

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-SEVENTH LEGISLATURE

THIRTY-SIXTH LEGISLATIVE DAY
MONDAY, FEBRUARY 12, 2024

House of Representatives

The House convened at 10 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused - Ehardt. Total -1.
Total - 70.

Prayer was offered by Representative Wendy Horman.

The Pledge of Allegiance was led by Emma Horvath, Page.

3RD ORDER

Approval of Journal

February 12, 2024

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-third Legislative Day and recommend that same be adopted as corrected.

SKAUG, Chairman

Mr. Skaug moved that the report be adopted. Seconded by Mr. Gannon. Report adopted.

4TH ORDER

Consideration of Messages from the Governor and the Senate

February 9, 2024

Mr. Speaker:

I transmit herewith [S 1268](#), [S 1267](#), [S 1269](#), and [S 1270](#) which have passed the Senate.

NOVAK, Secretary

[S 1268](#), [S 1267](#), [S 1269](#), and [S 1270](#) were filed for first reading.

5TH ORDER

Report of Standing Committees

February 12, 2024

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES AND ADMINISTRATION, report that we have printed [H 529](#), [H 530](#), [H 531](#), [H 532](#), [H 533](#), [H 534](#), [H 535](#), [H 536](#), [H 537](#), [H 538](#), and [H 539](#).

SKAUG, Chairman

[H 529](#) and [H 539](#) were referred to the Education Committee.

[H 530](#) was referred to the Local Government Committee.

[H 531](#), [H 532](#), [H 533](#), [H 534](#), and [H 535](#) were referred to the Transportation and Defense Committee.

[H 536](#) was referred to the Agricultural Affairs Committee.

[H 537](#) was referred to the Judiciary, Rules and Administration Committee.

[H 538](#) was referred to the State Affairs Committee.

February 12, 2024

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 498](#) and recommend that it do pass.

CRANE(13), Chairman

[H 498](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

7TH ORDER

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 22

BY RESOURCES AND CONSERVATION COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RESOLVING THAT, CONSISTENT WITH THE PRIOR APPROPRIATION DOCTRINE AS DEFINED BY IDAHO LAW, THE IDAHO DEPARTMENT OF WATER RESOURCES BE DIRECTED TO MANAGE THE EASTERN SNAKE PLAIN AQUIFER IN A MANNER THAT PROTECTS THE INTERESTS OF SENIOR WATER USERS, MINIMIZES THE NEED FOR CURTAILMENTS, PROVIDES PREDICTABILITY AND STABILITY FOR WATER USERS, AND SECURES THE PUBLIC INTEREST IN OPTIMUM USE OF IDAHO'S WATER RESOURCES.

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

WHEREAS, the waters of the State of Idaho are owned by the state; and

WHEREAS, the prior appropriation doctrine as set forth in Idaho's Constitution consists of the "bedrock principles of priority of right and beneficial use"; and

WHEREAS, priority of right represents the principle that "first in time is first in right"; and

WHEREAS, beneficial use represents "(t)he policy of the law of this state to secure the maximum use and benefit, and least wasteful use, of its water resources"; and

WHEREAS, section 7, Article XV, of the Constitution of the State of Idaho affirms the policy that Idaho's waterways should be managed to achieve "optimum development of water resources in the public interest"; and

WHEREAS, section 42-226, Idaho Code, provides: "The traditional policy of the state of Idaho, requiring the water resources of this state to be devoted to beneficial use in reasonable amounts through appropriation, is affirmed with respect to the ground water resources of this state as said term is hereinafter defined and, while the doctrine of 'first in time is first in right' is recognized, a reasonable exercise of this right shall not block full economic development of underground water resources"; and

WHEREAS, the Idaho Supreme Court has acknowledged that "(t)he entire water distribution system under title 42, Idaho Code, is to further the state policy of securing the maximum use and benefit of its water resources"; and

WHEREAS, Idaho's prior appropriation doctrine can and should be applied in a manner that honors both bedrock principles of the prior appropriation doctrine by protecting the interests of senior users while also securing the public interest in maximum beneficial use of Idaho's water resources; and

WHEREAS, Idaho continues to experience periods of drought that, when combined with widespread changes in water use practices over time, have led to reduced spring flows and severe conflict over the use and management of the vast Eastern Snake Plain Aquifer (ESPA), and the Idaho Department of Water Resources (IDWR) has threatened to shut off water to hundreds of thousands of acres of farmland along with cities and businesses; and

WHEREAS, the threat of large-scale water rights curtailment has created instability and harmed Idaho's agricultural economy, and actual curtailment would cause enormous economic harm to Idaho's communities, businesses, lending institutions, and the state as a whole; and

WHEREAS, section 42-101, Idaho Code, provides: "Water being essential to the industrial prosperity of the state, and all agricultural development throughout the greater portion of the state depending upon its just apportion to, and economical use by, those making a beneficial application of the same, its control shall be in the state, which, in providing for its use, shall equally guard all the various interests involved."

