred to the Resources and Environment Committee.

[S 1280](#) and [S 1281](#) were referred to the Judiciary and Rules Committee.

February 6, 2024

The TRANSPORTATION Committee reports out [S 1258](#) with the recommendation that it do pass.

OKUNIEWICZ, Chairman

[S 1258](#) was filed for second reading.

February 6, 2024

The COMMERCE AND HUMAN RESOURCES Committee reports out [S 1245](#) with the recommendation that it do pass.

COOK, Chairman

[S 1245](#) was filed for second reading.

February 6, 2024

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 410](#) and [S 1265](#) with the recommendation that they do pass.

RICKS, Chairman

[H 410](#) and [S 1265](#) were filed for second reading.

February 6, 2024

The HEALTH AND WELFARE Committee reports out [S 1247](#) with the recommendation that it do pass.

VANORDEN, Chairman

[S 1247](#) was filed for second reading.

February 7, 2024

The STATE AFFAIRS Committee reports out [S 1260](#) and [S 1261](#) with the recommendation that they do pass.

GUTHRIE, Chairman

[S 1260](#) and [S 1261](#) were filed for second 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 1282

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO TEMPORARY VEHICLE REGISTRATION PERMITS; AMENDING SECTION 49-523, IDAHO CODE, TO REVISE A PROVISION REGARDING TEMPORARY VEHICLE REGISTRATION PERMITS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

S 1283

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1302, IDAHO CODE, TO REVISE A DEFINITION; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

S 1284

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO HOSPITAL AND NURSING CARE LIENS; AMENDING SECTION 45-702, IDAHO CODE, TO REQUIRE COPIES OF CLAIMS AND LIENS TO BE SENT BY CERTIFIED MAIL AND TO MAKE TECHNICAL

CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

S 1285
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE

AN ACT

RELATING TO PAYDAY LOAN PROCEDURES; AMENDING SECTION 28-46-412, IDAHO CODE, TO PROVIDE A LIMITATION ON THE APR OF PAYDAY LOANS AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

S 1286
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE

AN ACT

RELATING TO HOMEOWNER'S ASSOCIATIONS; AMENDING CHAPTER 32, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-3213, IDAHO CODE, TO PROHIBIT HOMEOWNER'S ASSOCIATIONS FROM TAKING ANY ACTION TO REQUIRE GRASS LAWNS AND TO PROVIDE FOR CERTAIN RULES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

S 1287
BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO HEALTH; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 73, TITLE 39, IDAHO CODE, TO PROHIBIT THE JURISDICTION OF CERTAIN HEALTH ORGANIZATIONS; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

S 1288
BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO YOUTH ATHLETES; AMENDING SECTION 33-1625, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING CHIROPRACTIC PHYSICIANS AND EVALUATION OF YOUTH ATHLETES AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

S 1289
BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO CHILDREN'S SCHOOL AND LIBRARY PROTECTION; AMENDING CHAPTER 15, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-1517B, IDAHO CODE, TO DEFINE TERMS, TO REQUIRE EVERY LIBRARY TO ESTABLISH A LIBRARY MATERIALS REVIEW COMMITTEE AND A POLICY FOR PROCESSING REQUESTS FOR THE RELOCATION OF CERTAIN LIBRARY MATERIALS, TO PROVIDE AN APPEAL PROCEDURE, TO PROVIDE FOR INJUNCTIVE RELIEF, TO PROHIBIT CERTAIN MATERIALS FROM BEING GIVEN OR MADE AVAILABLE TO A MINOR BY A SCHOOL OR PUBLIC LIBRARY, TO PROVIDE FOR A CIVIL CAUSE OF ACTION, TO PROVIDE FOR DAMAGES, AND TO PROVIDE FOR AFFIRMATIVE DEFENSES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

