HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SIXTH LEGISLATURE

TWENTY-SIXTH LEGISLATIVE DAY
FRIDAY, FEBRUARY 5, 2021

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 68 members present.
Absent and excused - Barbieri and Kingsley. Total - 2.
Total - 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Kyra Cronin, Page.

3RD ORDER
Approval of Journal

February 5, 2021

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

February 4, 2021

Mr. Speaker:
I transmit herewith enrolled S 1023 for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled S 1023 when so signed, ordered it returned to the Senate.

February 4, 2021

Mr. Speaker:
I transmit herewith S 1034, S 1012, and S 1015 which have passed the Senate.

NOVAK, Secretary

S 1034, S 1012, and S 1015 were filed for first reading.

5TH ORDER
Report of Standing Committees

February 5, 2021

Mr. Speaker:
We, your COMMITTEE ON JUDICIARY, RULES AND ADMINISTRATION, report that we have printed HJR 3, H 88, H 89, H 90, H 91, H 92, H 93, H 94, H 95, and H 96.

CHANEY, Chairman

H 90 was filed for second reading.

HJR 3, H 88, and H 89 were referred to the State Affairs Committee.

H 91, H 92, and H 93 were referred to the Resources and Conservation Committee.

H 94, H 95, and H 96 were referred to the Judiciary, Rules and Administration Committee.

February 4, 2021

Mr. Speaker:
We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration H 53 and recommend that it do pass.

CRANE, Chairman

H 53 was filed for second reading.

February 4, 2021

Mr. Speaker:
We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration H 49 and recommend that it do pass.

PALMER, Chairman

H 49 was filed for second reading.

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

7TH ORDER
Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 5
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND DECLARING THAT THE PORTION OF THE FEBRUARY 2 GUIDELINES REGARDING THE LIMITATION ON GATHERINGS OF MORE THAN 50 PEOPLE IS NULL, VOID, AND OF NO FORCE AND EFFECT.

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

WHEREAS, on February 2, 2021, the Governor and the Director of the Idaho Department of Health and Welfare issued Stage 3 Stay Healthy Guidelines; and

WHEREAS, Section 1 of the guidelines limits gatherings to 50 or fewer people while adhering to physical distancing and sanitation requirements; and

WHEREAS, the guidelines reference the CDC definition of a "gathering" as "a planned or spontaneous event, indoors or outdoors, with a small number of people participating or a large number of people in attendance such as a community event or gathering, concert, festival, conference, parade, wedding, or sporting event"; and

WHEREAS, the Legislature has determined to end orders that diminish personal accountability for health decisions and curtail family participation in extracurricular events; and

WHEREAS, the guidelines are currently in effect as of February 2, 2021.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that Section 1 of the February 2 Stage 3 Stay Healthy Guidelines regarding the limitation of gatherings to 50 or fewer people is hereby declared null, void, and of no force and effect.

HCR 5 was 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. 97
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO COVID-19; AMENDING CHAPTER 48, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-4806, IDAHO CODE, TO PROVIDE THAT AT LEAST SEVENTY PERCENT OF COVID-19 VACCINE DOSES MUST BE ADMINISTERED WITHIN FOURTEEN DAYS OF RECEIPT BY THE ENTITY RESPONSIBLE FOR ADMINISTERING THE VACCINE, TO PROVIDE FOR A FINE, TO PROVIDE THAT THE ADMINISTRATOR OF THE VACCINATION PROGRAM MUST IMMEDIATELY REALLOCATE UNUSED DOSES, TO PROVIDE THAT VACCINE DOSES BE ADMINISTERED IN A CERTAIN ORDER AND TO PROVIDE AN EXCEPTION, TO PROVIDE FOR ENFORCEMENT, AND TO PROVIDE THAT THE PROVISIONS OF THE SECTION WILL BE EFFECTIVE FOR A CERTAIN AMOUNT OF TIME; PROVIDING A SUNSET DATE; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 98
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE STATE DISASTER PREPAREDNESS ACT; AMENDING SECTION 46-1008, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE GOVERNOR'S POWERS DURING A DISASTER EMERGENCY, TO PROVIDE SEVERABILITY, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 99
BY ENVIRONMENT, ENERGY AND TECHNOLOGY COMMITTEE
AN ACT

RELATING TO WATER QUALITY; AMENDING CHAPTER 36, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3640, IDAHO CODE, TO PROVIDE FOR WATER QUALITY INNOVATION AND POLLUTANT TRADING.

