

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-SEVENTH LEGISLATURE

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**EIGHTY-FIRST LEGISLATIVE DAY**  
**THURSDAY, MARCH 28, 2024**

Senate Chamber

President Bedke called the Senate to order at 9:30 a.m.

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

Prayer was offered by Chaplain Doug Armstrong.

The Pledge of Allegiance was led by Cameron Spencer, 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 27, 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

March 28, 2024

The JUDICIARY AND RULES Committee reports that [SR 102](#), [S 1456](#), and [S 1457](#) have been correctly printed.

LAKEY, Chairman

[SR 102](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

[S 1456](#) was referred to the Finance Committee.

[S 1457](#) was referred to the State Affairs Committee.

March 27, 2024

The JUDICIARY AND RULES Committee reports that [S 1435](#) and [SCR 128](#) have been correctly enrolled.

LAKEY, Chairman

The President signed Enrolled [S 1435](#) and [SCR 128](#) and ordered them transmitted to the House for the signature of the Speaker.

March 27, 2024

The EDUCATION Committee reports out [H 745](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

LENT, Chairman

There being no objection, [H 745](#) was referred to the Fourteenth Order of Business, General Calendar.

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

### Messages from the Governor

Senator Trakel was recorded present at this order of business.

March 27, 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 27, 2024 and am transmitting to the Secretary of State the following Senate Bills, to wit:

[S 1292](#), [S 1430](#), and [S 1431](#)

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 27, 2024

Dear Mr. President:

I transmit herewith [H 747](#), [H 748](#), [H 749](#), and [H 750](#), which have passed the House.

MCGINNIS, Chief Clerk

[H 747](#), [H 748](#), [H 749](#), and [H 750](#) were filed for first reading.

March 27, 2024

Dear Mr. President:

I return herewith [S 1377](#) and [S 1226](#), which have passed the House.

MCGINNIS, Chief Clerk

[S 1377](#) and [S 1226](#) were referred to the Judiciary and Rules Committee for enrolling.

March 27, 2024

Dear Mr. President:

I transmit herewith Enrolled [H 725](#) and [H 731](#) for the signature of the President.

MCGINNIS, Chief Clerk

The President signed Enrolled [H 725](#) and [H 731](#) and ordered them returned to the House.

March 27, 2024

Dear Mr. President:

I return herewith Enrolled [S 1394](#), which has been signed by the Speaker.

MCGINNIS, Chief Clerk

Enrolled [S 1394](#) was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 27, 2024

Dear Mr. President:

I return herewith Enrolled [SCR 125](#), [SCR 126](#), and [SCR 129](#), which have been signed by the Speaker.

MCGINNIS, Chief Clerk

Enrolled [SCR 125](#), [SCR 126](#), and [SCR 129](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

The Senate advanced to the Tenth Order of Business.

#### **Motions and Resolutions**

On request by Senator Anthon, granted by unanimous consent, [HCR 48](#) was placed before the Senate for final consideration at this time.

The President announced that [HCR 48](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Cook, seconded by Senator Harris, [HCR 48](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

On request by Senator Anthon, granted by unanimous consent, [HCR 47](#) was placed before the Senate for final consideration at this time.

The President announced that [HCR 47](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Schroeder, seconded by Senator Rabe, [HCR 47](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

On request by Senator Anthon, granted by unanimous consent, the Gubernatorial appointment of Monty Prow was placed before the Senate for final consideration at this time.

The President announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Monty Prow was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lakey, seconded by Senator Wintrow, the Gubernatorial appointment of Monty Prow as a member of

the Sexual Offender Management 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 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 Eleventh Order of Business.

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

[H 747](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

[H 748](#), [H 749](#), and [H 750](#), by Appropriations Committee, were 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 1381](#), as amended in the House, by State Affairs Committee, was read the second time at length and filed for third reading.

[S 1453](#), by Finance Committee, was read the second time at length and filed for third reading.

[S 1293](#), as amended, as amended in the House, by Local Government and Taxation Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

#### **Third Reading of Bills**

On request by Senator Anthon, granted by unanimous consent, [S 1437](#) was placed before the Senate for consideration at this time.

