

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-SEVENTH LEGISLATURE

THIRTY-FIRST LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 7, 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 - Weber. Total - 1.
Total - 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Chantry Brackett, Page.

3RD ORDER
Approval of Journal

February 7, 2024

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirtieth 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 6, 2024

Mr. Speaker:

I transmit herewith [S 1244](#), [S 1235](#), and [S 1251](#) which have passed the Senate.

NOVAK, Secretary

[S 1244](#), [S 1235](#), and [S 1251](#) were filed for first reading.

5TH ORDER
Report of Standing Committees

February 7, 2024

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES AND ADMINISTRATION, report that we have printed [H 478](#), [H 479](#), [H 480](#), [H 481](#), [H 482](#), [H 483](#), [H 484](#), [H 485](#), [H 486](#), [H 487](#), [H 488](#), [H 489](#), and [H 490](#).

SKAUG, Chairman

[H 478](#) and [H 479](#) were referred to the Business Committee.

[H 480](#) and [H 481](#) were referred to the Commerce and Human Resources Committee.

[H 482](#) and [H 483](#) were referred to the Judiciary, Rules and Administration Committee.

[H 484](#) and [H 485](#) were referred to the Resources and Conservation Committee.

[H 486](#) and [H 487](#) were referred to the State Affairs Committee.

[H 488](#) was referred to the Revenue and Taxation Committee.

[H 489](#) and [H 490](#) were referred to the Health and Welfare Committee.

February 6, 2024

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [H 403](#) and recommend that it do pass.

ANDRUS, Chairman

[H 403](#) was filed for second reading.

February 6, 2024

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration [H 444](#) and recommend that it do pass.

EHARDT, Chairman

[H 444](#) was filed for second reading.

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

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

HOUSE BILL NO. 491
BY LOCAL GOVERNMENT COMMITTEE

AN ACT

RELATING TO MUNICIPAL CORPORATIONS; AMENDING SECTION 50-1306A, IDAHO CODE, TO PROVIDE THAT CERTAIN NOTICE MAY BE GIVEN BY FIRST CLASS OR CERTIFIED MAIL, TO PROVIDE FOR PROOF OF MAILING, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 492
BY LOCAL GOVERNMENT COMMITTEE

AN ACT

RELATING TO DEVELOPMENT IMPACT FEES; AMENDING SECTION 67-8204A, IDAHO CODE, TO PROVIDE THAT RECREATION DISTRICTS MAY ENTER INTO CERTAIN INTERGOVERNMENTAL AGREEMENTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 493
BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO MASK MANDATES; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2360, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE PROHIBITION OF MASK MANDATES, TO DEFINE TERMS,

AND TO PROVIDE EXEMPTIONS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 494
BY JUDICIARY, RULES AND ADMINISTRATION
COMMITTEE
AN ACT

RELATING TO CRIMES AND PUNISHMENTS; AMENDING THE HEADING FOR CHAPTER 56, TITLE 18, IDAHO CODE; REPEALING SECTION 18-5601, IDAHO CODE, RELATING TO INTERSTATE TRAFFICKING IN PROSTITUTION; AMENDING CHAPTER 56, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-5601, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 18-5602, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-5603, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-5604, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-5605, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-5606, IDAHO CODE, TO REMOVE DEFINITIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 56, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-5607, IDAHO CODE, TO PROVIDE FOR THE CRIME OF INTERSTATE TRAFFICKING IN COMMERCIAL SEXUAL ACTIVITY; AMENDING SECTION 18-5608, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-5609, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 18-5610, IDAHO CODE, TO REVISE TERMINOLOGY AND TO REMOVE TERMS; AMENDING SECTION 18-5611, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 18-5612, IDAHO CODE, TO PROVIDE CODE REFERENCES; REPEALING SECTION 18-5613, IDAHO CODE, RELATING TO PROSTITUTION; AMENDING CHAPTER 56, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-5613, IDAHO CODE, TO PROVIDE FOR THE CRIME OF PROVIDING COMMERCIAL SEXUAL ACTIVITY; AMENDING SECTION 18-5614, IDAHO CODE, TO REVISE TERMINOLOGY, TO REVISE PROVISIONS REGARDING SOLICITING COMMERCIAL SEXUAL ACTIVITY, TO PROVIDE A PENALTY, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-5620, IDAHO CODE, TO REVISE PROVISIONS REGARDING FORFEITURE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-5621, IDAHO CODE, TO REVISE A PROVISION REGARDING PRESERVATION OF PROPERTY AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 18-8602, IDAHO CODE, RELATING TO DEFINITIONS; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8602, IDAHO CODE, TO DEFINE TERMS; REPEALING SECTION 18-8603, IDAHO CODE, RELATING TO PENALTIES; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8603, IDAHO CODE, TO PROVIDE FOR PENALTIES; AMENDING SECTION 18-8604, IDAHO CODE, TO REVISE A PROVISION REGARDING RESTITUTION; REPEALING SECTION 18-8605, IDAHO CODE, RELATING TO HUMAN TRAFFICKING VICTIM PROTECTION; AMENDING

CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8605, IDAHO CODE, TO AUTHORIZE THE ATTORNEY GENERAL TO TAKE CERTAIN ACTIONS; AMENDING SECTION 18-8606, IDAHO CODE, TO REVISE PROVISIONS REGARDING SAFE HARBOR PROVISIONS; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8607, IDAHO CODE, TO PROVIDE FOR THE CRIME OF HUMAN SEX TRAFFICKING; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8608, IDAHO CODE, TO PROVIDE FOR THE CRIME OF HUMAN SEX TRAFFICKING OF A CHILD; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8609, IDAHO CODE, TO PROVIDE FOR THE CRIME OF HUMAN LABOR TRAFFICKING; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8610, IDAHO CODE, TO PROVIDE FOR THE CRIME OF HUMAN LABOR TRAFFICKING OF A CHILD; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8611, IDAHO CODE, TO PROVIDE THAT CERTAIN PROPERTY SHALL BE SUBJECT TO FORFEITURE; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8612, IDAHO CODE, TO PROVIDE FOR AN INVENTORY OF SEIZED PROPERTY; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8613, IDAHO CODE, TO PROVIDE FOR A FORFEITURE REQUEST AND A REBUTTABLE PRESUMPTION; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8614, IDAHO CODE, TO PROVIDE FOR PRESERVATION OF PROPERTY, A WARRANT OF SEIZURE, AND PROTECTIVE ORDERS; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8615, IDAHO CODE, TO PROVIDE FOR AN INSTITUTION OF PROCEEDINGS; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8616, IDAHO CODE, TO PROVIDE FOR FORFEITURE OF PERSONAL PROPERTY AND RIGHTS OF THIRD PARTIES; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8617, IDAHO CODE, TO PROVIDE FOR FORFEITURE OF REAL PROPERTY AND RIGHTS OF THIRD PARTIES; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8618, IDAHO CODE, TO PROVIDE FOR PROPORTIONALITY; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8619, IDAHO CODE, TO PROVIDE FOR A BAR ON INTERVENTION; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8620, IDAHO CODE, TO PROVIDE FOR JURISDICTION AND DEPOSITIONS; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8621, IDAHO CODE, TO PROVIDE FOR DISPOSITION OF PROPERTY; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8622, IDAHO CODE, TO PROVIDE FOR FORFEITURE OF SUBSTITUTE PROPERTY; AMENDING SECTION 16-1602, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 18-7803, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-8303, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 18-8304, IDAHO

CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 18-8502, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 19-5702, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-1208, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 39-1113, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 49-335, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 67-3014, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 495
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO ADVERTISING ILLEGAL PRODUCTS AND SERVICES; AMENDING TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 89, TITLE 18, IDAHO CODE, TO PROHIBIT THE ADVERTISING OF ILLEGAL PRODUCTS AND SERVICES; AMENDING SECTION 19-4705, IDAHO CODE, TO PROVIDE FOR THE APPORTIONMENT OF CERTAIN FINES; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 496
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO PROPERTY IN GENERAL; AMENDING SECTION 55-103, IDAHO CODE, TO REVISE A DEFINITION; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 497
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO PUBLIC OFFICE; AMENDING SECTION 59-901, IDAHO CODE, TO REVISE PROVISIONS REGARDING VACANCIES IN PUBLIC OFFICE; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 498
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO LIABILITY FOR PUBLISHERS AND DISTRIBUTORS OF MATERIAL HARMFUL TO MINORS ON THE INTERNET; AMENDING TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 38, TITLE 6, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS AND INTENT, TO DEFINE TERMS, TO PROHIBIT THE INTENTIONAL PUBLICATION OR DISTRIBUTION OF MATERIAL HARMFUL TO MINORS ON THE INTERNET, TO PROVIDE FOR A PRIVATE CAUSE OF ACTION, TO PROVIDE AFFIRMATIVE DEFENSES, TO PROVIDE FOR VENUE FOR CIVIL ACTIONS, TO PROVIDE FOR THE EXCLUSIVITY OF PRIVATE CIVIL ENFORCEMENT, TO PROVIDE FOR CERTAIN IMMUNITY AND LIMITS ON STATE COURT JURISDICTION, AND TO PROVIDE FOR SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 499
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO THE IDAHO DIETARY SUPPLEMENT ACT; AMENDING TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 35, TITLE 37, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE THAT THE PRODUCTION, MARKETING, DISTRIBUTION, SALE, AND USE OF DIETARY SUPPLEMENTS IN COMPLIANCE WITH CERTAIN LAWS AND REGULATIONS SHALL BE LEGAL IN IDAHO AND TO DEFINE A TERM; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

[H 491](#), [H 492](#), [H 493](#), [H 494](#), [H 495](#), [H 496](#), [H 497](#), [H 498](#), and [H 499](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1244](#), by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

[S 1235](#) and [S 1251](#), by State Affairs Committee, were introduced, read the first time by title, and referred to the State Affairs Committee.

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

10TH ORDER
Second Reading of Bills and Joint Resolutions

[H 475](#), by Appropriations Committee, was read the second time by title and filed for third reading.

[H 424](#), by Business Committee, was read the second time by title and filed for third reading.

