

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-SEVENTH LEGISLATURE

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**FORTIETH LEGISLATIVE DAY  
FRIDAY, FEBRUARY 16, 2024**

Senate Chamber

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

Roll call showed all members present except Senator Anthon, absent and formally excused by the Chair.

Prayer was offered by Chaplain Doug Armstrong.

The Pledge of Allegiance was led by Abigail Spiers, 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 15, 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 Lee, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

February 16, 2024

The JUDICIARY AND RULES Committee reports that [S 1269](#) and [S 1270](#) have been correctly enrolled.

LAKEY, Chairman

The President signed Enrolled [S 1269](#) and [S 1270](#) and ordered them transmitted to the House for the signature of the Speaker.

February 15, 2024

The RESOURCES AND ENVIRONMENT Committee reports out [H 402](#) with the recommendation that it do pass.

BURTENSHAW, Chairman

[H 402](#) was filed for second reading.

February 15, 2024

The COMMERCE AND HUMAN RESOURCES Committee reports out [S 1238](#) and [S 1271](#) with the recommendation that they do pass.

COOK, Chairman

[S 1238](#) and [S 1271](#) were filed for second reading.

February 15, 2024

The LOCAL GOVERNMENT AND TAXATION Committee reports out [S 1293](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

RICKS, Chairman

There being no objection, [S 1293](#) was referred to the Fourteenth Order of Business, General Calendar.

February 15, 2024

The EDUCATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Cally Roach to the State Board of Education, term to expire July 1, 2028.

LENT, Chairman

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

February 16, 2024

The STATE AFFAIRS Committee reports out [S 1273](#) and [S 1303](#) with the recommendation that they do pass.

GUTHRIE, Chairman

[S 1273](#) and [S 1303](#) were filed for second reading.

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

### Messages from the House

February 15, 2024

Dear Mr. President:

I transmit herewith [H 472](#) and [H 474](#), which have passed the House.

MCGINNIS, Chief Clerk

[H 472](#) and [H 474](#) were filed for first reading.

February 15, 2024

Dear Mr. President:

I return herewith [S 1268](#) and [S 1267](#), which have passed the House.

MCGINNIS, Chief Clerk

[S 1268](#) and [S 1267](#) were referred to the Judiciary and Rules Committee for enrolling.

February 15, 2024

Dear Mr. President:

I transmit herewith Enrolled [H 410](#) for the signature of the President.

MCGINNIS, Chief Clerk

The President signed Enrolled [H 410](#) and ordered it returned to the House.

On request by Senator Lee, 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 1363**

**BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO VOTING MACHINES; AMENDING SECTION 18-2306, IDAHO CODE, TO PROVIDE THAT TAMPERING WITH A VOTING MACHINE IS A FELONY OFFENSE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-2401, IDAHO CODE, TO REMOVE AND REVISE DEFINITIONS; AMENDING SECTION 34-2404, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE PROHIBITED TAMPERING OF MACHINES; AMENDING SECTION 34-2409, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE EXAMINATION OF VOTING MACHINES; AMENDING SECTION 34-2410, IDAHO CODE, TO REVISE PROVISIONS REGARDING SPECIFICATIONS FOR VOTING MACHINES OR VOTE TALLY SYSTEMS; AMENDING SECTION 34-2411, IDAHO CODE, TO REMOVE A REFERENCE TO BALLOT LABELS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-2415, IDAHO CODE, TO REMOVE PROVISIONS REGARDING THE PREPARATION OF A POLLING PLACE FOR AN ELECTION; AMENDING SECTION 34-2416, IDAHO CODE, TO REMOVE PROVISIONS REGARDING THE PROCEDURE FOR PREPARING VOTING MACHINES FOR AN ELECTION; AMENDING SECTION 34-2418, IDAHO CODE, TO REMOVE REFERENCES TO BALLOT LABELS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-2420, IDAHO CODE, TO REVISE PROVISIONS REGARDING EXAMINATION OF A VOTING MACHINE DURING ELECTIONS; REPEALING SECTION 34-2426, IDAHO CODE, RELATING TO THE EXHIBITION OF VOTING MACHINES FOR THE INSTRUCTION OF VOTERS; AMENDING CHAPTER 24, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-2426, IDAHO CODE, TO PROVIDE FOR PUBLIC LOGIC AND ACCURACY TESTS; AMENDING SECTION 34-1411, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

