House of Representatives

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

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

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Ashlyn Young, Page.

3rd Order
Approval of Journal

March 6, 2020

Mr. Speaker:
We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixtieth 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

March 5, 2020

Mr. Speaker:
I transmit herewith enrolled S 1341, S 1269, S 1306, S 1259, S 1260, S 1281, S 1248, S 1546, S 1347, S 1246, S 1280, S 1352, S 1268, as amended, S 1307, S 1310, S 1334, S 1358, and S 1360 for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled S 1341, S 1269, S 1306, S 1259, S 1260, S 1281, S 1248, S 1346, S 1347, S 1246, S 1280, S 1352, S 1268, as amended, S 1307, S 1310, S 1334, S 1358, and S 1360 when so signed, ordered them returned to the Senate.

March 5, 2020

Mr. Speaker:
I return herewith enrolled HJM 13, H 310, H 313, H 348, H 339, H 350, H 357, H 326, H 365, H 367, H 382, H 334, H 392, H 379, H 329, and H 366 which have been signed by the President.

NOVAK, Secretary

Enrolled H 310, H 313, H 348, H 339, H 350, H 357, H 326, H 365, H 367, H 382, H 334, H 392, H 379, H 329, and H 366 were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

Enrolled HJM 13 was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

Mr. Speaker:
I transmit herewith S 1378, S 1381, S 1382, S 1383, and S 1372 which have passed the Senate.

NOVAK, Secretary

S 1378, S 1381, S 1382, S 1383, and S 1372 were filed for first reading.

Mr. Speaker:

NOVAK, Secretary

H 318, H 371, H 372, H 401, H 534, H 536, H 537, H 541, H 406, H 543, H 553, H 557, H 398, H 417, H 418, H 421, H 423, and H 476 were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Mr. Speaker:
I return herewith H 399 which has failed to pass the Senate.

NOVAK, Secretary

H 399 was ordered filed in the office of the Chief Clerk.

5th Order
Report of Standing Committees

March 6, 2020

Mr. Speaker:
We, your COMMITTEE ON JUDICIARY, RULES AND ADMINISTRATION, report that we have printed H 602, H 603, H 604, H 605, H 606, and H 607.

CHANEY, Chairman

H 603, H 604, H 605, H 606, and H 607 were filed for second reading.

H 602 was referred to the Revenue and Taxation Committee.

Mr. Speaker:
We, your COMMITTEE ON JUDICIARY, RULES AND ADMINISTRATION, report that we have enrolled H 345, H 477, H 478, HJR 4, H 410, and H 370.

CHANEY, Chairman

The Speaker announced he was about to sign enrolled H 345, H 477, H 478, HJR 4, H 410, and H 370 and, when so signed, ordered them transmitted to the Senate for the signature of the President.

Mr. Speaker:
We, your COMMITTEE ON EDUCATION, report that we have had under consideration H 555 and H 576 and recommend that they do pass.

CLOW, Chairman
H 555 and H 576 were filed for second reading.

Mr. Speaker:
We, your COMMITTEE ON JUDICIARY, RULES AND ADMINISTRATION, report that we have had under consideration H 582, H 583, S 1284, and S 1339 and recommend that they do pass.

CHANLEY, Chairman

H 582, H 583, S 1284, and S 1339 were filed for second reading.

Mr. Speaker:
We, your COMMITTEE ON BUSINESS, report that we have had under consideration H 415 and S 1351, as amended, and recommend that they do pass.

DIXON, Chairman

H 415 and S 1351, as amended, were filed for second reading.

S 1303, as amended, held at the Desk March 2, 2020, was referred to the Revenue and Taxation Committee.

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

7TH ORDER
Motions, Memorials, and Resolutions

HOUSE RESOLUTION NO. 9
BY WAYS AND MEANS COMMITTEE
A HOUSE RESOLUTION
STATING FINDINGS OF THE HOUSE OF REPRESENTATIVES AND PROVIDING FOR THE AMENDMENT OF RULE 45 AND RULE 76 OF THE RULES OF THE HOUSE OF REPRESENTATIVES.

Be It Resolved by the House of Representatives of the State of Idaho:

WHEREAS, the House of Representatives deems it necessary and desirable that Rule 45 and Rule 76 of the Rules of the House of Representatives be amended.

