

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-SEVENTH LEGISLATURE

SEVENTY-FIFTH LEGISLATIVE DAY
FRIDAY, MARCH 22, 2024

Senate Chamber

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

Roll call showed all members present except Senator Adams, absent and excused.

Prayer was offered by Chaplain Doug Armstrong.

The Pledge of Allegiance was led by Alexis Marshall, 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 21, 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

SCR 132

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING PENDING RULES OF THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND THE DEPARTMENT OF INSURANCE REVIEWED BY THE SENATE COMMERCE AND HUMAN RESOURCES COMMITTEE, WITH AN EXCEPTION.

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

WHEREAS, pursuant to Section 67-5291, Idaho Code, the Legislature must approve pending administrative rules by adoption of a concurrent resolution; and

WHEREAS, pursuant to the provisions of Section 67-5291, Idaho Code, any pending rule that is not approved by adoption of a concurrent resolution shall expire upon adjournment sine die of the legislative session during which the agency submits the pending rule to the Legislature for review; and

WHEREAS, the Senate Commerce and Human Resources Committee reviewed pending rules adopted by the Division of Occupational and Professional Licenses and the Department of Insurance; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Insurance, The Managed Care Reform Act Rule, are not consistent with legislative intent; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

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 the following pending rules adopted by the Division of Occupational and Professional Licenses, Rules of the Public Works Contractors License Board, and the Department of Insurance, The Managed Care Reform Act Rule, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2024 legislative session and reviewed by the Senate Commerce and Human Resources Committee, be, and the same are hereby approved, with the exception of IDAPA 18.04.04, The Managed Care Reform Act Rule, Docket No. 18-0404-2301, Section 011., Subsection 03., only, that is rejected and not approved, and thereby pursuant to Section 67-5291, Idaho Code, shall expire upon adjournment sine die of the legislative session and be null, void, and of no force and effect.

[SCR 132](#) was 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

March 22, 2024

The JUDICIARY AND RULES Committee reports that [S 1442](#) has been correctly printed.

LAKEY, Chairman

[S 1442](#) was referred to the Finance Committee.

March 22, 2024

The JUDICIARY AND RULES Committee reports that [S 1294](#), [S 1291](#), [S 1235](#), [SJM 103](#), [SCR 116](#), [SCR 111](#), [SCR 113](#), [SCR 119](#), [SCR 120](#), [SCR 121](#), and [SCR 124](#) have been correctly enrolled.

LAKEY, Chairman

The President signed Enrolled [S 1294](#), [S 1291](#), [S 1235](#), [SJM 103](#), [SCR 116](#), [SCR 111](#), [SCR 113](#), [SCR 119](#), [SCR 120](#), [SCR 121](#), and [SCR 124](#) and ordered them transmitted to the House for the signature of the Speaker.

March 21, 2024

The JUDICIARY AND RULES Committee reports that Enrolled [S 1305](#), as amended, [S 1244](#), and [S 1374](#), as amended, were delivered to the Office of the Governor at 4:40 p.m., March 21, 2024.

LAKEY, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 22, 2024

The LOCAL GOVERNMENT AND TAXATION Committee reports out [S 1420](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

RICKS, Chairman

There being no objection, [S 1420](#) was referred to the Fourteenth Order of Business, General Calendar.

March 22, 2024

The STATE AFFAIRS Committee reports out [S 1438](#), [S 1439](#), [S 1440](#), and [S 1441](#) with the recommendation that they do pass.

GUTHRIE, Chairman

[S 1438](#), [S 1439](#), [S 1440](#), and [S 1441](#) were filed for second reading.

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

Messages from the Governor

March 21, 2024

The Honorable Scott Bedke
President of the Senate
Idaho State Senate

Dear Mr. President:

I have the honor to advise you that I have signed on March 21, 2024 and am transmitting to the Secretary of State the following Senate Bills, to wit:

[S 1263](#), [S 1271](#), [S 1279](#), [S 1280](#), [S 1297](#),
[S 1301](#), [S 1308](#), [S 1311](#), [S 1312](#), [S 1322](#),
[S 1352](#), [S 1355](#), [S 1359](#), [S 1361](#), as amended,
[S 1379](#), [S 1402](#), [S 1405](#), [S 1406](#), [S 1407](#),
[S 1408](#), [S 1409](#), [S 1410](#), [S 1411](#), [S 1412](#),
[S 1414](#), [S 1419](#), [S 1424](#), and [S 1425](#)

Sincerely,
/s/ Brad Little
Governor of Idaho

The correspondence was 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 21, 2024

Dear Mr. President:

I transmit herewith [H 696](#), as amended, and [H 722](#), which have passed the House.

MCGINNIS, Chief Clerk

[H 696](#), as amended, and [H 722](#) were filed for first 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 1443

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ENDOWMENT TRUST LANDS; AMENDING CHAPTER 3, TITLE 58, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 58-304B, IDAHO CODE, TO CLARIFY THE DUTIES OF THE STATE BOARD OF LAND COMMISSIONERS IN THE LEASE OF STATE

ENDOWMENT TRUST LANDS, TO REQUIRE BONDS UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR RULEMAKING; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

S 1444

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-102A, IDAHO CODE, AS AMENDED IN SECTION 5 OF HOUSE BILL NO. 521, IF ENACTED BY THE SECOND REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO REVISE PROVISIONS REGARDING THE APPOINTMENT OF THE EXECUTIVE OFFICER OF THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-916, IDAHO CODE, AS ADDED IN SECTION 18 OF HOUSE BILL NO. 521, IF ENACTED BY THE SECOND REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO REVISE PROVISIONS REGARDING THE ELIGIBILITY OF SCHOOL DISTRICTS FOR SCHOOL MODERNIZATION FACILITIES FUND DISTRIBUTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

[S 1443](#) and [S 1444](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 696](#), as amended, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 722](#), by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1428](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[H 719](#), [H 720](#), and [H 723](#), by Appropriations Committee, were read the second time at length and filed for third reading.

