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OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-SEVENTH LEGISLATURE

FORTY-FIFTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 21, 2024

Senate Chamber

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

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

Prayer was offered by Chaplain Doug Armstrong.

The Pledge of Allegiance was led by Emma Harris, 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 20, 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

Senator Lenney was recorded present at this order of business.

SCR 117

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE, HONORING THE DISTINGUISHED SERVICE OF LIEUTENANT GENERAL ERIK PETERSON, AND DECLARING LIEUTENANT GENERAL ERIK PETERSON DAY ON MARCH 31, 2024.

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

WHEREAS, Erik Peterson, son of Jack and Rose-Mary Peterson, moved to Idaho at a young age and attended Taft, Saint Mary's, and Saint Joseph's schools in Boise and Meridian High School; and

WHEREAS, Erik Peterson chose to attend the University of Idaho's College of Mines and Earth Resources to study under Dr. Maynard Miller, his friend and mentor from the Juneau Icefield Research Program. While studying there, he also served as a resident advisor and resident advisor supervisor. Following his father's example of service in the United States Marine Corps, both of his parents' service in the Peace Corps, and his

stepmother Faith's service as a nurse practitioner caring for underserved citizens, he chose to join the University of Idaho's Chrisman Battalion of the Army Reserve Officers' Training Corps (ROTC); and

WHEREAS, Erik Peterson received Bachelor of Science degrees in both Geography and Cartography from the University of Idaho's College of Mines and Earth Resources in 1986; and

WHEREAS, he received his Army commission in 1986 as a Distinguished Military Graduate of the University of Idaho's Chrisman Battalion of the Army ROTC program, was assigned to the Aviation Branch, and completed flight school in 1987; and

WHEREAS, additional educational achievements by Erik Peterson include Master's degrees in Business Administration and National Security Strategy. He continued his professional military education with the Aviation Warrant Officer Advanced Course, Combined Arms and Services Staff School, Command and General Staff College, and the National War College; and

WHEREAS, his key command and leadership assignments include four tours with the 160th Special Operations Aviation Regiment (Airborne), Director of the Flight Concepts Division, Fort Eustis, VA; Brigade Commander, 10th Combat Aviation Brigade and the Chief of Staff, 10th Mountain Division (Light Infantry), Fort Drum, NY; Deputy Commanding General, United States Army Cadet Command, Fort Knox, KY; Commanding General of United States Army Special Operations Aviation Command (Airborne), Fort Bragg, NC; Director of Army Aviation on the Army staff at the Pentagon; Commanding General of Division West of First United States Army, Fort Hood, TX, which consists of five brigades and two mobilization sites arrayed across the country; the Director of Force Development, in G-8, where he served as the principal advisor to the Deputy Chief of Staff, G-8; the Vice Chief of Staff, Army; and the Chief of Staff, Army, on all Army-wide equipping programs and resources; and

WHEREAS, Lieutenant General Erik Peterson served in numerous combat and contingency deployments to Central America, the Caribbean, Africa, Asia, and the Middle East, including Operation Desert Shield, Operation Desert Storm, Operation Uphold Democracy, and numerous deployments for both Operation Enduring Freedom and Operation Inherent Resolve; and

WHEREAS, his military awards and decorations include three Distinguished Service Medals, four Legions of Merit, six Bronze Star Medals, five Meritorious Service Medals, five Air Medals with valor device, the NATO Meritorious Service Medal, the Combat Action Badge, the Master Army Aviator Badge, the Master Parachutist Badge, and the Air Assault Badge. His foreign military awards include the Kuwait Liberation Medal (Government of Kuwait), the Kuwait Liberation Medal (Kingdom of Saudi Arabia), the Order of National Security Merit Cheonsu Medal (Republic of Korea), the Australian Parachutist Badge, an honorary Republic of Korea Master Aviator Badge, and an honorary Swedish Parachutist Badge; and

WHEREAS, Lieutenant General Erik Peterson was the first recipient of the United States Committee of the Blue Shield's Award for Meritorious Military Service in Protection of Cultural Property (2014); was inducted into the United States Army ROTC Hall of Fame (2016); received an honorary Ph.D. from the University of Idaho (2018); and was inducted into the University of Idaho Alumni Hall of Fame (2022); and

WHEREAS, Lieutenant General Erik Peterson became the Deputy Chief of Staff, G-8, on June 2, 2021, and will retire from his distinguished military career on March 31, 2024, after 38 years of service to his nation; and

WHEREAS, Lieutenant General Erik Peterson is retiring as the highest ranking United States Army Officer in the history of

the University of Idaho and the State of Idaho, bringing honor to our state and nation.