[S 1437](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator VanOrden 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, Cook, Den Hartog, Grow, Guthrie, Harris, Hartgen, Just, Lakey, Lee, Lent, Patterson (Ward-Engelking), Rabe, Ricks, Schroeder, Semmelroth, Shea (Ruchti), Taylor, VanOrden, Wintrow. Total - 24.

NAYS—Carlson, Foreman, Hart, Herndon, Lenney, Nichols, Okuniewicz, Toews, Trakel, Winder, Zuiderveld. Total - 11.

Total - 35.

Whereupon the President declared [S 1437](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Anthon, granted by unanimous consent, [S 1445](#) was placed before the Senate for consideration at this time.

[S 1445](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator VanOrden arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Hartgen, Just, Lee, Patterson (Ward-Engelking), Rabe, Semmelroth, Shea (Ruchti), Taylor, VanOrden, Wintrow. Total - 10.

NAYS—Adams, Anthon, Bernt, Bjerke, Burtenshaw, Carlson, Cook, Den Hartog, Foreman, Grow, Guthrie, Harris, Hart, Herndon, Lakey, Lenney, Lent, Nichols, Okuniewicz, Ricks, Schroeder, Toews, Trakel, Winder, Zuiderveld. Total - 25.

Total - 35.

Whereupon the President declared that [S 1445](#) had failed to pass the Senate and ordered the bill filed in the office of the Secretary of the Senate.

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

#### Petitions, Resolutions, and Memorials

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

#### Reports of Standing Committees

On motion by Senator Anthon, seconded by Senator Wintrow, by voice vote the Senate recessed at 10:55 a.m. until the hour of 2 p.m. of this day.

#### RECESS AFTERNOON SESSION

The Senate reconvened at 2 p.m., pursuant to recess, President Bedke presiding.

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

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

Senator Adams was recorded present at this order of business.

March 28, 2024

The JUDICIARY AND RULES Committee reports that [S 1377](#) and [S 1226](#) have been correctly enrolled.

LAKEY, Chairman

The President signed Enrolled [S 1377](#) and [S 1226](#) and ordered them transmitted to the House for the signature of the Speaker.

March 28, 2024

The JUDICIARY AND RULES Committee reports that Enrolled [S 1394](#) was delivered to the Office of the Governor at 10:23 a.m., March 28, 2024.

LAKEY, Chairman

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

March 28, 2024

The JUDICIARY AND RULES Committee reports that Enrolled [SCR 125](#), [SCR 126](#), and [SCR 129](#) were delivered to the Office of the Secretary of State at 10:24 a.m., March 28, 2024.

LAKEY, Chairman

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

March 28, 2024

The FINANCE Committee reports out [H 733](#), [H 734](#), [H 738](#), [S 1454](#), [S 1455](#), [S 1456](#), [H 748](#), [H 749](#), and [H 750](#) with the recommendation that they do pass.

GROW, Chairman

[H 733](#), [H 734](#), [H 738](#), [S 1454](#), [S 1455](#), [S 1456](#), [H 748](#), [H 749](#), and [H 750](#) were filed for second reading.

March 28, 2024

The STATE AFFAIRS Committee reports out [H 727](#) with the recommendation that it do pass.

GUTHRIE, Chairman

[H 727](#) was filed for second reading.

March 28, 2024

The EDUCATION Committee reports out [H 747](#) with the recommendation that it do pass.

LENT, Chairman

[H 747](#) was filed for second reading.

