

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-SEVENTH LEGISLATURE

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**FORTY-THIRD LEGISLATIVE DAY**  
**MONDAY, FEBRUARY 19, 2024**

Senate Chamber

President Bedke called the Senate to order at 10:15 a.m.

Roll call showed all members present except Senators Burtenshaw and Hart, absent and excused.

Prayer was offered by Chaplain Doug Armstrong.

The Pledge of Allegiance was led by Brody Benson, 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 16, 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 19, 2024

The JUDICIARY AND RULES Committee reports that [S 1363](#), [S 1364](#), [S 1365](#), and [S 1366](#) have been correctly printed.

LAKEY, Chairman

[S 1363](#) and [S 1364](#) were referred to the State Affairs Committee.

[S 1365](#) was referred to the Transportation Committee.

[S 1366](#) was referred to the State Affairs Committee.

February 19, 2024

The JUDICIARY AND RULES Committee reports that [S 1268](#) and [S 1267](#) have been correctly enrolled.

LAKEY, Chairman

The President signed Enrolled [S 1268](#) and [S 1267](#) and ordered them transmitted to the House for the signature of the Speaker.

February 16, 2024

The JUDICIARY AND RULES Committee reports out [S 1263](#), [S 1276](#), [S 1277](#), and [S 1281](#) with the recommendation that they do pass.

LAKEY, Chairman

[S 1263](#), [S 1276](#), [S 1277](#), and [S 1281](#) 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 16, 2024

Dear Mr. President:

I transmit herewith [H 467](#), [H 466](#), [H 478](#), [H 461](#), [H 462](#), [H 488](#), and [H 493](#), which have passed the House.

MCGINNIS, Chief Clerk

[H 467](#), [H 466](#), [H 478](#), [H 461](#), [H 462](#), [H 488](#), and [H 493](#) were filed for first reading.

February 16, 2024

Dear Mr. President:

I return herewith Enrolled [S 1266](#), which has been signed by the Speaker.

MCGINNIS, Chief Clerk

Enrolled [S 1266](#) was 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

**S 1367**

**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO PUBLIC DEFENSE; AMENDING SECTION 16-1614, IDAHO CODE, TO REVISE A PROVISION REGARDING COUNSEL APPOINTED FOR A CHILD AND TO ESTABLISH PROVISIONS REGARDING COUNSEL FOR A GUARDIAN AD LITEM; AMENDING SECTION 19-5905, IDAHO CODE, TO REVISE A PROVISION REGARDING REPRESENTATION BY THE STATE APPELLATE PUBLIC DEFENDER AND TO REMOVE A PROVISION REGARDING SERVICES OF THE STATE APPELLATE PUBLIC DEFENDER AVAILABLE TO COUNTIES; AMENDING SECTION 19-6005, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 220, LAWS OF 2023, TO PROVIDE FOR A POWER AND DUTY OF THE STATE PUBLIC DEFENDER AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 19-852, IDAHO CODE, AS AMENDED BY SECTION 5, CHAPTER 220, LAWS OF 2023, TO PROVIDE FOR CASES WHERE AN ATTORNEY SHALL PROVIDE REPRESENTATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 60, TITLE 19, IDAHO CODE, BY THE ADDITION

OF A NEW SECTION 19-6020, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT OF ADDITIONAL COUNSEL AND PRO BONO PROGRAMS; AMENDING CHAPTER 8, TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 57-828, IDAHO CODE, TO ESTABLISH THE ATTORNEY COSTS FOR GUARDIAN AD LITEM ACCOUNT; AMENDING SECTION 67-5303, IDAHO CODE, TO REVISE A PROVISION REGARDING NONCLASSIFIED EMPLOYEES; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

**S 1368**  
**BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO ADOPTION; AMENDING SECTION 18-1511, IDAHO CODE, TO PROHIBIT PLACEMENT OF CHILDREN BY UNLICENSED ORGANIZATIONS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

[S 1367](#) and [S 1368](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 467](#), by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 466](#) and [H 478](#), by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 461](#) and [H 462](#), by Judiciary, Rules and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[H 488](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 493](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

[H 402](#), by Resources and Conservation Committee, was read the second time at length and filed for third reading.

[S 1238](#) and [S 1271](#), by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

[S 1273](#), by State Affairs 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 Tenth Order of Business.

**Motions and Resolutions**

The President announced that the State Affairs Committee report relative to the Gubernatorial reappointment of Hyrum Erickson was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Ricks, seconded by Senator Semmelroth, the Gubernatorial reappointment of Hyrum Erickson as a member of the Idaho Commission on Human Rights 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.

Senator Burtenshaw was recorded present at this order of business.

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

On motion by Senator Semmelroth, seconded by Senator Ricks, the Gubernatorial appointment of Steven Bailey as the Director of the Department of Administration 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.

On request by Senator Anthon, granted by unanimous consent, the Senate went at ease and resolved itself into the Committee for the Memorial Service.

**MEMORIAL SERVICE**

The service was conducted by Memorial Service Committee Co-chairmen Senator Ben Adams and Senator Ron Taylor. The Invocation was delivered by Senate Chaplain Doug Armstrong. The Service was coordinated by Jim Hickey, Secretary to the Secretary of the Senate.