**S 1364**

**BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO BEER; AMENDING SECTION 23-1003, IDAHO CODE, TO REMOVE A PROVISION REGARDING A BREWER'S LICENSE AND TO REVISE A PROVISION REGARDING A BREWER'S LICENSE; AMENDING SECTION 23-1007, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 23-1032, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 23-1033, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

**S 1365**

**BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO MOTOR VEHICLE DRIVER'S LICENSES; AMENDING CHAPTER 2, TITLE 49, IDAHO CODE, BY THE

ADDITION OF A NEW SECTION 49-245, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING A NEXT OF KIN DATABASE; AND PROVIDING AN EFFECTIVE DATE.

**S 1366**

**BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO ELECTRONIC SMOKING DEVICES; AMENDING CHAPTER 57, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-5719, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING MANUFACTURER CERTIFICATION, AN ELECTRONIC SMOKING DEVICE DIRECTORY, AND PENALTIES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

[S 1363](#), [S 1364](#), [S 1365](#), and [S 1366](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 472](#) and [H 474](#), by Agricultural Affairs Committee, were 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**

[S 1341](#), by Resources and Environment Committee, was read the second time at length and filed for third reading.

[H 445](#), by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

[H 404](#), by Resources and Conservation Committee, was read the second time at length and filed for third reading.

On request by Senator Lee, granted by unanimous consent, [S 1303](#) was referred to the Fourteenth Order of Business, General Calendar.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

[S 1265](#), having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

Roll call resulted as follows:

AYES—Adams, Bernt, Bjerke, Burtenshaw, Carlson, Cook, Den Hartog, Foreman, Grow, Guthrie, Harris, Hart, Hartgen, Herndon, Just, Lakey, Lee, Lenney, Lent, Nichols, Okuniewicz, Rabe, Ricks, Ruchti, Schroeder, Semmelroth, Taylor, Toews, Trakel, VanOrden, Ward-Engelking, Winder, Wintrow, Zuiderveld. Total - 34.

NAYS—None.

Absent and excused—Anthon. Total - 1.

Total - 35.

Whereupon the President declared [S 1265](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Lee, granted by unanimous consent, [S 1247](#), having been held, retained its place on the Third Reading Calendar for one legislative day.

[S 1261](#), having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Guthrie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

Roll call resulted as follows:

AYES—Adams, Anthon, Carlson, Den Hartog, Grow, Guthrie, Harris, Hartgen, Lakey, Lee, Lent, Okuniewicz, Ricks, Ruchti, Schroeder, Toews, Trakel, VanOrden, Winder. Total - 19.

NAYS—Bernt, Bjerke, Burtenshaw, Cook, Foreman, Hart, Herndon, Just, Lenney, Nichols, Rabe, Semmelroth, Taylor, Ward-Engelking, Wintrow, Zuiderveld. Total - 16.

Paired and voting included in roll call:

AYE - Anthon

NAY - Herndon

Total - 35.

Whereupon the President declared [S 1261](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 422](#) 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—Adams, Bernt, Bjerke, Burtenshaw, Carlson, Cook, Den Hartog, Foreman, Grow, Guthrie, Harris, Hart, Hartgen, Herndon, Just, Lakey, Lee, Lenney, Lent, Nichols, Okuniewicz, Rabe, Ricks, Ruchti, Schroeder, Semmelroth, Taylor, Trakel, VanOrden, Ward-Engelking, Winder, Zuiderveld. Total - 32.

NAYS—Wintrow. Total - 1.

Absent and excused—Anthon, Toews. Total - 2.

Total - 35.

Whereupon the President declared [H 422](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Lee, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar followed by House bills.

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

#### **Miscellaneous Business**

On motion by Senator Lee, seconded by Senator Wintrow, by voice vote, the Senate adjourned at 11:59 a.m. until the hour of 10:15 a.m., Monday, February 19, 2024.

SCOTT BEDKE, President

Attest: JENNIFER NOVAK, Secretary