HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIFTH LEGISLATURE

NINETEENTH LEGISLATIVE DAY
FRIDAY, JANUARY 24, 2020

House of Representatives

The House convened at 8 a.m., the Speaker in the Chair.

Roll call showed 59 members present.
Absent and excused - Abernathy, Addis, Amador, Gestrin, Gibbs, Green, Palmer, Shepherd, Smith, and Wagoner. Total - 10.
Total - 69.
House seat (2B) is vacant.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Mercedez Mason, Page.

3RD ORDER
Approval of Journal

January 24, 2020

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

CHANEY, Chairman

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

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

THE OFFICE OF THE GOVERNOR

CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, that pursuant to the provisions of Section 59-917, Idaho Code, ROB MASON, State Representative, District 16, Seat B, Ada County, State of Idaho, has nominated COLIN NASH of 6833 W. Russett St., Boise, ID 83704, to perform the duties of this office temporarily as Acting State Representative, District 16, Seat B.

NOW, THEREFORE, I, BRAD LITTLE, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Colin Nash of Boise, Idaho, to the office of Acting State Representative, District 16, Seat B, for a term commencing Friday, January 24, 2020 through Monday, January 27, 2020.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 23rd day of January, in the year of our Lord two thousand and twenty, and of the Independence of the United States of America, the two hundred and forty-fourth year and of the Statehood of Idaho the one hundred thirtieth.

/s/ BRAD LITTLE
Governor
/s/ LAWERENCE DENNEY
Secretary of State

The Certificate of Appointment was ordered filed in the office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Colin Nash.

January 23, 2020

Mr. Speaker:
I transmit herewith **S 1219** and **S 1227** which have passed the Senate.

NOVAK, Secretary

S 1219 and **S 1227** were filed for first reading.

5TH ORDER
Report of Standing Committees

January 24, 2020

Mr. Speaker:
We, your COMMITTEE ON JUDICIARY, RULES AND ADMINISTRATION, report that we have printed **HCR 26**, **HCR 27**, **HJR 3**, **H 356**, **H 357**, and **H 358**.

CHANEY, Chairman

HCR 27 was filed for second reading.

HCR 26 and **HJR 3** were referred to the Ways and Means Committee.

H 356 was referred to the Agricultural Affairs Committee.

H 357 was referred to the Commerce and Human Resources Committee.

H 358 was referred to the State Affairs Committee.

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

7TH ORDER
Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 28
BY STATE AFFAIRS COMMITTEE
A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING AND DESIGNATING JANUARY 16 AS RELIGIOUS FREEDOM DAY, SUPPORTING IDAHO'S CONSTITUTIONAL GUARANTY OF RELIGIOUS LIBERTY AND THE PRINCIPLES SET FORTH THEREIN THAT THE EXERCISE AND ENJOYMENT OF RELIGIOUS FAITH AND WORSHIP SHALL FOREVER BE GUARANTEED, THAT NO PERSON SHALL BE DENIED ANY CIVIL OR POLITICAL RIGHT, PRIVILEGE, OR CAPACITY ON ACCOUNT OF HIS RELIGIOUS OPINIONS, THAT NO PERSON SHALL BE REQUIRED TO ATTEND OR SUPPORT ANY MINISTRY OR PLACE OF WORSHIP, RELIGIOUS SECT, OR DENOMINATION, OR PAY TITHES AGAINST HIS CONSENT, AND THAT NO PREFERENCE BE GIVEN

BY LAW TO ANY RELIGIOUS DENOMINATION OR MODE OF WORSHIP.

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

WHEREAS, Congress designated January 16 as Religious Freedom Day in 1992, stipulating that it be commemorated by a presidential proclamation, to celebrate the enactment of the Virginia Statute for Religious Freedom on January 16, 1786. Written by Thomas Jefferson and championed by James Madison, this legislation was the forerunner to the approach to religion and government taken by the framers of the Constitution in 1787 and the First Amendment in 1789. The Virginia statute declared: "... all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities." Jefferson later said that religious freedom encompasses "the Jew and the Gentile, the Christian and Mahometan, the Hindoo, and infidel of every denomination"; and

WHEREAS, Section 4, Article I, of the Constitution of the State of Idaho, guarantees religious liberty and provides in part: "The exercise and enjoyment of religious faith and worship shall forever be guaranteed; and no person shall be denied any civil or political right, privilege, or capacity on account of his religious opinions; ... No person shall be required to attend or support any ministry or place of worship, religious sect or denomination, or pay tithes against his consent; nor shall any preference be given by law to any religious denomination or mode of worship."; and

WHEREAS, today religious freedom is a fundamental American and human right and a cornerstone of democracy. It is not a privilege for the few, but a right for all that applies to people of all and of no religious affiliations or beliefs; and

WHEREAS, religious freedom encompasses equality as a guiding and governing principle. It requires that one's religious identity should be neither an advantage nor a disadvantage under the law; and

WHEREAS, these principles are not only foundational but remain essential to the health and future of our republic. To that end, these principles should guide and inform judicial decisions, legislation, and public policy-making at all levels of government.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature recognizes and designates January 16 as Religious Freedom Day.

BE IT FURTHER RESOLVED that we support Idaho's constitutional guaranty of religious liberty and that we support the principles set forth therein that the exercise and enjoyment of religious faith and worship shall forever be guaranteed, that no person shall be denied any civil or political right, privilege, or capacity on account of his religious opinions, that no person shall be required to attend or support any ministry or place of worship, religious sect, or denomination, or pay tithes against his consent, and that no preference be given by law to any religious denomination or mode of worship.

BE IT FURTHER RESOLVED that we recall the centrality of the Virginia statute in shaping one of the highest aspirations of the American experiment: religious freedom. We call on our fellow citizens to do the same.