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein that, consistent with the prior appropriation doctrine as defined by Idaho law, IDWR be directed to manage the ESPA in a manner that protects the interests of senior water users, minimizes the need for curtailments, provides predictability and stability for water users, and secures the public interest in optimum use of Idaho's water resources.

BE IT FURTHER RESOLVED that in conjunctively managing the ESPA, IDWR be directed to optimize the available water supply through efforts such as increased storage capacity, the use of modern technology to more effectively manage water supplies, geologic research in the ESPA, targeted recharge, and infrastructure projects that facilitate an increased capacity for drought resilience and flood control through proactive conjunctive management of water resources, thereby keeping as much farmland in production and as many businesses in operation as possible within the context of priority right administration.

HOUSE CONCURRENT RESOLUTION NO. 23
BY WAYS AND MEANS COMMITTEE
A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND PROVIDING FOR THE AMENDMENT OF JOINT RULE 11 OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF IDAHO.

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

WHEREAS, the House of Representatives and the Senate deem it necessary and desirable to amend Joint Rule 11 of the Joint Rules of the Senate and the House of Representatives.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that Joint Rule 11 of the Senate and the House of Representatives shall be amended to read as follows:

JOINT RULE 11

Chairman of Joint Committee. – (a) The chairman of the Senate committee shall be chairman of all committees or meetings where committees of both houses sit jointly.

(b) In the absence of the chairman of the Senate committee, the chairman of the House committee shall act as chairman of the meeting.

(c) Notwithstanding the provisions of paragraph (a) of this rule, the chairman of the Senate Finance Committee and the chairman of the House Appropriations Committee shall be cochairmen of the Joint Finance-Appropriations Committee. At their discretion, the cochairmen may agree to alternate as chairman at meetings of the Joint Finance-Appropriations Committee.

HCR 22 and **HCR 23** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

8TH ORDER
Introduction, First Reading, and Reference
of Bills and Joint Resolutions

HOUSE BILL NO. 540
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO FLOOD CONTROL DISTRICTS; AMENDING SECTION 42-3102, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE POLICY OF THE STATE; AMENDING SECTION 42-3103, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE TERMS; AMENDING SECTION 42-3115, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE POWERS AND DUTIES OF COMMISSIONERS; AMENDING SECTION 42-3116, IDAHO CODE, TO REVISE PROVISIONS REGARDING DIRECTOR APPROVAL; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 541
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO THE COMMERCIAL PROPERTY ASSESSED CAPITAL EXPENDITURE ACT; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 38, TITLE 67, IDAHO CODE, TO ESTABLISH A SHORT TITLE, TO PROVIDE LEGISLATIVE FINDINGS AND INTENT, TO DEFINE TERMS, TO AUTHORIZE C-PACE VOLUNTARY SPECIAL ASSESSMENTS BY A LOCAL GOVERNMENT, TO AUTHORIZE A LOCAL GOVERNMENT TO ESTABLISH A C-PACE PROGRAM, TO PROVIDE PROCEDURES TO ESTABLISH A C-PACE PROGRAM, TO PROVIDE C-PACE PROGRAM REQUIREMENTS, TO PROVIDE FOR A C-PACE APPLICATION AND REVIEW PROCESS, TO PROVIDE FOR AUTHORIZED ACTIONS BY A PROPERTY OWNER, TO REQUIRE THE RECORDATION OF CERTAIN DOCUMENTS, TO PROVIDE FOR THE EFFECT OF RECORDING, TO PROVIDE FOR CONTRACTS WITH OTHER GOVERNMENTAL ENTITIES, TO AUTHORIZE JOINT IMPLEMENTATION OR ADMINISTRATION, TO PROHIBIT CERTAIN ACTIONS BY A LOCAL GOVERNMENT, AND TO PROHIBIT ANY USE OF FULL FAITH AND CREDIT; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Mr. Cannon asked unanimous consent that, pursuant to Rule 39, discussion of [H 521](#) be allowed in debate of [H 445](#). There being no objection it was so ordered.

The question being, "Shall [H 445](#) pass?"

Roll call resulted as follows:

AYES—Alfieri, Allgood, Andrus, Barbieri, Berch, Blanksma, Boyle, Bundy, Burns, Cannon, Cheatum, Chew(Wilson), Clow, Cornilles, Crane(13), Dixon(1), Dixon(24), Durrant, Ehlers, Erickson, Furniss, Galaviz, Gallagher, Gannon, Garner, Green, Handy, Hawkins, Healey, Hill, Holtzclaw, Horman, Kingsley, Lambert, Lanting, Manwaring, Mathias, McCann, Mendive, Mickelsen, Miller, Mitchell, Monks, Nash(Stinson), Necochea, Nelsen, Palmer, Petzke, Pickett, Price, Raybould, Raymond, Redman, Roberts, Rubel, Sauter, Scott, Shepherd, Skaug, Tanner, Vander Woude, Weber, Wheeler, Wisniewski, Wroten, Yamamoto, Young, Mr. Speaker. Total - 68.