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

#### Petitions, Resolutions, and Memorials

##### SCR 135

##### BY STATE AFFAIRS COMMITTEE

##### A CONCURRENT RESOLUTION

##### STATING FINDINGS OF THE LEGISLATURE AND DENOUNCING RACISM AND HATE SPEECH.

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

WHEREAS, last week, while visiting Idaho, the University of Utah women's basketball team experienced an incident of racism that may have constituted, according to law enforcement, malicious harassment and disorderly conduct; and

WHEREAS, the Aryan Nations and other hate groups have existed in Idaho in the past; and

WHEREAS, the racist incident that the University of Utah women's basketball team experienced is not a protected speech issue; and

WHEREAS, for the same reason that one cannot yell "fire!" in a crowded theater, one cannot yell racial slurs at a group of young Black women while attempting to intimidate them; and

WHEREAS, yelling a racial slur in a manner meant to symbolize hatred towards a particular race at a person of such race while acting in a confrontational manner was likely to incite genuine fear in the victims of such speech; and

WHEREAS, inciting genuine fear in an attempt to intimidate a person jeopardizes such person's health and safety and is, therefore, not protected speech; and

WHEREAS, the racist incident involving the University of Utah women's basketball team reflects negatively on Idaho and is harmful to the state's reputation and interests; and

WHEREAS, to positively affect change, Idaho's leaders must do more than issue public statements denouncing racist acts after they occur; and

WHEREAS, Idaho's citizens have a proud history of combating violence and hatred; and

WHEREAS, people of color who are citizens of Idaho or who visit Idaho do not always feel safe; and

WHEREAS, all people, regardless of race, deserve to feel safe in Idaho.

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 Legislature hereby denounces acts of racism and commits to eradicating the conditions that allow racial animus and undue prejudice to persist in Idaho.

[SCR 135](#) was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

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

#### Messages from the House

March 28, 2024

Dear Mr. President:

I return herewith [S 1314](#), as amended, and [SJM 102](#), which have passed the House.

MCGINNIS, Chief Clerk

[S 1314](#), as amended, and [SJM 102](#) were referred to the Judiciary and Rules Committee for enrolling.

March 28, 2024

Dear Mr. President:

I transmit herewith Enrolled [H 514](#), as amended, for the signature of the President.

MCGINNIS, Chief Clerk

The President signed Enrolled [H 514](#), as amended, and ordered it returned to the House.

March 28, 2024

Dear Mr. President:

I return herewith Enrolled [S 1276](#), [S 1277](#), [S 1327](#), [S 1328](#), as amended, and [S 1376](#), as amended, which have been signed by the Speaker.

MCGINNIS, Chief Clerk

Enrolled [S 1276](#), [S 1277](#), [S 1327](#), [S 1328](#), as amended, and [S 1376](#), as amended, were 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 1458 BY FINANCE COMMITTEE AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF LANDS AND THE OFFICE OF THE ATTORNEY GENERAL; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2025; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; REDUCING THE APPROPRIATION TO THE OFFICE OF THE ATTORNEY GENERAL FOR FISCAL YEAR 2025; REDUCING THE

NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

#### S 1459 BY FINANCE COMMITTEE AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE AND TO THE OFFICE OF HEALTH AND SOCIAL SERVICES OMBUDSMAN; APPROPRIATING MONEYS TO THE OFFICE OF HEALTH AND SOCIAL SERVICES OMBUDSMAN FOR FISCAL YEAR 2025; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS FOR THE OFFICE OF HEALTH AND SOCIAL SERVICES OMBUDSMAN FOR FISCAL YEAR 2025; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF INDIRECT SUPPORT SERVICES FOR FISCAL YEAR 2025; REDUCING THE AUTHORIZED FULL-TIME EQUIVALENT POSITIONS FOR THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF INDIRECT SUPPORT SERVICES; REQUIRING A REPORT TO THE LEGISLATURE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

[S 1458](#) and [S 1459](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

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 [S 1296](#), [H 603](#), [H 710](#), [H 670](#), and [H 745](#), without recommendation, amended as follows:

#### SENATE AMENDMENT TO S 1296 AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 11 through 39. Delete pages 2 and 3, and insert:

"SECTION 1. That Title 28, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 54, Title 28, Idaho Code, and to read as follows:

#### CHAPTER 54 DISTRIBUTED LEDGER TECHNOLOGY

28-5401. SHORT TITLE. This chapter shall be known and may be cited as the "Distributed Ledger Technology Act."