HOUSE BILL NO. 100
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO THE DEPARTMENT OF AGRICULTURE; AMENDING SECTION 22-101A, IDAHO CODE, TO REVISE PROVISIONS REGARDING RULEMAKING AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 101
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE ATTORNEY GENERAL; AMENDING SECTION 67-1401, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DUTIES OF THE ATTORNEY GENERAL AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-1406, IDAHO CODE, TO REVISE PROVISIONS REGARDING LEGAL COUNSEL FOR CERTAIN STATE ENTITIES; AMENDING SECTION 67-1408, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE BILLING OF STATE ENTITIES FOR LEGAL SERVICES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-1409, IDAHO CODE, TO REVISE PROVISIONS REGARDING CONTRACTS FOR THE PROVISION OF LEGAL SERVICES FOR STATE ENTITIES; AMENDING SECTION 39-9004, IDAHO CODE, TO REVISE A PROVISION REGARDING A CERTAIN PENALTY AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-2120, IDAHO CODE, TO CLARIFY THAT THE BOARD OF VETERINARY MEDICINE MAY REQUEST LEGAL SERVICES FROM THE ATTORNEY GENERAL AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 57-727, IDAHO CODE, TO REVISE PROVISIONS REGARDING LEGAL COUNSEL FOR THE ENDOWMENT FUND INVESTMENT BOARD AND THE MANAGER OF INVESTMENTS; AMENDING SECTION 58-120, IDAHO CODE, TO REVISE PROVISIONS REGARDING LEGAL COUNSEL FOR THE DEPARTMENT OF LANDS; AMENDING SECTION 61-204, IDAHO CODE, TO SPECIFY THE RIGHT OF THE PUBLIC UTILITIES COMMISSION TO EMPLOY LEGAL COUNSEL OTHER THAN THE ATTORNEY GENERAL AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-3047, IDAHO CODE, TO PROVIDE FOR THE CONSENT OF LEGAL COUNSEL TO COMPROMISE OF CASES BY THE STATE TAX COMMISSION; AMENDING SECTION 63-3048, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE INVOLVEMENT OF LEGAL COUNSEL FOR THE STATE TAX COMMISSION IN THE SETTLEMENT OF COMPROMISE CASES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-3056, IDAHO CODE, TO AUTHORIZE THE LEGAL COUNSEL OF THE STATE TAX COMMISSION TO FILE A COURT ACTION TO ENFORCE A TAX LIEN AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-3066, IDAHO CODE, TO PROVIDE FOR THE RIGHT OF THE STATE TAX COMMISSION TO EMPLOY OUTSIDE LEGAL COUNSEL; AMENDING SECTION 67-802, IDAHO CODE, TO PROVIDE THAT THE GOVERNOR MAY REQUEST THE ATTORNEY GENERAL OR OTHER LEGAL COUNSEL TO APPEAR IN SUITS BY OR AGAINST THE STATE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-2601A, IDAHO CODE, TO REVISE PROVISIONS REGARDING LEGAL COUNSEL FOR THE DIVISION OF BUILDING SAFETY; AMENDING SECTION 67-5773, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION MAY FILE SUIT IN CERTAIN INSTANCES WITH THE ADVICE OF LEGAL COUNSEL AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-8725, IDAHO CODE, TO PROVIDE THAT THE STATE TREASURER MAY BE ASSISTED BY LEGAL COUNSEL AND THAT A MUNICIPALITY MUST PAY THE COSTS OF THE STATE TREASURER'S LEGAL COUNSEL IN

CERTAIN CIRCUMSTANCES AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 74-123, IDAHO CODE, TO REVISE PROVISIONS REGARDING LEGAL COUNSEL FOR THE IDAHO CODE COMMISSION, TO REVISE A PROVISION REGARDING CERTAIN FEES, AND TO MAKE A TECHNICAL CORRECTION.

H 97, H 98, H 99, H 100, and H 101 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1034, by Finance Committee, was introduced, read the first time by title, and filed for second reading.

S 1012, by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

S 1015, by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Environment, Energy and Technology Committee.

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

10TH ORDER
Second Reading of Bills and Joint Resolutions

H 83, by Appropriations Committee, was read the second time by title and filed for third reading.

H 43 and H 57, by Resources and Conservation Committee, were read the second time by title and filed for third reading.

11TH ORDER
Third Reading of Bills and Joint Resolutions

H 46 - MILITARY

H 46 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 46 pass?"

Roll call resulted as follows:
AYES–Adams, Addis, Amador, Andrus, Armstrong, Berch, Blanksma, Boyle, Bundy, Cannon, Chaney, Chew(Colwell), Christensen, Clow, Crane, Davis, DeMordaunt, Dixon, Ehardt, Erickson, Ferch, Furniss, Galloway, Gannon, Gestrin, Gibbs, Giddings, Green, Hanks, Harris, Hartgen, Holtzclaw, Horman, Kauffman, Kerby, Lickley, Manwaring, Marshall, Mathias, McCrostie, Mendive, Mitchell, Monks, Moon, Moyle, Nash, Nate, Necochea, Nichols, Okuniewicz, Palmer, Rubel, Ruchti, Scott, Shepherd, Skaug, Syme, Toone, Troy, Vander Woude, von Ehlinger, Weber, Wisniewski, Wood, Yamamoto, Young, Youngblood, Mr. Speaker. Total - 68.
NAYS–None.
Absent–Barbieri, Kingsley. Total - 2.
Total - 70.