NAYS—None.

Absent—Crane(12), Ehardt. Total - 2.

Total - 70.

Whereupon the Speaker declared that [H 445](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 435](#) - UNIFORM CONTROLLED SUBSTANCES

[H 435](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Erickson to open debate.

The question being, "Shall [H 435](#) pass?"

Roll call resulted as follows:

AYES—Alfieri, Allgood, Andrus, Barbieri, Berch, Blanksma, Boyle, Bundy, Burns, Cannon, Cheatum, Chew(Wilson), Clow, Cornilles, Crane(13), Dixon(1), Dixon(24), Durrant, Ehlers, Erickson, Furniss, Galaviz, Gallagher, Gannon, Garner, Green, Handy, Hawkins, Healey, Hill, Holtzclaw, Horman, Kingsley, Lambert, Lanting, Manwaring, Mathias, McCann, Mendive, Mickelsen, Miller, Mitchell, Monks, Nash(Stinson), Necochea, Nelsen, Palmer, Petzke, Pickett, Price, Raybould, Raymond, Redman, Roberts, Rubel, Sauter, Scott, Shepherd, Skaug, Tanner, Vander Woude, Weber, Wheeler, Wisniewski, Wroten, Yamamoto, Young, Mr. Speaker. Total - 68.

NAYS—None.

Absent—Crane(12), Ehardt. Total - 2.

Total - 70.

Whereupon the Speaker declared that [H 435](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 417](#) - STATE GOVERNMENT AND STATE AFFAIRS

[H 417](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Scott to open debate.

The question being, "Shall [H 417](#) pass?"

Roll call resulted as follows:

AYES—Alfieri, Allgood, Andrus, Barbieri, Boyle, Cannon, Clow, Cornilles, Crane(12), Crane(13), Dixon(1), Durrant,

Ehlers, Erickson, Gallagher, Gannon, Handy, Hawkins, Healey, Hill, Holtzclaw, Horman, Kingsley, Lambert, Manwaring, McCann, Mendive, Miller, Mitchell, Monks, Palmer, Petzke, Pickett, Price, Raymond, Redman, Sauter, Scott, Shepherd, Skaug, Tanner, Vander Woude, Wisniewski, Wroten, Young, Mr. Speaker. Total - 46.

NAYS—Berch, Blanksma, Bundy, Burns, Cheatum, Chew(Wilson), Dixon(24), Furniss, Galaviz, Garner, Green, Lanting, Mathias, Mickelsen, Nash(Stinson), Necochea, Nelsen, Raybould, Roberts, Rubel, Weber, Wheeler, Yamamoto. Total - 23.

Absent—Ehardt. Total - 1.

Total - 70.

Whereupon the Speaker declared that [H 417](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 455](#) - CODIFIER'S CORRECTIONS

[H 455](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Scott to open debate.

The question being, "Shall [H 455](#) pass?"

Roll call resulted as follows:

AYES—Alfieri, Allgood, Andrus, Barbieri, Berch, Blanksma, Boyle, Bundy, Burns, Cannon, Cheatum, Chew(Wilson), Clow, Cornilles, Crane(12), Crane(13), Dixon(1), Dixon(24), Durrant, Ehlers, Erickson, Furniss, Galaviz, Gallagher, Gannon, Garner, Green, Handy, Hawkins, Healey, Hill, Holtzclaw, Horman, Kingsley, Lambert, Lanting, Manwaring, Mathias, McCann, Mendive, Mickelsen, Miller, Mitchell, Monks, Nash(Stinson), Necochea, Nelsen, Palmer, Petzke, Pickett, Price, Raybould, Raymond, Redman, Roberts, Rubel, Sauter, Scott, Shepherd, Skaug, Tanner, Vander Woude, Weber, Wheeler, Wisniewski, Wroten, Yamamoto, Young, Mr. Speaker. Total - 69.

NAYS—None.

Absent—Ehardt. Total - 1.

Total - 70.

Whereupon the Speaker declared that [H 455](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House advanced to the Fifteenth Order of Business.

15TH ORDER Announcements

Announcements were made to the body.

16TH ORDER Adjournment

Mr. Dixon(1) moved that the House adjourn until 11 a.m., Tuesday, February 13, 2024. Seconded by Ms. Rubel. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:19 a.m.

MIKE MOYLE, Speaker

ATTEST:

ERICA MCGINNIS, Chief Clerk