[H 445](#) and [H 449](#), by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

[H 450](#), [H 452](#), and [H 454](#), by Education Committee, were read the second time by title and filed for third reading.

[H 435](#), by Health and Welfare Committee, was read the second time by title and filed for third reading.

11TH ORDER
Third Reading of Bills and Joint Resolutions

Mrs. Blanksma asked unanimous consent that [H 411](#) and [H 458](#) retain their places on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

[H 421](#) - INDIVIDUAL'S SEX

[H 421](#) 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. Young to open debate.

The question being, "Shall [H 421](#) pass?"

Roll call resulted as follows:

AYES—Alfieri, Allgood, Andrus, Barbieri, Blanksma, Boyle, Bundy, Cannon, Cheatum, Clow, Cornilles, Crane(12), Crane(13), Dixon(1), Dixon(24), Durrant, Ehardt, Ehlers, Erickson, Furniss, Gallagher, Handy, Hawkins, Healey, Hill, Holtzclaw, Horman, Kingsley, Lambert, Manwaring, McCann, Mendive, Mickelsen, Miller, Mitchell, Monks, Palmer, Petzke,

Pickett, Price, Raybould, Raymond, Redman, Scott, Shepherd, Skaug, Tanner, Vander Woude, Wheeler, Wisniewski, Wroten, Yamamoto, Young, Mr. Speaker. Total - 54.

NAYS—Berch(Bratnober), Burns, Chew(Wilson), Galaviz, Gannon, Garner, Green, Mathias, Nash(Stinson), Necochea, Nelsen, Roberts, Rubel, Sauter. Total - 14.

Absent—Lanting, Weber. Total - 2.

Total - 70.

Whereupon the Speaker declared that [H 421](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 393](#) - COUNSELING SERVICES

[H 393](#) 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. Dixon(24) to open debate.

Pursuant to Rule 80(3), the following Representative disclosed a conflict of interest regarding [H 393](#):

Mr. Wroten

The question being, "Shall [H 393](#) pass?"

Roll call resulted as follows:

AYES—Allgood, Berch(Bratnober), Blanksma, Bundy, Burns, Cheatum, Chew(Wilson), Clow, Cornilles, Dixon(24), Durrant, Erickson, Furniss, Galaviz, Gannon, Garner, Green, Handy, Healey, Lanting, Manwaring, Mathias, McCann, Mickelsen, Miller, Nash(Stinson), Necochea, Nelsen, Petzke, Raybould, Raymond, Roberts, Rubel, Sauter, Vander Woude, Wheeler, Wroten, Yamamoto. Total - 38.

NAYS—Alfieri, Andrus, Barbieri, Boyle, Cannon, Crane(12), Crane(13), Dixon(1), Ehardt, Ehlers, Gallagher, Hawkins, Hill, Holtzclaw, Horman, Kingsley, Lambert, Mendive, Mitchell, Monks, Palmer, Pickett, Price, Redman, Scott, Shepherd, Skaug, Tanner, Wisniewski, Young, Mr. Speaker. Total - 31.

Absent—Weber. Total - 1.

Total - 70.

Whereupon the Speaker declared that [H 393](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 457](#) - APPROPRIATIONS - JUDICIAL BRANCH

[H 457](#) 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. Horman to open debate.

Mrs. Horman asked unanimous consent that, pursuant to Rule 39, discussion of other pending legislation be allowed in debate of [H 457](#). There being no objection it was so ordered.

The question being, "Shall [H 457](#) pass?"

Roll call resulted as follows:

AYES—Alfieri, Andrus, Barbieri, Boyle, Cannon, Clow, Crane(12), Crane(13), Dixon(1), Durrant, Ehardt, Ehlers, Gallagher, Hawkins, Healey, Hill, Holtzclaw, Horman, Kingsley, Lambert, Manwaring, Mendive, Miller, Mitchell, Monks, Palmer, Pickett, Price, Raymond, Redman, Scott, Shepherd, Skaug, Tanner, Vander Woude, Wisniewski, Young, Mr. Speaker. Total - 38.

NAYS—Allgood, Berch(Bratnober), Blanksma, Bundy, Burns, Cheatum, Chew(Wilson), Cornilles, Dixon(24), Erickson, Furniss, Galaviz, Gannon, Garner, Green, Handy, Lanting, Mathias, McCann, Mickelsen, Nash(Stinson), Necochea, Nelsen, Petzke, Raybould, Roberts, Rubel, Sauter, Wheeler, Wroten, Yamamoto. Total - 31.

Absent—Weber. Total - 1.

Paired Votes:

AYE - Crane(13)

NAY - Mathias

AYE - Ehardt

NAY - Gannon

(Pairs enumerated in roll call above.)

Total - 70.

Whereupon the Speaker declared that [H 457](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mrs. Blanksma asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

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

Mrs. Blanksma moved that the House adjourn until 10 a.m., Thursday, February 8, 2024. Seconded by Ms. Rubel. Motion carried.

Whereupon the Speaker declared the House adjourned at 1:05 p.m.

MIKE MOYLE, Speaker

ATTEST:

ERICA MCGINNIS, Chief Clerk