Whereupon the Speaker declared that H 46 passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 47 - VETERANS MEMORIALS

H 47 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. Syme to open debate.

The question being, "Shall H 47 pass?"

Roll call resulted as follows:
AYES–Adams, Addis, Amador, Andrus, Armstrong, Berch, Blanksma, Boyle, Bundy, Cannon, Chaney, Chew(Colwell), Christensen, Clow, Crane, Davis, DeMordaunt, Dixon, Ehardt, Erickson, Ferch, Furniss, Galloway, Gannon, Gestrin, Gibbs, Giddings, Green, Hanks, Harris, Hartgen, Holtzclaw, Horman, Kauffman, Kerby, Lickley, Manwaring, Marshall, Mathias, McCrostie, Mendive, Mitchell, Monks, Moon, Moyle, Nash, Nate, Necochea, Nichols, Okuniewicz, Palmer, Rubel, Ruchti, Scott, Shepherd, Skaug, Syme, Toone, Troy, Vander Woude, von Ehlinger, Weber, Wisniewski, Wood, Yamamoto, Young, Youngblood, Mr. Speaker. Total - 68.
NAYS–None.
Absent–Barbieri, Kingsley. Total - 2.
Total - 70.

Whereupon the Speaker declared that H 47 passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 48 - SERVICE MEMBERS

H 48 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. Syme to open debate.

The question being, "Shall H 48 pass?"

Roll call resulted as follows:
AYES–Adams, Addis, Amador, Andrus, Armstrong, Berch, Blanksma, Boyle, Bundy, Cannon, Chaney, Chew(Colwell), Christensen, Clow, Crane, Davis, DeMordaunt, Dixon, Ehardt, Erickson, Ferch, Furniss, Galloway, Gannon, Gestrin, Gibbs, Giddings, Green, Hanks, Harris, Hartgen, Holtzclaw, Horman, Kauffman, Kerby, Lickley, Manwaring, Marshall, Mathias, McCrostie, Mendive, Mitchell, Monks, Moon, Moyle, Nash, Nate, Necochea, Nichols, Okuniewicz, Palmer, Rubel, Ruchti, Scott, Shepherd, Skaug, Syme, Toone, Troy, Vander Woude, von Ehlinger, Weber, Wisniewski, Wood, Yamamoto, Young, Youngblood, Mr. Speaker. Total - 68.
NAYS–None.
Absent–Barbieri, Kingsley. Total - 2.
Total - 70.

Whereupon the Speaker declared that H 48 passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 50 - FOOD QUALITY ASSURANCE INSTITUTE

H 50 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. von Ehlinger to open debate.

Pursuant to Rule 80(3), the following Representatives disclosed a conflict of interest regarding H 50:
Mrs. Toone Ms. Lickley

The question being, "Shall H 50 pass?"

Roll call resulted as follows:

AYES–Adams, Addis, Amador, Andrus, Armstrong, Berch, Blanksma, Boyle, Bundy, Cannon, Chaney, Chew(Colwell), Christensen, Clow, Crane, Davis, DeMordaunt, Dixon, Ehardt, Erickson, Ferch, Furniss, Galloway, Gannon, Gestrin, Gibbs, Green, Hanks, Harris, Hartgen, Holtzclaw, Horman, Kauffman, Kerby, Lickley, Manwaring, Marshall, Mathias, McCrostie, Mendive, Mitchell, Monks, Moon, Moyle, Nash, Nate, Necochea, Nichols, Okuniewicz, Palmer, Rubel, Ruchti, Scott, Shepherd, Skaug, Syme, Toone, Troy, Vander Woude, von Ehlinger, Weber, Wisniewski, Wood, Yamamoto, Young, Youngblood, Mr. Speaker. Total - 67.

NAYS–Giddings. Total - 1.

Absent–Barbieri, Kingsley. Total - 2.

Total - 70.

Whereupon the Speaker declared that H 50 passed the House. Title was approved and the bill ordered transmitted to the Senate.

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

13TH ORDER
Miscellaneous and Unfinished Business

Pursuant to House Rule 45, Representatives Dixon, Horman, Crane, Davis, and Gannon have been elected by their respective caucuses to serve as members on the House Ethics Committee. Speaker Bedke has appointed Representative Dixon as chairman. Representatives Barbieri and Young have been elected by the majority caucus as first and second alternate. Representatives McCrostie and Chew have been elected by the minority caucus as first and second alternate.

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, February 8, 2021. Seconded by Ms. Rubel. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:26 a.m.

SCOTT BEDKE, Speaker

ATTEST:
CARRIE MAULIN, Chief Clerk