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 State of Idaho recognizes the outstanding contributions that Lieutenant General Erik Peterson has made to the people of Idaho and the nation through his distinguished military service and commitment to the defense of our nation.

BE IT FURTHER RESOLVED that the Idaho Legislature declares Lieutenant General Erik Peterson's retirement date of March 31, 2024, as "Lieutenant General Erik Peterson Day" in honor of his extraordinary leadership to the Department of the Army and Department of Defense in protecting our nation's freedoms.

[SCR 117](#) 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

February 21, 2024

The JUDICIARY AND RULES Committee reports that [S 1369](#) has been correctly printed.

LAKEY, Chairman

[S 1369](#) was referred to the Judiciary and Rules Committee.

February 20, 2024

The JUDICIARY AND RULES Committee reports that Enrolled [S 1269](#) and [S 1270](#) were delivered to the Office of the Governor at 1:43 p.m., February 20, 2024.

LAKEY, Chairman

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

February 20, 2024

The TRANSPORTATION Committee reports out [S 1321](#) and [S 1320](#) with the recommendation that they do pass.

OKUNIEWICZ, Chairman

[S 1321](#) and [S 1320](#) were filed for second reading.

February 20, 2024

The TRANSPORTATION Committee reports out [S 1365](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

OKUNIEWICZ, Chairman

There being no objection, [S 1365](#) was referred to the Fourteenth Order of Business, General Calendar.

February 20, 2024

The LOCAL GOVERNMENT AND TAXATION Committee reports out [S 1316](#) with the recommendation that it do pass.

RICKS, Chairman

[S 1316](#) was filed for second reading.

February 20, 2024

The COMMERCE AND HUMAN RESOURCES Committee reports out [S 1246](#), [S 1283](#), [S 1284](#), [S 1294](#), [S 1295](#), and [S 1301](#) with the recommendation that they do pass.

COOK, Chairman

[S 1246](#), [S 1283](#), [S 1284](#), [S 1294](#), [S 1295](#), and [S 1301](#) were filed for second reading.

February 20, 2024

The EDUCATION Committee reports out [H 452](#) and [S 1359](#) with the recommendation that they do pass.

LENT, Chairman

[H 452](#) and [S 1359](#) were filed for second reading.

February 20, 2024

The HEALTH AND WELFARE Committee reports out [H 435](#), [S 1351](#), and [S 1352](#) with the recommendation that they do pass.

VANORDEN, Chairman

[H 435](#), [S 1351](#), and [S 1352](#) were filed for second reading.

February 21, 2024

The STATE AFFAIRS Committee reports out [H 417](#), [H 455](#), and [H 471](#) with the recommendation that they do pass.

GUTHRIE, Chairman

[H 417](#), [H 455](#), and [H 471](#) were filed for second reading.

February 21, 2024

The STATE AFFAIRS Committee reports out [S 1224](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GUTHRIE, Chairman

There being no objection, [S 1224](#) was referred to the Fourteenth Order of Business, General Calendar.

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

Messages from the House

February 20, 2024

Dear Mr. President:

I transmit herewith [H 425](#), [H 566](#), [H 491](#), [H 531](#), [H 532](#), [H 533](#), [H 496](#), [H 436](#), and [H 437](#), which have passed the House.

MCGINNIS, Chief Clerk

[H 425](#), [H 566](#), [H 491](#), [H 531](#), [H 532](#), [H 533](#), [H 496](#), [H 436](#), and [H 437](#) were filed for first reading.

February 20, 2024

Dear Mr. President:

I transmit herewith Enrolled [H 422](#) for the signature of the President.

MCGINNIS, Chief Clerk

The President signed Enrolled [H 422](#) and ordered it returned to the House.

February 20, 2024

Dear Mr. President:

I return herewith Enrolled [S 1268](#) and [S 1267](#), which have been signed by the Speaker.