S 1290
BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 1-2220, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE FILING OF DECLARATIONS OF CANDIDACY BY MAGISTRATES; AMENDING SECTION 31-4306, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE FILING OF DECLARATIONS OF INTENT BY CANDIDATES IN RECREATION DISTRICT ELECTIONS; AMENDING SECTION 33-2717A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE FILING OF DECLARATIONS OF INTENT BY CANDIDATES IN LIBRARY DISTRICT TRUSTEE ELECTIONS; AMENDING SECTION 34-106, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN COUNTY AND RECALL ELECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-625, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DEADLINE TO FILE DECLARATIONS OF CANDIDACY IN HIGHWAY DISTRICT COMMISSIONER ELECTIONS; AMENDING SECTION 34-625A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TIME TO FILE DECLARATIONS OF CANDIDACY IN CERTAIN SINGLE COUNTYWIDE DISTRICT HIGHWAY DISTRICT COMMISSIONER ELECTIONS; AMENDING SECTION 34-704, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE FILING OF CERTAIN DECLARATIONS OF CANDIDACY IN PRIMARY ELECTIONS, TO PROVIDE A CORRECT CODE REFERENCE, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-705, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE FILING OF CERTAIN DECLARATIONS OF CANDIDACY IN COUNTY ELECTIONS; AMENDING SECTION 34-712, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DEADLINE CERTAIN SAMPLE FORM PRIMARY ELECTION BALLOTS MUST BE PROVIDED TO EACH COUNTY CLERK; AMENDING SECTION 34-717, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN CANDIDATE WITHDRAWALS; AMENDING SECTION 34-1205, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TIME WHEN THE COUNTY BOARD OF CANVASSERS MEETS; AMENDING SECTION 34-1211, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TIME WHEN THE STATE BOARD OF CANVASSERS MEETS; AMENDING SECTION 34-1404, IDAHO CODE, TO REVISE PROVISIONS REGARDING DECLARATIONS OF CANDIDACY; AMENDING SECTION 34-1405A, IDAHO CODE, TO REVISE PROVISIONS REGARDING DEADLINES FOR CERTAIN CANDIDATE WITHDRAWALS; AMENDING SECTION 34-1407, IDAHO CODE, TO REVISE PROVISIONS REGARDING WRITE-IN CANDIDATES; AMENDING SECTION 40-1305C, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DEADLINES TO FILE CERTAIN NOMINATING PETITIONS FOR CANDIDATES FOR HIGHWAY DISTRICT COMMISSIONER; REPEALING SECTION 42-3211a, IDAHO CODE, RELATING TO EXPIRATION OF TERM; AMENDING SECTION 50-407, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DEADLINES FOR FILING DECLARATIONS OF CANDIDACY AND PETITIONS OF CANDIDACY FOR CERTAIN MUNICIPAL ELECTIONS; AMENDING SECTION 50-410, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE FILING OF DECLARATIONS OF CANDIDACY FOR CERTAIN CITY ELECTIONS; AMENDING SECTION 67-4911, IDAHO

CODE, TO REVISE PROVISIONS REGARDING THE FILING OF NOMINATIONS FOR AUDITORIUM DISTRICT BOARD ELECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

S 1291
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO STATE GOVERNMENT AND STATE AFFAIRS; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2347A, IDAHO CODE, TO PROHIBIT CONTRACTS WITH COMPANIES BOYCOTTING CERTAIN SECTORS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

[S 1282](#), [S 1283](#), [S 1284](#), [S 1285](#), [S 1286](#), [S 1287](#), [S 1288](#), [S 1289](#), [S 1290](#), and [S 1291](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1243](#), by Resources and Environment Committee, was read the second time at length and filed for third reading.

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

General Calendar

The President Pro Tempore declared the Senate resolved into the Committee of the Whole and called Senator Lee to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President Pro Tempore called the Senate to order.

Report of the Committee of the Whole

Senator Lee, Chairman of the Committee of the Whole, reported out [S 1232](#), [S 1231](#), and [S 1239](#), without recommendation, amended as follows:

SENATE AMENDMENT TO S 1232
AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 32, following "department." insert: "Such notification shall state that if the safety of the child cannot be determined, the department may request assistance from a law enforcement agency or seek a court order."