[S 1434](#) and [S 1435](#), by Finance Committee, were read the second time at length and filed for third reading.

[H 697](#) and [H 705](#), by Ways and Means Committee, were read the second time at length and filed for third reading.

[S 1429](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[H 398](#), as amended in the Senate, by Health and Welfare Committee, was read the second time at length and filed for third reading.

[H 708](#), as amended in the Senate, and [H 586](#), as amended in the Senate, by Ways and Means Committee, were read the second time at length and filed for third reading.

[S 1395](#), as amended, by Judiciary and Rules 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 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 called the Senate to order.

Report of the Committee of the Whole

Senator Lee, Chairman of the Committee of the Whole, reported out [H 712](#), without recommendation, amended as follows:

SENATE AMENDMENT TO H 712

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 13, delete "trespassing".

AMENDMENT TO SECTION 4

On page 2, in line 18, delete "up to"; in line 19, delete "up to"; and in line 21, delete "up to".

The Committee also has [S 1224](#), [S 1296](#), [H 603](#), and [S 1375](#) under consideration, reports progress, and begs leave to sit again.

LEE, Chairman

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

[H 712](#), as amended in the Senate, was filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

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

Third Reading of Bills

Motion to Suspend Rules

Moved by Senator Anthon, seconded by Senator Lee, that all rules of the Senate interfering with the immediate passage of [S 1429](#) be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [S 1429](#) be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—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 - 34.

NAYS—None.

Absent and excused—Adams. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

[S 1429](#) 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—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 - 34.

NAYS—None.

Absent and excused—Adams. Total - 1.

Total - 35.

Whereupon the President declared [S 1429](#) passed, title was approved, and the bill ordered transmitted to the House.

Motion to Suspend Rules

Moved by Senator Anthon, seconded by Senator Lee, that all rules of the Senate interfering with the immediate passage of [S 1395](#), as amended, be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [S 1395](#), as amended, be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—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 - 34.

NAYS—None.

Absent and excused—Adams. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

[S 1395](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Ricks arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

Roll call resulted as follows:

AYES—Anthon, Bernt, Burtenshaw, Cook, Grow, Guthrie, Harris, Hartgen, Just, Lee, Lent, Rabe, Ricks, Ruchti, Schroeder, Semmelroth, Taylor, VanOrden, Ward-Engelking, Winder, Wintrow. Total - 21.

NAYS—Bjerke, Carlson, Den Hartog, Foreman, Hart, Herndon, Lakey, Lenney, Nichols, Okuniewicz, Toews, Trakel, Zuiderveld. Total - 13.

Absent and excused—Adams. Total - 1.

Total - 35.

Whereupon the President declared [S 1395](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Anthon, granted by unanimous consent, [S 1389](#) and [H 570](#), as amended in the Senate, retained their place on the Third Reading Calendar for one legislative day.

Having been held, [H 460](#) 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—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 - 34.

NAYS—None.

Absent and excused—Adams. Total - 1.

Total - 35.

Whereupon the President declared [H 460](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Anthon, granted by unanimous consent, [H 576](#) retained its place on the Third Reading Calendar for one legislative day.

Having been held, [H 645](#) 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?"

Roll call resulted as follows:

AYES—Bernt, Burtenshaw, Cook, Guthrie, Hartgen, Just, Lee, Lent, Rabe, Ricks, Ruchti, Schroeder, Semmelroth, Taylor, VanOrden, Ward-Engelking, Winder, Wintrow. Total - 18.

NAYS—Anthon, Bjerke, Carlson, Den Hartog, Foreman, Grow, Harris, Hart, Herndon, Lakey, Lenney, Nichols, Okuniewicz, Toews, Trakel, Zuiderveld. Total - 16.

Absent and excused—Adams. Total - 1.

Total - 35.

Whereupon the President declared [H 645](#) passed, title was approved, and the bill ordered returned to the House.

Having been held, [H 668](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Toews arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bernt, Bjerke, Burtenshaw, Carlson, Cook, Den Hartog, Foreman, Grow, Guthrie, Harris, Hart, Hartgen, Herndon, Lakey, Lenney, Lent, Nichols, Okuniewicz, Ricks, Schroeder, Toews, Trakel, VanOrden, Winder, Zuiderveld. Total - 26.

NAYS—Just, Lee, Rabe, Ruchti, Semmelroth, Taylor, Ward-Engelking, Wintrow. Total - 8.

Absent and excused—Adams. Total - 1.

Total - 35.

Whereupon the President declared [H 668](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Anthon, granted by unanimous consent, [H 501](#), as amended, was placed before the Senate for consideration at this time.

[H 501](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Ruchti arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—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 - 34.

NAYS—None.

Absent and excused—Adams. Total - 1.

Total - 35.

Whereupon the President declared [H 501](#), as amended, passed, title was approved, and the bill ordered returned 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 amended in the Senate, followed by House bills.

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

Reports of Standing Committees

March 22, 2024

The JUDICIARY AND RULES Committee reports that Senate amendments to [H 712](#) have been correctly printed.

LAKEY, Chairman

The report was 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 Eleventh Order of Business.

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

[H 712](#), as amended in the Senate, by Ways and Means Committee, was read the first time at length and filed for second reading.

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 9 a.m., Monday, March 25, 2024.

SCOTT BEDKE, President

Attest: JENNIFER NOVAK, Secretary