# HOUSE JOURNAL

OF THE

# IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SEVENTH LEGISLATURE

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**THIRTY-SECOND LEGISLATIVE DAY**
**THURSDAY, FEBRUARY 9, 2023**

House of Representatives

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

Roll call showed all 70 members present.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Cache Miller, Page.

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

February 9, 2023

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

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

**14TH ORDER**
**Presentation of Petitions and Communications**

House of Representatives
State of Idaho

February 9, 2023

Dear Mr. Speaker,

I have the honor to inform you that, pursuant to Title 67-412, Idaho Code, I have designated April Hoy of 5212 W. Kootenai Street, Boise, Idaho 83705, as a qualified substitute for Legislative District 17, Seat B, Ada County, State of Idaho.

This designation is effective Thursday, February 9, 2023, and will continue until I am able to resume the duties of my office.

Sincerely,
Representative Sue Chew

The letter was ordered filed in the office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to April Hoy.

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

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

February 8, 2023

Mr. Speaker:
I transmit herewith **S 1024**, **S 1027**, and **S 1016** which have passed the Senate.

NOVAK, Secretary

**S 1024**, **S 1027**, and **S 1016** were filed for first reading.

February 8, 2023

Mr. Speaker:
I return herewith **H 21** which has passed the Senate.

NOVAK, Secretary

**H 21** was referred to the Judiciary, Rules, and Administration Committee for enrolling.

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

February 9, 2023

Mr. Speaker:
We, your COMMITTEE ON JUDICIARY, RULES AND ADMINISTRATION, report that we have printed **H 99**, **H 100**, **H 101**, **H 102**, **H 103**, **H 104**, and **H 105**.

SKAUG, Chairman

**H 102** was filed for second reading.

**H 99**, **H 100**, and **H 101** were referred to the Revenue and Taxation Committee.

**H 103** was referred to the Resources and Conservation Committee.

**H 104** was referred to the Judiciary, Rules and Administration Committee.

**H 105** was referred to the Education Committee.

February 8, 2023

Mr. Speaker:
We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration **H 89** and recommend that it do pass.

EHARDT, Chairman

**H 89** was filed for second reading.

February 8, 2023

Mr. Speaker:
We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **H 85**, **H 86**, and **H 87** and recommend that they do pass.

PALMER, Chairman

**H 85**, **H 86**, and **H 87** were filed for second reading.

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

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

### HOUSE RESOLUTION NO. 4
### BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

A HOUSE RESOLUTION

STATING FINDINGS OF THE HOUSE OF REPRESENTATIVES AND PROVIDING FOR THE AMENDMENT OF RULES 6, 10, AND 17 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 6, Rule 10, and Rule 17 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 First Regular Session of the Sixty-seventh Idaho Legislature, that Rule 6, Rule 10, and Rule 17 of the Rules of the House of Representatives shall be amended to read as follows:

RULE 6

Bills – Introduction. – ~~After the 20th day of any session, no~~ No bill shall be introduced except by committees and after the 36th day no bill shall be introduced except by the State Affairs Committee, the Appropriations Committee, the Education Committee, the Revenue and Taxation Committee, the Health and Welfare Committee, and the Ways and Means Committee. When essential to expedite the work of the House, the Speaker may designate any standing committee to serve as a privileged committee temporarily or during the remainder of the session.

RULE 10

Reference of Bills. – (1) All House bills, memorials and resolutions shall upon their introduction and first reading, be ordered printed by the Judiciary, Rules and Administration Committee. When reported printed by the Chief Clerk, the Speaker shall refer the instrument to a standing committee, or shall order the instrument filed for second reading; provided, however, that no such instrument shall be referred to the Ways and Means Committee until after the 36th day of session. All Senate bills, memorials and resolutions shall be referred directly by the Speaker to a standing committee or to the second reading calendar.

(2) If a bill, memorial or resolution is reported by the standing committee to which it has been referred without amendment, it shall be placed upon the second reading calendar, but if such committee report a bill, memorial or resolution with amendments, the same with the amendments shall be placed upon the general orders calendar for consideration by the Committee of the Whole House.

RULE 17

Call for an RS or Bills ~~or~~, Memorials, or Resolutions. – ~~When any bill, memorial or resolution has been in the hands of any committee for five days, any member of the House may, at the fifth or seventh order of business, upon the floor of the House, call for the same; whereupon it shall be the duty of said committee to report said bill, memorial or resolution to the House under the order of business of committee reports, not later than the following morning session. The House may, however, upon motion approved by a majority of the members present, grant said committee further time; provided, that after the thirtieth day of the session any bill, memorial or resolution must be reported forthwith out of the committee to which it has been referred, with or without recommendations, upon the request of any member, unless otherwise ordered by the House by a vote of a majority of the members present.~~

(1) Upon a motion approved by at least half of all of the committee members, a committee shall, within three legislative working days and subject to the provisions of Rule 6, hold an introductory hearing on any routing slip (RS) that has been presented to a chairman and whose subject matter is germane to the committee.

(2) When any House bill, memorial, or resolution has been in the hands of a committee for five legislative working days, any member of the committee may call for a hearing. Upon approval of such motion by at least seventy percent (70%) of all of the committee members, the chairman shall hold a hearing on the bill, memorial, or resolution within a reasonable time.

(3) The provisions of this rule shall not apply to any agency bill or RS.