SENATE AMENDMENT TO S 1232
AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 18 and 19, and insert:

"(b) Obtain an attorney at their own expense, consult with such attorney, and have such attorney present during an investigation; provided, however, that the department is not authorized to appoint or obtain an attorney for such parents, guardians, or persons;"

SENATE AMENDMENT TO S 1231
AMENDMENT TO SECTION 1

On page 2 of the printed bill, delete lines 3 through 8, and insert:

"(e) License Revocation. Any person entering a plea of guilty or being found guilty or convicted of violating any of the provisions of this title, ~~or who otherwise may, in addition to any other penalty assessed by the court, have his hunting, fishing, or trapping privileges revoked for such period of time as may be determined by the court not to exceed three (3) years. Any person who otherwise fails to comply with the requirements of a citation in connection with any such offense, may shall,~~ in addition to any other penalty assessed by the court, have his hunting, fishing, or trapping privileges revoked for such period of time as may be determined by the court not to exceed three (3)".

On page 3, in line 40, following "fines" insert: "or judgments of reimbursement or restitution"; and in line 42, following "permit." insert: "Lifetime licenses shall be suspended until all fines, reimbursements, and restitution are paid in full. The provisions of this subsection shall not apply to violators on court-approved time payment plans that are not ninety (90) days or more in arrears."

AMENDMENT TO BILL

On page 3, following line 42, insert:
"SECTION 2. That Section 36-1404, Idaho Code, be, and the same is hereby amended to read as follows:

36-1404. UNLAWFUL KILLING, POSSESSION OR WASTE OF WILD ANIMALS, BIRDS AND FISH – REIMBURSABLE DAMAGES – SCHEDULE – ASSESSMENT BY MAGISTRATES – INSTALLMENT PAYMENTS – DEFAULT JUDGMENTS – DISPOSITION OF MONEYS. (a) In addition to the penalties provided for violating any of the provisions of title 36, Idaho Code, any person who pleads guilty, is found guilty of or is convicted of the illegal killing or the illegal possession or illegal waste of game animals or birds or fish shall reimburse the state for each animal so killed or possessed or wasted as follows:

1. Elk, seven hundred fifty dollars (\$750) per animal killed, possessed or wasted.
2. Caribou, bighorn sheep, mountain goat, grizzly bear and moose, one thousand five hundred dollars (\$1,500) per animal killed, possessed or wasted.
3. Any other species of big game, four hundred dollars (\$400) per animal killed, possessed or wasted.
4. Wild turkey and swan, two hundred fifty dollars (\$250) per bird killed, possessed or wasted.
5. Sturgeon, two hundred fifty dollars (\$250) per fish killed, possessed or wasted.
6. Bull trout, anadromous salmon and steelhead, one hundred fifty dollars (\$150) per fish killed, possessed or wasted.
7. Any other game bird, game fish or furbearer, fifty dollars (\$50.00) per animal killed, possessed or wasted.

Provided further, that any person who pleads guilty, is found guilty of, or is convicted of illegal killing, illegal possession or illegal waste of a trophy big game animal as defined in section 36-202(h), Idaho Code, shall reimburse the state for each animal so killed, possessed or wasted, as follows:

1. Trophy mule deer: two thousand dollars (\$2,000) per animal killed, possessed or wasted;
2. Trophy white-tailed deer: two thousand dollars (\$2,000) per animal killed, possessed or wasted;
3. Trophy elk: five thousand dollars (\$5,000) per animal killed, possessed or wasted;
4. Trophy bighorn sheep: ten thousand dollars (\$10,000) per animal killed, possessed or wasted;

5. Trophy moose: ten thousand dollars (\$10,000) per animal killed, possessed or wasted;
6. Trophy mountain goat: ten thousand dollars (\$10,000) per animal killed, possessed or wasted;
7. Trophy pronghorn antelope: two thousand dollars (\$2,000) per animal killed, possessed or wasted;
8. Trophy caribou: ten thousand dollars (\$10,000) per animal killed, possessed or wasted;
9. Trophy grizzly bear: ten thousand dollars (\$10,000) per animal killed, possessed or wasted.