28-5402. LEGISLATIVE FINDINGS AND INTENT. The legislature finds that the use of distributed ledger technology provides substantial positive economic value for

individuals, nonprofit organizations, corporations, cities, and states throughout the United States. However, distributed ledger technology has often faced difficulty with regulations at the state and local level. For these reasons, it is the intent of the legislature to protect the right of individuals and businesses to use distributed ledger technology and to create legal certainty for the distributed ledger technology industry.

28-5403. DEFINITIONS. As used in this chapter:

(1) "Data center" means a use involving a building or premises in which the majority of the use is occupied by computers, telecommunications, or related equipment, including supporting equipment, where information is processed, transferred, and stored.

(2) "Distributed ledger technology" means a peer-to-peer network of computers or computing devices that enable the operation and use of distributed databases for various purposes. Users hold private keys that are used to sign database entries. Nodes in the peer-to-peer network verify database entries through cryptographic proof conditions and record them in a public distributed ledger, without centralized human oversight according to rules established in an algorithmic protocol. Distributed ledger technology tokens are digital assets and can be used as a store of value and a currency.

(3) "Distributed ledger technology node" means a computational device that contains a copy of a distributed ledger technology and that acts as a network communication hub, validates database entries, and relays information on a distributed ledger technology network.

(4) "Distributed ledger technology verification" means the use of electricity or other energy source to power a computer or other computational device for the purpose of validating and securing a distributed ledger technology network, the generation of tokens, or both.

(5) "Distributed ledger technology verification business" means a group of computers or other computational devices working at a single site that consume more than one (1) megawatt of energy on an average annual basis for the purpose of securing a distributed ledger technology network, verifying transactions on a distributed ledger technology network, operating a node on a distributed ledger technology network, or generating tokens on a distributed ledger technology network.

(6) "Hardware cryptocurrency wallet" means a physical device capable of storing distributed ledger technology private and public keys offline.

(7) "Private keys" means a part of an asymmetric cryptographic system that uses a pair of related one-way cryptographic keys to secure access to information recorded in a distributed ledger technology network that is privately held by individual network users.

(8) "Public keys" means a part of an asymmetric cryptographic system that uses a pair of related one-way cryptographic keys to secure access to information recorded in a distributed ledger technology network that is generally viewable by all network users.

28-5404. RIGHT TO OPERATE DISTRIBUTED LEDGER TECHNOLOGY NODES. (1) A governing body of a city or county or any combination of such governing bodies shall not enact an ordinance, resolution, or rule that:

(a) Imposes requirements on a distributed ledger technology verification business that are not also requirements for data centers in its area of jurisdiction;

(b) Prevents a distributed ledger technology verification business from operating in an area zoned for industrial use;

(c) Prevents home distributed ledger technology verification, node operation, or token generation at a private residence, except as related to existing noise ordinances;

(d) Rezones an area in which a distributed ledger technology verification business is located without complying with applicable state law and local zoning ordinances; or

(e) Rezones an area with the intent or effect of discriminating against a distributed ledger technology verification business.

(2) A distributed ledger technology verification business may appeal a change in zoning of an area by a local government under any applicable state law or local zoning ordinance.

(3) Any distributed ledger technology verification business operating on or before the effective date of this act may continue to operate regardless of any change in zoning or regulations as long as the business does not expand its operations.

(4) A person that is engaged in home distributed ledger technology verification or that has a distributed ledger technology verification business shall not be considered a money transmitter under the Idaho money transmitters act, chapter 29, title 26, Idaho Code.

28-5405. RIGHT TO SELF-CUSTODY AND USE OF DISTRIBUTED LEDGER TECHNOLOGY TOKENS. A governing body of a city or county or any combination of such governing bodies shall not enact an ordinance, resolution, or rule that prohibits, restricts, or otherwise impairs the ability of an individual to use:

(1) A software or hardware cryptocurrency wallet for self-custody of distributed ledger technology private or public keys; or

(2) Distributed ledger technology tokens for the purchase of legal goods or services.

28-5406. TAXATION OF DISTRIBUTED LEDGER TECHNOLOGY TOKENS. (1) Distributed ledger technology tokens used as a method of payment shall not be subject to any additional tax, withholding, assessment, or charge by the state or a local government that is based solely on the use of distributed ledger technology tokens as the method of payment.

(2) Nothing in this section prohibits the state or a local government from imposing or collecting a tax, withholding, assessment, or charge otherwise authorized pursuant to title 63, Idaho Code.

28-5407. RIGHT TO RUN DISTRIBUTED LEDGER TECHNOLOGY NODES. A governing body of a city or county or any combination of such governing bodies shall not enact an ordinance, resolution, or rule that prohibits, restricts, or otherwise impairs the ability of an individual to run a distributed ledger technology node.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval."

#### CORRECTION TO TITLE

On page 1, delete lines 2 through 9, and insert:  
"RELATING TO THE DISTRIBUTED LEDGER TECHNOLOGY ACT; AMENDING TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 54, TITLE 28, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE FINDINGS AND INTENT, TO DEFINE TERMS, TO PROVIDE FOR THE RIGHT TO OPERATE DISTRIBUTED

LEDGER TECHNOLOGY NODES, TO PROVIDE A RIGHT TO SELF-CUSTODY AND USE OF DISTRIBUTED LEDGER TECHNOLOGY TOKENS, TO PROHIBIT CERTAIN TAXATION AND TO PROVIDE FOR THE APPLICATION OF IDAHO TAX CODE, AND TO PROVIDE FOR THE RIGHT TO RUN DISTRIBUTED LEDGER TECHNOLOGY NODES; AND DECLARING AN EMERGENCY."

**SENATE AMENDMENT TO H 603**

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 21, delete "governor" and insert: "director of such department"; following line 39, insert:

"(5) The provisions of this section shall not apply to any board, commission, or other organization of this state that obtains its funding from dues, fees, or tax assessments paid by its members.";

and delete lines 40 and 41.

On page 2, delete lines 1 and 2.

CORRECTION TO TITLE

On page 1, in line 10, delete "A PENALTY" and insert: "AN EXEMPTION".

**SENATE AMENDMENT TO H 710**

AMENDMENT TO SECTION 2

On page 3 of the printed bill, in line 9, delete "thirty (30)" and insert: "sixty (60)"; in line 12, delete "thirty (30)" and insert: "sixty (60)"; and in line 37, following "have a" insert: "policy and".

**SENATE AMENDMENT TO H 670**

AMENDMENT TO SECTION 4

On page 4 of the printed bill, in line 7, following "analysis" insert: "if the final product is"; in line 9, following "subsidiary" insert: "or affiliate"; and delete line 11, and insert: "genetic analysis. Nothing in this section shall apply to final products that have been merely assembled within a foreign adversary or which subcomponent parts or inputs have been sourced from foreign adversaries but that are not produced by foreign adversary companies. Nothing in this section shall apply to companies domiciled within a foreign adversary but who are owned by or whom a controlling financial interest is held by a United States business or a business owned by a United States alliance country."

CORRECTION TO TITLE

On page 1, in line 8, following "GIES" insert: "AND PROVIDING EXCEPTIONS".

**SENATE AMENDMENT TO H 745**

AMENDMENT TO THE BILL

On page 5 of the printed bill, delete lines 32 through 34, and insert:

"SECTION 3. That Section 33-916, Idaho Code, as added by Section 18 of Bill No.

**521**

, if enacted by the Second Regular Session of the Sixty-seventh Idaho Legislature, be, and the same is hereby amended to read as follows:

33-916. ELIGIBILITY OF SCHOOL DISTRICTS FOR SCHOOL MODERNIZATION FACILITIES FUND DISTRIBUTIONS. The state department of education shall not approve school district requests for annualized distributions

or for distribution from the applicable bond proceeds until the following conditions are satisfied:

(1) The school district has submitted a ten (10) year facilities plan in accordance with provisions of section 33-918, Idaho Code; and

~~(2) The school district attests that if it operated on a five (5) day school week during fiscal year 2024, it will not convert to a four (4) day school week during the period for which the school district has elected to receive funding from the school modernization facilities fund. If the school district does convert from a five (5) day school week to a four (4) day school week or if it operated on a four (4) day school week during fiscal year 2024, it must attest that it meets the minimum contract days and minimum student instructional day requirements of the state board of education, which requirements shall be implemented no later than August 1, 2024; and~~

(3) (2) The school district attests compliance with the dignity and nondiscrimination in public education requirements specified in section 33-138, Idaho Code, and further attests that the school district does not require job applicants to sign written diversity statements.

SECTION 4. That Section 33-102A, Idaho Code, as amended in Section 5 of Bill No.

**521**

, if enacted by the Second Regular Session of the Sixty-seventh Idaho Legislature, be, and the same is hereby amended to read as follows:

33-102A. OFFICE OF THE STATE BOARD – EXECUTIVE OFFICER – APPOINTMENT – COMPENSATION – DUTIES AND POWERS. (1) There is hereby created as an executive agency of the state board of education the office of the state board of education. The governor is hereby authorized to appoint an executive officer of the state board, subject to the advice and consent of the senate, who shall serve at the pleasure of the governor and shall receive such salary as fixed by the governor.

(2) The executive officer shall, under the direction of the state board, have such duties and powers as prescribed by the said board of regents and the state board of education, not otherwise assigned by law.

(3) The executive officer shall, together with the president of the state board of education, submit an annual report to the legislature no later than January 15 of each year, detailing the uses and impact of the school modernization facilities fund.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1 and 2 of this act shall be in full force and effect on and after passage and approval, and Sections 3 and 4 of this act shall be in full force and effect on and after July 1, 2024."

CORRECTION TO TITLE

On page 1, delete line 9, and insert: "RENEWAL; AMENDING SECTION 33-916, IDAHO CODE, AS ADDED BY 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; 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 A CERTAIN EXECUTIVE OFFICER; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES."

The Committee also has [S 1224](#), [S 1375](#), and [S 1420](#) 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.

[S 1296](#) was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

[H 603](#), [H 710](#), [H 670](#), and [H 745](#) were 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

On request by Senator Anthon, granted by unanimous consent, [H 570](#), as amended in the Senate, was placed before the Senate for consideration at this time.

Having been held, [H 570](#), as amended in the Senate, 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?"

Roll call resulted as follows:

AYES—Adams, Anthon, Bernt, Bjerke, Burtenshaw, Carlson, Den Hartog, Foreman, Guthrie, Hart, Hartgen, Herndon, Just, Lakey, Lee, Lenney, Nichols, Okuniewicz, Patterson (Ward-Engelking), Rabe, Schroeder, Semmelroth, Shea (Ruchti), Taylor, Toews, Trakel, VanOrden, Winder, Wintrow, Zuiderveld. Total - 30.

NAYS—Cook, Grow, Harris, Lent, Ricks. Total - 5.

Total - 35.

Whereupon the President declared [H 570](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House for possible concurrence.

On request by Senator Anthon, granted by unanimous consent, [S 1448](#) was placed before the Senate for consideration at this time.

[S 1448](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lent 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, Cook, Den Hartog, Grow, Guthrie, Harris, Hartgen, Just, Lakey, Lee, Lent, Patterson (Ward-Engelking), Rabe, Ricks, Schroeder, Semmelroth, Shea (Ruchti), Taylor, Trakel, VanOrden, Wintrow. Total - 25.

NAYS—Carlson, Foreman, Hart, Herndon, Lenney, Nichols, Okuniewicz, Toews, Winder, Zuiderveld. Total - 10.

Total - 35.

Whereupon the President declared [S 1448](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Anthon, granted by unanimous consent, [S 1451](#) was placed before the Senate for consideration at this time.

[S 1451](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Adams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

Roll call resulted as follows:

AYES—Adams, Anthon, Bernt, Bjerke, Burtenshaw, Cook, Den Hartog, Grow, Guthrie, Harris, Hartgen, Just, Lakey, Lee, Lent, Patterson (Ward-Engelking), Rabe, Ricks, Schroeder, Semmelroth, Shea (Ruchti), Taylor, Trakel, VanOrden, Wintrow. Total - 25.

NAYS—Carlson, Foreman, Hart, Herndon, Lenney, Nichols, Okuniewicz, Toews, Winder, Zuiderveld. Total - 10.

Total - 35.

Whereupon the President declared [S 1451](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Anthon, granted by unanimous consent, [H 723](#) was placed before the Senate for consideration at this time.

Having been held, [H 723](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cook arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bjerke, Burtenshaw, Carlson, Cook, Den Hartog, Grow, Hart, Herndon, Lenney, Lent, Nichols, Okuniewicz, Ricks, Toews, VanOrden, Zuiderveld. Total - 16.

NAYS—Adams, Anthon, Bernt, Foreman, Guthrie, Harris, Hartgen, Just, Lakey, Lee, Patterson (Ward-Engelking), Rabe, Schroeder, Semmelroth, Shea (Ruchti), Taylor, Trakel, Winder, Wintrow. Total - 19.

Total - 35.

Whereupon the President declared that [H 723](#) had failed to pass the Senate and ordered the bill returned to the House.

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

### Reports of Standing Committees

March 28, 2024

The JUDICIARY AND RULES Committee reports that [SCR 135](#), [S 1458](#), and [S 1459](#) have been correctly printed.

LAKEY, Chairman

[SCR 135](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

[S 1458](#) and [S 1459](#) were referred to the Finance Committee.

March 28, 2024

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1296](#), [H 603](#), [H 710](#), [H 670](#), and [H 745](#) have been correctly printed.

LAKEY, Chairman

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

March 28, 2024

The JUDICIARY AND RULES Committee reports that [S 1296](#), as amended, has been correctly engrossed.

LAKEY, Chairman

[S 1296](#), as amended, was filed for first reading.

March 28, 2024

The JUDICIARY AND RULES Committee reports that [S 1314](#), as amended, and [SJM 102](#) have been correctly enrolled.

LAKEY, Chairman

The President signed Enrolled [S 1314](#), as amended, and [SJM 102](#) and ordered them transmitted to the House for the signature of the Speaker.

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

#### Messages from the House

March 28, 2024

Dear Mr. President:

I transmit herewith [H 741](#) and [H 751](#), which have passed the House.

MCGINNIS, Chief Clerk

[H 741](#) and [H 751](#) were filed for first reading.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

Moved by Senator Anthon, seconded by Senator Wintrow, that all rules of the Senate interfering with the immediate consideration of [SR 102](#) be suspended. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Anthon, Bjerke, Burtenshaw, Carlson, Cook, Den Hartog, Foreman, Grow, Guthrie, Harris, Hartgen, Just, Lakey, Lee, Lent, Okuniewicz, Patterson (Ward-Engelking), Rabe, Ricks, Schroeder, Semmelroth, Shea (Ruchti), Taylor, Toews, Trakel, VanOrden, Winder, Wintrow. Total - 28.

NAYS—Hart, Herndon, Lenney, Nichols, Zuiderveld. Total - 5.

Absent and excused—Adams, Bernt. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended and announced that [SR 102](#) was before the Senate for final consideration.

Roll call resulted as follows:

AYES—Anthon, Bjerke, Burtenshaw, Carlson, Cook, Den Hartog, Foreman, Grow, Guthrie, Harris, Hartgen, Just, Lakey, Lee, Lent, Okuniewicz, Patterson (Ward-Engelking), Rabe, Ricks, Schroeder, Semmelroth, Shea (Ruchti), Taylor, Toews, Trakel, VanOrden, Winder, Wintrow. Total - 28.

NAYS—Hart, Herndon, Lenney, Nichols, Zuiderveld. Total - 5.

Absent and excused—Adams, Bernt. Total - 2.

Total - 35.

Whereupon the President declared [SR 102](#) adopted, title was approved, and the resolution ordered filed in the office of the Secretary of the Senate.

Moved by Senator Anthon, seconded by Senator Wintrow, that all rules of the Senate interfering with the immediate consideration of [SCR 135](#) be suspended. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Adams, Anthon, Burtenshaw, Carlson, Cook, Den Hartog, Foreman, Grow, Guthrie, Harris, Hartgen, Herndon, Just, Lakey, Lee, Lent, Okuniewicz, Patterson (Ward-Engelking), Rabe, Ricks, Schroeder, Semmelroth, Shea (Ruchti), Taylor, Toews, Trakel, VanOrden, Winder, Wintrow. Total - 29.

NAYS—Lenney, Nichols, Zuiderveld. Total - 3.

Absent and excused—Bernt, Bjerke, Hart. Total - 3.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended and announced that [SCR 135](#) was before the Senate for final consideration.

Moved by Senator Lee, seconded by Senator Wintrow, that [SCR 135](#) be adopted. The question being, "Shall the resolution be adopted?"

Pursuant to Senate Rule 39(C), a roll call vote was requested by Senator Wintrow, and was supported by Senators Semmelroth, and Taylor.

Pursuant to Senate Rule 45(A), a Call of the Senate was requested by President Pro Tempore Winder and was supported by Senators Lee and Wintrow.

Whereupon the President ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present except Senator Bernt, absent and formally excused by the Chair; and Senators Hart and Lenney, absent and excused.

The President directed the Sergeant at Arms to find and present Senators Hart and Lenney to the Senate.

Senators Hart and Lenney were recorded present.

On request by Senator Anthon, granted by unanimous consent, the Call was lifted.

Roll call resulted as follows:



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

NAYS—Hart. Total - 1.

Absent and excused—Bernt. Total - 1.

Total - 35.

Whereupon the President declared [SCR 135](#) adopted, title was approved, and the resolution ordered transmitted to the House.

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 603](#), as amended in the Senate, and [H 710](#), as amended in the Senate, by State Affairs Committee, were read the first time at length and filed for second reading.

[H 670](#), as amended in the Senate, by Health and Welfare Committee, was read the first time at length and filed for second reading.

[H 745](#), as amended in the Senate, by Ways and Means Committee, was read the first time at length and filed for second reading.

[S 1296](#), as amended, by Commerce and Human Resources Committee, was read the first time at length and filed for second reading.

[H 741](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 751](#), by Revenue and Taxation 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 Twelfth Order of Business.

#### **Second Reading of Bills**

##### **Motion to Suspend Rules**

Moved by Senator Anthon, seconded by Senator Wintrow, that all rules of the Senate interfering with the immediate passage of [H 745](#), as amended in the Senate, 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 [H 745](#), as amended in the Senate, be read the second time by title and 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—Adams, Anthon, Bjerke, Burtenshaw, Carlson, Cook, Den Hartog, Foreman, Guthrie, Harris, Hart, Hartgen, Herndon, Just, Lakey, Lee, Lenney, Lent, Nichols, Okuniewicz, Patterson (Ward-Engelking), Rabe, Ricks, Schroeder, Semmelroth, Shea

(Ruchti), Taylor, Toews, Trakel, VanOrden, Winder, Wintrow, Zuiderveld. Total - 33.

NAYS—None.

Absent and excused—Bernt, Grow. Total - 2.

Total - 35.

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

[H 745](#), as amended in the Senate, was read the second time by title and 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, Anthon, Bjerke, Burtenshaw, Carlson, Cook, Den Hartog, Foreman, Grow, Guthrie, Harris, Hart, Hartgen, Herndon, Just, Lakey, Lee, Lenney, Lent, Nichols, Okuniewicz, Patterson (Ward-Engelking), Rabe, Ricks, Schroeder, Semmelroth, Shea (Ruchti), Taylor, Toews, Trakel, VanOrden, Winder, Wintrow, Zuiderveld. Total - 34.

NAYS—None.

Absent and excused—Bernt. Total - 1.

Total - 35.

Whereupon the President declared [H 745](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

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 Grow, granted by unanimous consent, [H 726](#) was recommitted to the Finance 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 6:08 p.m. until the hour of 10 a.m., Friday, March 29, 2024.

SCOTT BEDKE, President

Attest: JENNIFER NOVAK, Secretary