MCGINNIS, Chief Clerk

Enrolled [S 1268](#) and [S 1267](#) 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 1370

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO WATER; AMENDING SECTION 31-3805, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DELIVERY OF WATER WITHIN SUBDIVISIONS; AMENDING SECTION 31-3806, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN CIVIL ACTIONS; AMENDING SECTION 67-6508, IDAHO CODE, TO PROVIDE FOR CONSIDERATION OF GROUND WATER WHEN AMENDING, REPEALING, OR ADOPTING A COMPREHENSIVE PLAN; AMENDING SECTION 67-6537, IDAHO CODE, TO PROVIDE A CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

S 1371

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 21-805, IDAHO CODE, TO REVISE PROVISIONS REGARDING AN ELECTION DATE; AMENDING SECTION 22-4301, IDAHO CODE, TO REVISE PROVISIONS REGARDING AN ELECTION DATE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-3908, IDAHO CODE, TO REVISE PROVISIONS REGARDING AN ELECTION DATE; AMENDING SECTION 31-3911, IDAHO CODE, TO REVISE PROVISIONS REGARDING AN ELECTION DATE; AMENDING SECTION 31-3915, IDAHO CODE, TO REVISE PROVISIONS REGARDING AN ELECTION DATE; AMENDING SECTION 33-2715, IDAHO CODE, TO REVISE PROVISIONS REGARDING AN ELECTION DATE; AMENDING SECTION 33-2728, IDAHO CODE, TO REVISE PROVISIONS REGARDING AN ELECTION DATE; AMENDING SECTION 34-102, IDAHO CODE, TO REVISE A DEFINITION, TO DEFINE A TERM, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-106, IDAHO CODE, TO REVISE PROVISIONS REGARDING LIMITATIONS ON CERTAIN ELECTIONS AND TO PROVIDE A PRESIDENTIAL PRIMARY DATE; AMENDING SECTION 34-411A, IDAHO CODE, TO REVISE PROVISIONS REGARDING CHANGING PARTY AFFILIATION FOR PRIMARY ELECTIONS; AMENDING SECTION 34-601, IDAHO CODE, TO PROVIDE A PRESIDENTIAL PRIMARY DATE; AMENDING SECTION 34-704, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE FILING DEADLINES FOR CANDIDATES FOR ELECTED OFFICE AND TO PROVIDE A CORRECT CODE REFERENCE;

AMENDING SECTION 34-713, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE PREPARATION OF PRESIDENTIAL PRIMARY BALLOTS; AMENDING CHAPTER 7, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-731, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING PRESIDENTIAL PRIMARIES; AMENDING CHAPTER 7, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-732, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR PRESIDENTIAL PRIMARY CANDIDATES; AMENDING CHAPTER 7, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-733, IDAHO CODE, TO PROVIDE FOR THE REMOVAL OF CANDIDATES FROM PRESIDENTIAL PRIMARY BALLOTS; AMENDING CHAPTER 7, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-734, IDAHO CODE, TO PROVIDE FOR VOTING IN A PRESIDENTIAL PRIMARY; AMENDING CHAPTER 7, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-735, IDAHO CODE, TO PROVIDE FOR PRESIDENTIAL PRIMARY RESULTS; AMENDING CHAPTER 7, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-736, IDAHO CODE, TO PROVIDE FOR DELEGATES TO A NATIONAL CONVENTION; AMENDING CHAPTER 7, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-737, IDAHO CODE, TO PROVIDE FOR THE CONDUCT OF A PRESIDENTIAL PRIMARY ELECTION; AMENDING CHAPTER 7, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-738, IDAHO CODE, TO PROVIDE FOR THE COSTS OF A PRESIDENTIAL PRIMARY; AMENDING SECTION 34-904A, IDAHO CODE, TO REVISE PROVISIONS REGARDING ELIGIBILITY TO VOTE IN PRIMARY ELECTIONS; AMENDING SECTION 34-1203A, IDAHO CODE, TO REVISE PROVISIONS REGARDING POSTELECTION AUDITS OF SELECTED BALLOTS; AMENDING SECTION 34-1205, IDAHO CODE, TO REVISE A PROVISION REGARDING MEETINGS OF A COUNTY BOARD OF CANVASSERS; AMENDING SECTION 34-1404, IDAHO CODE, TO REVISE PROVISIONS REGARDING AN ELECTION DATE; AMENDING SECTION 39-1330, IDAHO CODE, TO REVISE PROVISIONS REGARDING AN ELECTION DATE; AMENDING SECTION 40-1305, IDAHO CODE, TO REVISE A PROVISION REGARDING AN ELECTION DATE; AMENDING SECTION 42-3211, IDAHO CODE, TO REVISE PROVISIONS REGARDING AN ELECTION DATE; AMENDING SECTION 63-802, IDAHO CODE, TO REVISE PROVISIONS REGARDING AN ELECTION DATE; AMENDING SECTION 67-4911, IDAHO CODE, TO REVISE A PROVISION REGARDING AN ELECTION DATE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

[S 1370](#) and [S 1371](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 425](#), by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 566](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

[H 491](#), by Local Government Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 531](#), [H 532](#), and [H 533](#), by Transportation and Defense Committee, were introduced, read the first time at length, and referred to the Transportation Committee.

[H 496](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 436](#) and [H 437](#), by Health and Welfare Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1338](#) and [S 1339](#), by Resources and Environment Committee, were read the second time at length and filed for third reading.

[S 1354](#) and [S 1355](#), by Health and Welfare Committee, were read the second time at length and filed for third reading.

[S 1326](#), [S 1346](#), and [S 1350](#), by Judiciary and Rules Committee, were 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 1247](#) retained its place on the Third Reading Calendar for one legislative day.

[S 1231](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Foreman 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 (Ricks), Ruchti, Schroeder, Semmelroth, Taylor, Toews, Trakel, VanOrden, Winder, Wintrow, Zuiderveld. Total - 34.

NAYS—None.

Absent and excused—Ward-Engelking. Total - 1.

Total - 35.

Whereupon the President declared [S 1231](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1239](#), 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, Herndon, Just, Lakey, Lee, Lenney, Lent, Nichols, Okuniewicz, Rabe, Ricks (Ricks), Ruchti, Schroeder, Semmelroth, Taylor, Toews, Trakel, VanOrden, Winder, Wintrow, Zuiderveld. Total - 33.

NAYS—Hartgen. Total - 1.

Absent and excused—Ward-Engelking. Total - 1.

Total - 35.

Whereupon the President declared [S 1239](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1272](#) 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, Carlson, Cook, Den Hartog, Foreman, Grow, Guthrie, Harris, Hart, Hartgen, Herndon, Just, Lakey, Lee, Lenney, Lent, Nichols, Okuniewicz, Rabe, Ricks (Ricks), Ruchti, Schroeder, Semmelroth, Taylor, Toews, Trakel, VanOrden, Winder, Wintrow, Zuiderveld. Total - 34.

NAYS—None.

Absent and excused—Ward-Engelking. Total - 1.

Total - 35.

Whereupon the President declared [S 1272](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1274](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bernt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Bernt, granted by unanimous consent, the following typographical correction was made to [S 1274](#), pursuant to Senate Rule 9(F):

On page 2, in line 1, following "approaches" add ";".

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

Roll call resulted as follows:

AYES—Adams, Anthon, Bernt, Bjerke, Burtenshaw, Carlson, Cook, Den Hartog, Foreman, Grow, Guthrie, Harris, Hart, Hartgen, Herndon, Lakey, Lenney, Lent, Nichols, Okuniewicz, Ricks (Ricks), Schroeder, Toews, Trakel, VanOrden, Winder, Zuiderveld. Total - 27.

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

Paired and voting included in roll call:

AYE - VanOrden NAY - Ward-Engelking

Total - 35.

Whereupon the President declared [S 1274](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Anthon, granted by unanimous consent, [S 1289](#) retained its place on the Third Reading Calendar for one legislative day.

[S 1279](#) 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 (Ricks), Ruchti, Schroeder, Semmelroth, Taylor, Toews, Trakel, VanOrden, Winder, Wintrow, Zuiderveld. Total - 34.

NAYS—None.

Absent and excused—Ward-Engelking. Total - 1.

Total - 35.

Whereupon the President declared [S 1279](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1282](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Trakel 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 (Ricks), Ruchti, Schroeder, Semmelroth, Taylor, Toews, Trakel, VanOrden, Winder, Wintrow, Zuiderveld. Total - 34.

NAYS—None.

Absent and excused—Ward-Engelking. Total - 1.

Total - 35.

Whereupon the President declared [S 1282](#) 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 12:01 p.m. until the hour of 11 a.m., Thursday, February 22, 2024.

SCOTT BEDKE, President

Attest: JENNIFER NOVAK, Secretary