HOUSE CONCURRENT RESOLUTION NO. 29
BY CHRISTENSEN

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE, ACKNOWLEDGING THE CONTRIBUTIONS OF NATIVE AMERICANS TO THE STATE, AND RECOGNIZING THAT THE LEGISLATURE DISCOURAGES REMOVAL OF NAMES, IMAGES, OR SYMBOLS OF NATIVE AMERICANS FROM SCHOOLS OR OTHER PLACES.

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

WHEREAS, Idaho has a long history of positive contributions of Native Americans and American Indian tribes in the state; and

WHEREAS, there are schools or other places within the state that use names, images, or symbols of Native Americans or other indigenous people; and

WHEREAS, use of these names, images, or symbols can be authentic, appropriate, and accurate when used carefully with cultural sensitivity; and

WHEREAS, there are over 500 different tribes in the nation with varied cultures, histories, beliefs, languages, and dialects that should be accurately reflected when names, images, or symbols are used by schools or places in the state; and

WHEREAS, there are Native Americans who want to preserve positive names, images, or symbols that give tribute to American Indian culture; and

WHEREAS, a national Native American entity, the Native American Guardian's Association, represents the sentiment of the silenced majority of individual native peoples whose voices have been suppressed and ignored by activist forces; and

WHEREAS, the Native American Guardian's Association supports the appropriate use of Native American names, imagery, or symbols and promotes the phrase "educate not eradicate"; and

WHEREAS, as demonstrated by a 2019 survey of individual Native Americans, which complements a 2016 poll conducted by the Washington Post finding that 90% of Native Americans are not offended by the Redskins nickname, a significant number of individual Native Americans have no problem with or support the respectful use of Native American names and imagery in sports; and

WHEREAS, schools or others using names, images, or symbols of Native Americans or other indigenous people can be educated, including by local Native American tribes, on how to use these names, images, or symbols in inoffensive, culturally appropriate ways; and

WHEREAS, the contributions of Native Americans to the state should be acknowledged.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature supports the appropriate use of names, images, or symbols of Native Americans or other indigenous people by schools or other places.

BE IT FURTHER RESOLVED that the Legislature discourages removal of names, images, or symbols of Native Americans or other indigenous people by schools or other places unless, after a careful and effective public process, the appropriate government entity determines that there is a consensus among the affected individual Native American or other indigenous people that a name, image, or symbol should be removed.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this resolution to the Native American Guardian's Association, the Association of Idaho Cities, and the Idaho Association of Counties for distribution to all their constituents, as well as to each school district and public college and university in the state.

HCR 28 and HCR 29 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. 359
BY MONKS

AN ACT

RELATING TO TAXATION; AMENDING SECTION 63-601, IDAHO CODE, TO EXEMPT ALL PROPERTY FROM TAXATION; AMENDING SECTION 63-3619, IDAHO CODE, TO REVISE THE SALES TAX RATE; AMENDING SECTION 63-3621, IDAHO CODE, TO REVISE THE USE TAX RATE; AMENDING SECTION 63-3638, IDAHO CODE, TO REVISE THE DISTRIBUTION OF SALES AND USE TAX REVENUE; AND PROVIDING A CONTINGENT EFFECTIVE DATE.

HOUSE BILL NO. 360
BY GIDDINGS

AN ACT

RELATING TO TAXATION POLICIES REGARDING FOOD; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3622H, IDAHO CODE, TO PROVIDE A SALES AND USE TAX EXEMPTION FOR FOOD SOLD FOR HUMAN CONSUMPTION AND TO DEFINE A TERM; REPEALING SECTION 63-3024A, IDAHO CODE, RELATING TO FOOD TAX CREDITS AND REFUNDS; REPEALING SECTION 63-3077G, IDAHO CODE, RELATING TO THE EXCHANGE OF INFORMATION WITH THE DEPARTMENT OF CORRECTION; REPEALING SECTION 63-3077H, IDAHO CODE, RELATING TO THE EXCHANGE OF INFORMATION WITH THE DEPARTMENT OF HEALTH AND WELFARE; AMENDING SECTION 63-3638, IDAHO CODE, TO REVISE A DISTRIBUTION; AND DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION, AND PROVIDING EFFECTIVE DATES.

HOUSE BILL NO. 361
BY SCOTT

AN ACT

RELATING TO ABORTION; PROVIDING LEGISLATIVE INTENT; REPEALING SECTION 18-4016, IDAHO CODE, RELATING TO THE DEFINITION OF A HUMAN EMBRYO AND FETUS AND PROHIBITING THE PROSECUTION OF CERTAIN PERSONS; AMENDING CHAPTER 40, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-4016, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE THAT ABORTION SHALL BE ILLEGAL, TO PROVIDE THAT THE ATTORNEY GENERAL SHALL PERFORM CERTAIN TASKS, TO PROVIDE IMMUNITY FOR CERTAIN PERSONS, TO PROVIDE THAT CERTAIN ACTIONS SHALL NOT BE CONSIDERED ABORTION, AND TO PROVIDE THAT CERTAIN CONDUCT AND OFFENSES SHALL NOT BE RETROACTIVE.

H 359, H 360, and H 361 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1219 and S 1227, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules and Administration Committee.

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

10TH ORDER
Second Reading of Bills and Joint Resolutions

H 343, by State Affairs Committee, was read the second time by title and filed for third reading.

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 until Monday, January 27, 2020. 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 11 a.m., Monday, January 27, 2020. Seconded by Ms. Rubel. Motion carried.

Whereupon the Speaker declared the House adjourned at 8:13 a.m.

SCOTT BEDKE, Speaker

ATTEST:
CARRIE MAULIN, Chief Clerk