**IN THE SENATE**  
**A SENATE MEMORIAL**

WHEREAS, the late Senator PHIL BATT passed on since the close of the First Regular Session of the Sixty-seventh Legislature to wit, March 4, 2023.

WHEREAS, the late Senator PHIL BATT served in the interest of Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, and Washington Counties during the Thirty-ninth through the Fortieth Legislatures, Forty-second through the Forty-fourth Legislatures, and the Forty-eighth through the Forty-ninth Legislatures of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Second Regular Session of the Sixty-seventh Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator PHIL BATT; and

BE IT FURTHER RESOLVED that the Senate of the Second Regular Session of the Sixty-seventh Idaho Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the PHIL BATT family.

On motion by Senator Winder, seconded by Senator Wintrow, the Memorial to the late Senator Phil Batt was adopted by voice vote.

**IN THE SENATE  
A SENATE MEMORIAL**

WHEREAS, the late Senator FREDERICK BAGLEY passed on since the close of the First Regular Session of the Sixty-seventh Legislature to wit, April 10, 2023.

WHEREAS, the late Senator FREDERICK BAGLEY served in the interest of Ada County during the Thirty-ninth through the Fortieth Legislatures of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Second Regular Session of the Sixty-seventh Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator FREDERICK BAGLEY; and

BE IT FURTHER RESOLVED that the Senate of the Second Regular Session of the Sixty-seventh Idaho Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the FREDERICK BAGLEY family.

On motion by Senator Rabe, seconded by Senator Ward-Engelking, the Memorial to the late Senator Frederick Bagley was adopted by voice vote.

**IN THE SENATE  
A SENATE MEMORIAL**

WHEREAS, the late Senator FRED KENNEDY passed on since the close of the First Regular Session of the Sixty-seventh Legislature to wit August 10, 2023.

WHEREAS, the late Senator FRED KENNEDY served in the interest of Boise and Elmore Counties during the Fifty-seventh Legislature of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Second Regular Session of the Sixty-seventh Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator FRED KENNEDY; and

BE IT FURTHER RESOLVED that the Senate of the Second Regular Session of the Sixty-seventh Idaho Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the FRED KENNEDY family.

On motion by Senator Schroeder, seconded by Senator Anthon, the Memorial to the late Senator Fred Kennedy was adopted by voice vote.

**IN THE SENATE  
A SENATE MEMORIAL**

WHEREAS, the late Senator ROBBY KING-BARRUTIA passed on since the close of the First Regular Session of the Sixty-seventh Legislature to wit September 28, 2023.

WHEREAS, the late Senator ROBBY KING-BARRUTIA served in the interest of Elmore and Owyhee Counties during the Fifty-fourth through the Fifty-sixth Legislatures of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Second Regular Session of the Sixty-seventh Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator ROBBY KING-BARRUTIA; and

BE IT FURTHER RESOLVED that the Senate of the Second Regular Session of the Sixty-seventh Idaho Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the ROBBY KING-BARRUTIA family.

On motion by Senator Schroeder, seconded by Senator Lee, the Memorial to the late Senator Robby King-Barrutia was adopted by voice vote.

"For the Beauty of the Earth" was performed by Jamie Taylor and Jordan Freiburghaus. The Benediction was offered by Senate Chaplain Doug Armstrong and the Memorial Service Committee was dissolved.

**Motions and Resolutions**

On request by Senator Anthon, granted by unanimous consent, the committee report relative to the Gubernatorial appointment of Jeff McCray retained its place on the calendar for Wednesday, February 21, 2024.

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

On motion by President Pro Tempore Winder, seconded by Senator Ruchti, the Gubernatorial appointment of Claire Sharp as a member of the Idaho Industrial 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 Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Janelle White was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Ward-Engelking, seconded by Senator Guthrie, the Gubernatorial appointment of Janelle White as the Administrator of the Division of Human Resources 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 Commerce and Human Resources Committee report relative to the Gubernatorial reappointment of Todd Lakey was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Cook, seconded by Senator Ward-Engelking, the Gubernatorial reappointment of

Todd Lakey as a member of the State Insurance Fund 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.

The President announced that the Local Government and Taxation Committee report relative to the Gubernatorial appointment of Paul Woods was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Wintrow, seconded by Senator Ricks, the Gubernatorial appointment of Paul Woods as a member of the State Tax 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.

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

### **Third Reading of Bills**

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

[S 1232](#), as amended, 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, Hartgen, Herndon, Just, Lakey, Lee, Lenney, Lent, Nichols, Okuniewicz, Rabe, Ricks, Ruchti, Schroeder, Semmelroth, Taylor, Toews, Trakel, VanOrden, Ward-Engelking, Winder, Wintrow, Zuiderveld. Total - 35.

Whereupon the President declared [S 1232](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Anthon, 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 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 12:03 p.m. until the hour of 11 a.m., Tuesday, February 20, 2024.

SCOTT BEDKE, President

Attest: JENNIFER NOVAK, Secretary