NOW, THEREFORE, BE IT RESOLVED by the members of the House of Representatives, assembled in the Second Regular Session of the Sixty-fifth Idaho Legislature, that Rule 45 and Rule 76 of the Rules of the House of Representatives shall be amended to read as follows:

RULE 45

Committee on Ethics and House Policy.— (1) Before the end of the twelfth day of In the first regular session of each Legislature, an ethics and House policy committee shall be organized and its membership shall be determined. The ethics and House policy committee shall consist of five members of the House, three of whom shall be selected by members of the majority party and two of whom shall be selected by members of the minority party. House members holding leadership positions shall not serve on the ethics and House policy committee. Committee Chairmen may serve on the ethics and House policy committee. Committee members shall not have been previously sanctioned by the House for an ethics violation pursuant to this rule.

(2) The Caucus Chairman of each party shall conduct the election of ethics committee members as follows:
(a) Phase I: At a designated caucus meeting, each Caucus Chairman shall receive from members of their respective caucus a silent ballot nominating to membership on the ethics committee up to three members who have previously served at least one full term. Each caucus chairman and the two elected at-large legislative council members for the caucus shall prepare a ballot of nominees consisting respectively of the five nominees for the majority party and the four nominees for the minority party receiving the most nominating votes.
(b) Phase II: By silent ballot, each member of the majority party shall vote for three and of the minority party for two nominees on their respective ballots. The caucus chairman and the two elected at-large legislative council members for the caucus shall count the votes and prioritize the members from greatest to least number of votes received. The three members of the majority party and the two members of the minority party receiving the highest number of votes shall be members of the ethics committee for the term of the Legislature. Others receiving votes shall serve in order of priority as committee alternates for their respective party.
(c) Committee members may be reelected to a subsequent committee. A vacancy on the committee shall be filled with the highest priority alternate available to the party entitled to fill the vacancy. When no elected alternates are available to fill a vacancy, such vacancy shall be filled by majority vote of the House members of the party entitled to fill the vacancy. Except as otherwise provided in subsection (9) of this rule, a member filling a vacancy shall serve for the remainder of the unexpired term.
(d) The Speaker of the House shall appoint one of the members of the committee as chairman of the committee.
(3) (a) The chairman of the ethics and House policy committee shall receive complaints from any member of the House.
(b) The complaint shall be in writing, signed and contain one or more of the following allegations:
   (i) Conduct unbecoming a Representative which is detrimental to the integrity of the House as a legislative body;
   (ii) Disclosure of information that is confidential as provided in House rules;
   (iii) Conduct constituting a felony under any state law, or which violates any state law relating to the use of public office for private pecuniary gain;
   (iv) A violation of any state law or House rule relating to conflicts of interest involving legislative duties; or
   (v) A violation of any state law or House rule that brings discredit to the House of Representatives or that constitutes a breach of public trust.
(c) The complaint shall be specific and provide:
   (i) The name of the member of the House of Representatives alleged to be in violation;
   (ii) Reference to the House rule and/or applicable state law supporting the alleged violation;
   (iii) A description of the facts and circumstances supporting each alleged violation; and
   (iv) The evidence the complainant has at the time of making the complaint supporting the facts and violation alleged in the complaint.
(d) Subject to the provisions of this rule, the committee shall review the written complaint. The committee shall dismiss any ethics complaint that:
   (i) Does not comply with this rule; or
(ii) Alleges violations that occurred either before the accused member was first elected to the House of Representatives or for which an applicable statute of limitation has run.

(e) Written complaints shall remain confidential until such time as the ethics and House policy committee finds probable cause that such member has committed misconduct as provided in this rule.

(4) The committee shall notify the person against whom the complaint was brought and shall provide such person with a copy of the complaint and evidence submitted supporting the complaint. The person complained against may submit a written answer to the committee. The member complained against shall provide such written answer to the chairman of the committee no later than fourteen days following the date that the copy of the complaint was provided to the member complained against. Following receipt of the answer or if no answer to the complaint is provided to the chairman within the time period provided, the committee shall meet and conduct a preliminary investigation of the complaint. Notwithstanding the provisions of Rule 26, such meeting shall be held in executive session. At the preliminary investigation, the committee shall determine, based upon the complaint, other relevant information and the answer to the complaint, whether probable cause exists that the member committed misconduct as provided in this rule. If, at the conclusion of the preliminary investigation, the committee determines no probable cause exists that misconduct has occurred, the complaint shall be dismissed and the written complaint shall remain confidential. If, at the conclusion of the preliminary investigation, the committee determines probable cause exists that misconduct may have occurred, the committee shall so notify the person complained against and the written complaint against the member shall no longer be confidential but shall become a public document.