For each additional animal of the same category killed, possessed or wasted during any twelve (12) month period, the amount to be reimbursed shall double from the amount for each animal previously illegally killed, possessed or wasted. For example, the reimbursable damages for three (3) elk illegally killed during a twelve (12) month period would be five thousand two hundred fifty dollars (\$5,250), calculated as follows: seven hundred fifty dollars (\$750) for the first elk; one thousand five hundred dollars (\$1,500) for the second elk; and three thousand dollars (\$3,000) for the third elk. In the case of three (3) trophy elk illegally killed in a twelve (12) month period, the reimbursable damages would be thirty-five thousand dollars (\$35,000) calculated as follows: five thousand dollars (\$5,000) for the first elk, ten thousand dollars (\$10,000) for the second elk, and twenty thousand dollars (\$20,000) for the third elk. Provided however, that wildlife possessing a fifty dollar (\$50.00) reimbursement value shall be figured at the same rate per each animal in violation, without compounding.

(b) In every case of a plea of guilty, a finding of guilt or a conviction of unlawfully releasing any fish species into any public body of water in the state, the court before whom the plea of guilty, finding of guilt, or conviction is obtained shall enter judgment ordering the defendant to reimburse the state for the cost of the expenses, not to exceed ten thousand dollars (\$10,000), incurred by the state to correct the damage caused by the unlawful release. For purposes of this subsection, "unlawfully releasing any fish species" means a release of any species of live fish, or live eggs thereof, in the state without the permission of the director of the department of fish and game; provided, that no permission is required when fish are being freed from a hook and released at the same time and place where caught or when crayfish are being released from a trap at the same time and place where caught.

(c) In every case of a plea of guilty, a finding of guilt or a conviction, the court before whom such plea of guilty, finding of guilt or conviction is obtained shall enter judgment ordering the defendant to reimburse the state in a sum or sums as hereinbefore set forth including postjudgment interest. If two (2) or more defendants are convicted of the illegal taking, killing or the illegal possession or wasting of the game animal, bird or fish, such judgment shall be declared against them jointly and severally.

(d) The judgment shall fix the manner and time of payment and may permit the defendant to pay the judgment in installments at such times and in such amounts as, in the opinion of the court, the defendant is able to pay. In no event shall any defendant be allowed more than two (2) years from the date judgment is entered to pay the judgment.

(e) A defaulted judgment or any installment payment thereof may be collected by any means authorized for the enforcement of a judgment under the provisions of the Idaho Code.

(f) All courts ordering such judgments of reimbursement shall order such payments to be made to the department, which shall deposit them with the state treasurer, and the treasurer shall place them in the state fish and game account.

(g) The court shall retain jurisdiction over the case. If at any time the defendant is in arrears ninety (90) days or more, the court ~~may~~ shall revoke the defendant's hunting, fishing or trapping privileges until the defendant completes payment of the judgment."; and renumber the subsequent section accordingly.

CORRECTION TO TITLE

On page 1, in line 4, following "PERMITS" insert: "; TO PROVIDE THAT CERTAIN VIOLATORS MAY HAVE THEIR HUNTING, FISHING, OR TRAPPING PRIVILEGES REVOKED, TO PROVIDE THAT CERTAIN VIOLATORS SHALL HAVE THEIR HUNTING, FISHING, OR TRAPPING PRIVILEGES REVOKED, TO PROVIDE AN EXCEPTION,"; and in line 5, following "CORRECTIONS," insert: "AMENDING SECTION 36-1404, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS SHALL HAVE THEIR HUNTING, FISHING, OR TRAPPING PRIVILEGES REVOKED,".

SENATE AMENDMENT TO S 1239

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 25, delete "~~members of~~" and insert: "members of the board, except that if any vacancy occurs on the board, from the time such vacancy occurs until one hundred twenty (120) days after such vacancy occurs, a quorum shall consist of the majority of the".

LEE, Chairman

On motion by Senator Lee, seconded by Senator Wintrow, the report was adopted by voice vote.

[S 1232](#), as amended, [S 1231](#), as amended, and [S 1239](#), as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Anthon, seconded by Senator Ward-Engelking, by voice vote, the Senate adjourned at 1:06 p.m. until the hour of 10:30 a.m., Thursday, February 8, 2024.

CHUCK WINDER, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary