# HOUSE JOURNAL

OF THE

# IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-FIFTH LEGISLATURE

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**EIGHTY-EIGHTH LEGISLATIVE DAY**
**THURSDAY, APRIL 4, 2019**

House of Representatives

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

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

Prayer was offered by Representative Wintrow.

The Pledge of Allegiance was led by Nathan Henrie, Page.

**3RD ORDER**
**Approval of Journal**

April 4, 2019

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

DAYLEY, Chairman

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

**4TH ORDER**
**Consideration of Messages from the Governor and the Senate**

OFFICE OF THE GOVERNOR
Boise

April 3, 2019

The Honorable Scott Bedke
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

H 139, H 183, H 205, and H 248

Sincerely,
/s/ Brad Little
Governor

April 3, 2019

Mr. Speaker:
I transmit herewith enrolled SCR 117 for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled SCR 117 when so signed, ordered it returned to the Senate.

April 3, 2019

Mr. Speaker:
I return herewith H 293 which has passed the Senate.

NOVAK, Secretary

H 293 was referred to the Judiciary, Rules, and Administration Committee for enrolling.

**5TH ORDER**
**Report of Standing Committees**

April 4, 2019

Mr. Speaker:
We, your COMMITTEE ON JUDICIARY, RULES AND ADMINISTRATION, report that we have enrolled H 217, as amended in the Senate, H 259, as amended in the Senate, H 291, and H 296.

DAYLEY, Chairman

The Speaker announced he was about to sign enrolled H 217, as amended in the Senate, H 259, as amended in the Senate, H 291, and H 296 and, when so signed, ordered them transmitted to the Senate for the signature of the President.

April 4, 2019

Mr. Speaker:
We, your COMMITTEE ON JUDICIARY, RULES AND ADMINISTRATION, report that we have transmitted enrolled H 286, H 287, H 288, H 275, H 30, as amended in the Senate, H 78, as amended, as amended in the Senate, and H 137, as amended, as amended in the Senate, to the Governor at 8:10 a.m., as of this date, April 3, 2019.

DAYLEY, Chairman

April 4, 2019

Pursuant to Rule 73 and with the time having expired, H 122, as amended in the Senate, was returned to the desk without recommendation on concurrence on the Senate amendments.

H 122, as amended in the Senate, was held at the desk.

Mr. Moyle moved that the House recess until 1:30 p.m. Seconded by Mr. Erpelding. Motion carried.

Whereupon the Speaker declared the House at recess until 1:30 p.m.

RECESS

Afternoon Session

The House reconvened at 1:30 p.m., the Speaker in the Chair.

Prior to recess, the House was at the Fifth Order of Business.

There being no objection, the House returned to the Fourth Order of Business.

## 4TH ORDER
## Consideration of Messages from the Governor and the Senate

April 4, 2019

Mr. Speaker:

I return herewith enrolled **H 194**, as amended in the Senate, **H 169**, as amended in the Senate, and **H 149**, as amended in the Senate, which have been signed by the President.

NOVAK, Secretary

Enrolled **H 194**, as amended in the Senate, **H 169**, as amended in the Senate, and **H 149**, as amended in the Senate, were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

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

## 12TH ORDER
## Consideration of General Orders

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mr. Erpelding. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Monks in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

### Report of the Committee of the Whole House

April 4, 2019

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration **S 1204**, as amended, and report it back without recommendation, amended as follows:

### HOUSE AMENDMENT TO S.B. NO. 1204, As Amended

AMENDMENT TO SECTION 1

On page 2 of the engrossed bill, in line 19, following "provide" delete "the"; and delete lines 20 through 25, and insert: "that persons eligible for medicaid pursuant to section 56-267, Idaho Code, who have a modified adjusted gross income at or above one hundred percent (100%) of the federal poverty level shall receive the advance premium tax credit to purchase a qualified health plan through the Idaho health insurance exchange established by chapter 61, title 41, Idaho Code, instead of enrolling in medicaid, except as provided in paragraph (a) of this subsection.

(a) A person described in this subsection may choose to enroll in medicaid instead of receiving the advance premium tax credit to purchase a qualified health plan.

(b) If the waivers described in this subsection are not approved before January 1, 2020, then the persons described in this subsection shall be enrolled in medicaid.".

On page 3, in line 3, delete "unfit for employment" and insert: "unable to work"; and delete lines 22 through 29, and insert:

"(c) The department shall verify a medicaid participant's compliance with paragraph (a) of this subsection every six (6) months and shall promulgate rules based on federal final waiver approval relating to the requirements of this subsection. A person who fails to comply with paragraph (a) of this subsection shall:

(i) Be ineligible for medicaid but may reapply for medicaid two (2) months after such determination is made or earlier if in compliance; or

(ii) If the provisions of subparagraph (i) of this paragraph are not federally approved or are found unlawful by a court of competent jurisdiction, be subject to the maximum allowable copayments on covered Idaho medicaid services for a period of six (6) months or until the person complies with paragraph (a) of this subsection, whichever is earlier.

(d) It is the intent of the legislature, in enacting the requirements of this subsection, to enable coverage of medicaid participants while also promoting the participants' health and financial independence.".

AMENDMENT TO SECTION 2

On page 4, in line 11, delete "may" and insert: "shall".

AMENDMENT TO SECTION 4

On page 5, in line 43, delete "reports" and insert: "report".

CORRECTION TO TITLE

On page 1, in line 11, delete "MAY" and insert: "SHALL".

We have also had under consideration **S 1195** and **S 1205**, report progress and beg leave to sit again.

MONKS, Chairman

Mr. Monks moved that the report be adopted. Seconded by Mr. Erpelding.

Whereupon the Speaker declared the report adopted.

**S 1204**, as amended, as amended in the House, was filed for first reading.

**S 1195** and **S 1205** were retained on General Orders.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Fifth Order of Business.

## 5TH ORDER
## Report of Standing Committees

April 4, 2019

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES AND ADMINISTRATION, report that we have printed House amendment to **S 1204**, as amended.

DAYLEY, Chairman

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

**S 1204**, as amended, as amended in the House, by State Affairs Committee, was introduced, read the first time by title, and filed for second reading.

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

## 7TH ORDER
## Motions, Memorials, and Resolutions

**S 1204, as amended, as amended in the House - MEDICAID**

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **S 1204**, as amended, as amended in the House, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1204**, as amended, as amended in the House, be read the second time by title and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Erpelding.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:
AYES–Addis, Amador, Anderson, Anderst, Andrus, Armstrong, Barbieri, Berch, Blanksma, Chew(Toevs), Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Ehardt, Ellis, Erpelding, Furniss, Gannon, Gestrin, Gibbs, Goesling, Green(2), Harris, Hartgen, Holtzclaw, Horman, Kerby, Kingsley, Marshall, Mason, Mendive, Monks, Moyle, Palmer, Raybould, Raymond, Ricks, Rubel, Scott, Stevenson, Syme, Toone, Vander Woude, Wisniewski, Wood, Young, Youngblood, Zito, Zollinger, Mr. Speaker. Total - 53.
NAYS–Abernathy, Davis(Page), Giddings, Green(18), McCrostie, Smith, Wintrow. Total - 7.
Absent–Boyle, Chaney, Christensen, Kauffman, Lickley, Moon, Nichols, Shepherd, Troy, Wagoner. Total - 10.
Total - 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1204**, as amended, as amended in the House, was read the second time by title and third time at length, section by section, and placed before the House for final consideration.

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

The question being, "Shall **S 1204**, as amended, as amended in the House, pass?"

Roll call resulted as follows:
AYES–Addis, Amador, Anderson, Anderst, Andrus, Armstrong, Barbieri, Blanksma, Boyle, Chaney, Christensen, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Ehardt, Furniss, Gestrin, Gibbs, Giddings, Green(2), Harris, Hartgen, Holtzclaw, Horman, Kauffman, Kerby, Marshall, Mendive, Monks, Moon, Moyle, Nichols, Palmer, Raybould, Raymond, Ricks, Scott, Stevenson, Syme, Vander Woude, Wisniewski, Young, Youngblood, Zito, Zollinger, Mr. Speaker. Total - 49.
NAYS–Abernathy, Berch, Chew(Toevs), Davis(Page), Ellis, Erpelding, Gannon, Goesling, Green(18), Kingsley, Lickley, Mason, McCrostie, Rubel, Smith, Toone, Troy, Wagoner, Wintrow, Wood. Total - 20.
Absent–Shepherd. Total - 1.
Paired Votes:

| | |
|---|---|
| AYE - Kauffman | NAY - Toone |
| AYE - Chaney | NAY - Mason |
| AYE - Andrus | NAY - Wagoner |
| AYE - Raybould | NAY - Lickley |

(Pairs enumerated in roll call above.)
Total - 70.

Whereupon the Speaker declared that **S 1204**, as amended, as amended in the House, passed the House. Title was approved and the bill ordered returned to the Senate.

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

## 11TH ORDER
## Third Reading of Bills and Joint Resolutions

Mr. Moyle 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

Mr. Moyle moved that the House adjourn until 9 a.m., Friday, April 5, 2019. Seconded by Mr. Erpelding. Motion carried.

Whereupon the Speaker declared the House adjourned at 5:27 p.m.

SCOTT BEDKE, Speaker

ATTEST:
CARRIE MAULIN, Chief Clerk