(5) Following a finding of probable cause and in a timely fashion, the committee shall conduct a public hearing before which the member shall be entitled to appear, present evidence, cross-examine witnesses, and be represented by counsel. The complainant or authorized agent of the complainant shall first present the complaint and supporting evidence and testimony to the committee. The committee shall have the power to take testimony under oath and to issue subpoenas and subpoenas duces tecum in the manner provided in Section 67-407, Idaho Code, and make inquiry and discover evidence relevant to the allegation. Formal rules of evidence are not applicable; however, evidence shall be weighed according to its reliability, and the accused may raise objection to any evidence. The accused may defer presentation of any defense until all of the evidence has been presented in support of the complaint. The accused shall have a full and fair opportunity to obtain and review all of the evidence in support of the complaint.

(6) If after investigation and hearings held pursuant to this rule, the committee finds by clear and convincing evidence that a violation of the standards contained in this rule occurred, the committee shall make appropriate recommendations to the House of Representatives. By four-fifths vote of the committee, the committee shall recommend dismissal of the charges, reprimand, censure or expulsion, provided that a recommendation for expulsion shall only be based upon a finding beyond reasonable doubt that misconduct involves commission of a felony or use of public office for pecuniary gain under subsection (3)(b)(iii) of this rule. The sanction of censure may be with or without conditions or restrictions placed upon the member. The committee shall prepare a report setting forth its findings, recommendation and reasons for such recommendation. The House of Representatives shall vote on the recommendation of the committee, as set forth in the report, during the regular session of the Legislature in which the committee reports. If the committee meets and reports during the interim when the Legislature is not in session, then the House of Representatives shall vote on the committee recommendation during the next regular session of the Legislature. If the committee does not issue a recommendation within thirty days of the conclusion of the public hearing, the complaint shall be deemed dismissed. Expulsion of a House member shall require the affirmative vote of two-thirds of the members elected to the House, as provided by Section 11 of Article III of the Constitution. Reprimand or censure of a member shall require the affirmative vote of a majority of the members elected to the House. Action of the House pursuant to this rule is final and not subject to court review.

(7) The committee may retain such counsel and may hire such investigators as it deems necessary for the performance of its duties under this rule. All expenditures incurred pursuant to this subsection shall be approved by the Chairman and paid by vouchers and warrants drawn as provided by law from appropriations made to the Legislative Account.

(8) The committee may adopt rules of procedure for the orderly conduct of committee meetings, investigations and hearings, which rules shall be consistent with this rule and other applicable rules and statutes.

(9) If the written signed complaint concerns misconduct of a member of the ethics and House policy committee, then that member shall be disqualified and shall not serve on the committee for any purpose relating to such complaint. A vacancy on the committee created as a result of this subsection shall be filled by an alternate in accordance with the provisions of subsection (2)(c) of this rule if a member selected by the party of the disqualified member, except that the fulfillment of any such vacancy shall only be for purposes relating to such complaint.

RULE 76

Committee on Rules. – (A) It shall be the duty of the Standing Committee on Judiciary, Rules and Administration to report and recommend the adoption of any special rule when the business of the House seems to the committee to require it.

Committee on Ethics and House Policy. – (B) It shall be the duty of the Standing Committee on Ethics and House Policy to report and recommend to the House body, for formal affirmation, current and proposed policies governing House members.

HOUSE RESOLUTION NO. 10
BY WAYS AND MEANS COMMITTEE
A HOUSE RESOLUTION

Be It Resolved by the House of Representatives of the State of Idaho:

WHEREAS, the House of Representatives deems it necessary and desirable that Rule 20, Rule 49, and Rule 69 of the Rules of the House of Representatives be amended.

NOW, THEREFORE, BE IT RESOLVED by the members of the House of Representatives, assembled in the Second Regular Session of the Sixty-fifth Idaho Legislature, that Rule 20, Rule 49, and Rule 69 of the Rules of the House of Representatives shall be amended to read as follows:
RULE 20

Chief Clerk, – (1) Custodian of Papers. – Neither the Chief Clerk nor his assistant shall permit any records or papers belonging to the House to be taken out of their custody otherwise than in the regular course of business, and doing so, shall be subject to reprimand by the Speaker; and such further penalty as the House may impose. The Chief Clerk shall report any missing papers to the Speaker; shall have general supervision of all clerical duties appertaining to the business of the House; shall perform under the direction of the Speaker, all duties pertaining to the business of his office.

(2) The Chief Clerk shall be an ex officio member of the Journal, Enrollment, Engrossment, and Joint Printing Committees.

RULE 49

Engrossment Committee. – The Committee on Judiciary, Rules and Administration shall examine all bills after they are engrossed and report the same to the House, correctly engrossed.

The Chief Clerk shall be an ex officio member of said committee. Such committee may report at any time.

RULE 69

Absence, Disability or Death of Speaker of the House. – (1) Presiding Officer. The Speaker of the House shall serve as the presiding officer of the House of Representatives.

(2) Absence of Speaker. The Speaker may leave the Chair and appoint a member to preside, but not for a longer time than one legislative day, except with the approval of the House. In the event of the temporary absence of the Speaker without having made such an appointment, the House shall proceed to elect a Speaker pro tempore to act during his absence.

(3) Disability or Death of Speaker. In the event of the Speaker's death, resignation, or inability to act during a legislative session, the House shall proceed to elect a new Speaker. In the event of the Speaker's death, resignation, or inability to act between legislative sessions, the House Majority Leader (and in the event of his death, resignation, or inability to act as Speaker, the House Assistant Majority Leader) shall act as Speaker, with all of the duties, powers and prerogatives of the office, to serve until the next session of the Legislature, at which time a new Speaker shall be elected.

WHEREAS, the study of Idaho's occupational licensing and certification laws conducted by the interim committee has identified necessary improvements to the law and recommendations for reform; and

WHEREAS, the work of the 2018 interim committee was instrumental in helping to bring forward legislation during the 2019 legislative session that established the Occupational Licensing Reform Act and eased occupational licensing barriers for military members, veterans, and the spouses of such individuals; and

WHEREAS, the work of the 2019 interim committee resulted in legislation presently under consideration that would establish sunrise review for occupational licensing and certification laws, universal licensure, and provisions that would ease occupational licensing barriers for persons with past criminal convictions; and

WHEREAS, issues related to occupational licensing and certification laws continue to arise and pose challenges, opportunities, and concerns for the future of Idaho and its citizens; and

WHEREAS, further interim committee review of licensing and certification laws is deemed necessary, including but not limited to the implementation of such legislation that may pass during the 2020 legislative session and the future addition of sunset provisions to occupational licensing and certification laws, as well as for the review of occupational licensing and certification laws in general in order to determine, as applicable, how the Legislature may be able to ease occupational licensing barriers while still protecting the public health and safety.

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 Legislative Council is authorized to appoint a committee to continue the efforts to undertake and complete a review of licensing and certification laws in Idaho, including the priorities identified in the Licensing Freedom Act of 2019. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice, and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations, and proposed legislation, if any, to the First Regular Session of the Sixty-sixth Idaho Legislature.

HR 9, HR 10, and HCR 37 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. 608

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO SALES AND USE TAXES; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3642, IDAHO CODE, TO PROVIDE FOR A REBATE OF CERTAIN SALES AND USE TAXES COLLECTED ON THE SALE AND USE OF ROAD MATERIALS.
HOUSE BILL NO. 609
BY WAYS AND MEANS COMMITTEE
AN ACT
RELATING TO WATER AND SEWER DISTRICTS; AMENDING SECTION 42-3219, IDAHO CODE, TO REMOVE PROVISIONS REGARDING THE EXCLUSION OF CERTAIN LANDS FROM WATER OR SEWER DISTRICTS, TO PROVIDE CONDITIONS UNDER WHICH CERTAIN PETITIONS SHALL BE GRANTED, AND TO MAKE TECHNICAL CORRECTIONS.

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

5TH ORDER
Report of Standing Committees

Mr. Speaker:
We, your COMMITTEE ON JUDICIARY, RULES AND ADMINISTRATION, report that we have printed HR 9, HR 10, HCR 37, H 608, H 609, H 610, and H 611.

CHANLEY, Chairman

H 610 was filed for second reading.

HR 9 and HR 10 were referred to the Judiciary, Rules and Administration Committee.

HCR 37 was referred to the Business Committee.

H 608 was referred to the Transportation and Defense Committee.

H 609 was referred to the Local Government Committee.

H 611 was referred to the Health and Welfare Committee.

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

11TH ORDER
Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that H 494 and H 540 retain their places on the Third Reading Calendar until Tuesday, March 10, 2020. There being no objection, it was so ordered.

Mr. Moyle asked unanimous consent that H 577 retain its place on the Third Reading Calendar until Monday, March 9, 2020. There being no objection, it was so ordered.

H 538 - HEALTH

H 538 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. Wood to open debate.

Mr. Wood asked unanimous consent that, pursuant to Rule 39, discussion of other pending legislation be allowed in debate of H 538, Mrs. Blanksma objected.

Pursuant to Rule 80(3), Mr. Barbieri disclosed a conflict of interest regarding H 538.

Pursuant to Rule 80(3), Mr. Vander Woude disclosed a conflict of interest regarding H 538.

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At this time, the Speaker introduced Russ Fulcher, United States Congressman, who spoke briefly to the members of the House.

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Prior to going at ease, the House was at the Eleventh Order of Business.

The question being, "Shall H 538 pass?"
Roll call resulted as follows:


NAYS–Addis, Andrus, Armstrong, Barbieri, Blanksma, Boyle, Chaney, Christensen, Collins, Crane, DeMordaunt, Dixon, Ehardt, Gestrin, Giddings, Harris, Holtzclaw, Mendive, Mons, Moon, Moyle, Nichols, Palmer, Raybould, Scott, Shepherd, Stevenson, Vander Woude, Wisniewski, Young, Zito, Zollinger. Total - 32.

Paired Votes:
AYE - Gannon NAY - Monks
AYE - Mason NAY - Boyle
(Pairs enumerated in roll call above.)
Total - 70.

Whereupon the Speaker declared that H 538 passed the House. Title was approved and the bill ordered transmitted to the Senate.

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

7TH ORDER
Motions, Memorials, and Resolutions

H 589 - FIRST-TIME HOME BUYERS

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of H 589 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 H 589 be read the third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Rubel.

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

Roll call resulted as follows:


NAYS–None.

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 H 589 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. Anderst to open debate.

Pursuant to Rule 80(3), Mr. Holtzclaw disclosed a conflict of interest regarding H 589.

Pursuant to Rule 80(3), Mr. Andrus disclosed a conflict of interest regarding H 589.

The question being, "Shall H 589 pass?"

Roll call resulted as follows:


NAYS–Anderson, Andrus, Armstrong, Barbieri, Berch, Christensen, Clow, Giddings, Harris, Hornman, Marshall, Mendive, Moon, Necochea, Nichols, Remington, Scott, Shepherd, Stevenson, Vander Woude, Wisniewski, Young, Zito. Total - 23.

Paired Votes:
AYE - Abernathy NAY - Scott
AYE - Mason NAY - Christensen
(Pairs enumerated in roll call above.)
Total - 70.

Whereupon the Speaker declared that H 589 passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 566 - MOTOR VEHICLES

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of H 566 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 H 566 be read the third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Rubel.

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

Roll call resulted as follows:


NAYS–None.

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 H 566 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. Palmer to open debate.

The question being, "Shall H 566 pass?"

Roll call resulted as follows:

NAYS–Clow, Ellis. Total - 2.
Paired Votes:
AYE - Mason  
NAY - Ellis
(Pairs enumerated in roll call above.)
Total - 70.

Whereupon the Speaker declared that H 566 passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 342, as amended in the Senate - TELEHEALTH**

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of H 342, as amended in the Senate, 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 H 342, as amended in the Senate, be read the third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Rubel.

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

Roll call resulted as follows:

NAYS–None.
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 H 342, as amended in the Senate, 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. Blanksma to open debate.

The question being, "Shall H 342, as amended in the Senate, pass?"