**HR 4** 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. 106
### BY LOCAL GOVERNMENT COMMITTEE

AN ACT

RELATING TO PROHIBITIONS ON UTILITY CONNECTIONS; AMENDING CHAPTER 8, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-881, IDAHO CODE, TO PROHIBIT A COUNTY FROM RESTRICTING THE CONNECTION OF CERTAIN UTILITY SERVICES; AMENDING CHAPTER 3, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-346, IDAHO CODE, TO PROHIBIT A MUNICIPALITY FROM RESTRICTING THE CONNECTION OF CERTAIN UTILITY SERVICES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

### HOUSE BILL NO. 107
### BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING SECTION 49-405, IDAHO CODE, TO PROVIDE FOR THE DESIGN OF RADIO AMATEUR LICENSE PLATES AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

### HOUSE BILL NO. 108
### BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3029, IDAHO CODE, TO REVISE PROVISIONS REGARDING CREDIT FOR INCOME TAXES PAID ANOTHER STATE; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**HOUSE BILL NO. 109**
**BY REVENUE AND TAXATION COMMITTEE**
AN ACT

RELATING TO PROPERTY TAXES; AMENDING SECTION 63-602D, IDAHO CODE, TO REVISE PROVISIONS REGARDING PROPERTY TAX EXEMPTIONS FOR CERTAIN HOSPITALS; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 110**
**BY REVENUE AND TAXATION COMMITTEE**
AN ACT

RELATING TO PROPERTY TAXES; AMENDING SECTION 63-602D, IDAHO CODE, TO REVISE PROVISIONS REGARDING PROPERTY TAX EXEMPTIONS FOR CERTAIN HOSPITALS; AND PROVIDING AN EFFECTIVE DATE.

**HOUSE BILL NO. 111**
**BY EDUCATION COMMITTEE**
AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 33-512, IDAHO CODE, TO PROVIDE THAT NO IN-PERSON STUDENT INSTRUCTION SHALL TAKE PLACE ON CERTAIN ELECTION DAYS; AND PROVIDING AN EFFECTIVE DATE.

**HOUSE BILL NO. 112**
**BY EDUCATION COMMITTEE**
AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-5603, IDAHO CODE, TO REVISE MEMBERSHIP OF THE EDUCATION OPPORTUNITY RESOURCE COMMITTEE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-5604, IDAHO CODE, TO EXPAND DISTRIBUTIONS FOR REIMBURSEMENTS, TO PROVIDE FOR THE OFFICE OF THE STATE BOARD OF EDUCATION, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-5605, IDAHO CODE, TO REQUIRE THE COMMISSION FOR LIBRARIES TO MAKE CERTAIN DISTRIBUTIONS AND TO ALLOW THE STATE BOARD OF EDUCATION TO AUTHORIZE CERTAIN INCREASES IN FUNDING AND GUIDANCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

**HOUSE BILL NO. 113**
**BY EDUCATION COMMITTEE**
AN ACT

RELATING TO CHARTER SCHOOLS; AMENDING SECTION 33-5202A, IDAHO CODE, TO ALLOW EDUCATIONAL SERVICES PROVIDERS TO CHARGE A FEE; AMENDING SECTION 33-5203, IDAHO CODE, TO ALLOW CHARTER SCHOOLS TO CONTRACT WITH EDUCATIONAL SERVICE PROVIDERS AND TO REVISE PROVISIONS REGARDING CERTAIN LIMITATIONS; AMENDING SECTION 33-5205, IDAHO CODE, TO REVISE PROVISIONS REGARDING VIRTUAL SCHOOLS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-5205B, IDAHO CODE, TO REVISE PROVISIONS REGARDING CHARTER SCHOOL PERFORMANCE CERTIFICATES AND TO PROVIDE CONDITIONS FOR VIRTUAL SCHOOL APPROVAL; AMENDING SECTION 33-5206, IDAHO CODE, TO PROVIDE CONDITIONS FOR A VIRTUAL SCHOOL TO BE DEEMED SUFFICIENT; AMENDING SECTION 33-5209A, IDAHO CODE, TO PROVIDE FOR CERTAIN PERFORMANCE FRAMEWORK CRITERIA; AMENDING SECTION 33-5209B, IDAHO CODE, TO PROVIDE FOR CERTAIN CHARTER SCHOOL RENEWAL CRITERIA AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 114**
**BY EDUCATION COMMITTEE**
AN ACT

RELATING TO CRIMES; AMENDING SECTION 18-916, IDAHO CODE, TO PROVIDE THAT ABUSING PUBLIC SCHOOL EMPLOYEES WHILE SUCH EMPLOYEES ARE ACTING WITHIN THE COURSE AND SCOPE OF THEIR DUTIES IS A MISDEMEANOR AND TO DEFINE TERMS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

**HOUSE BILL NO. 115**
**BY STATE AFFAIRS COMMITTEE**
AN ACT

RELATING TO EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1367, IDAHO CODE, TO REVISE PROVISIONS REGARDING BENEFIT ENTITLEMENT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

**H 106**, **H 107**, **H 108**, **H 109**, **H 110**, **H 111**, **H 112**, **H 113**, **H 114**, and **H 115** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**S 1024** and **S 1027**, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules and Administration Committee.

**S 1016**, by State Affairs Committee, was 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 71**, by Judiciary, Rules and Administration Committee, was read the second time by title and filed for third reading.

**H 11** and **H 58**, by State Affairs Committee, were read the second time by title and filed for third reading.

**H 92**, by Education 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 25** and **H 46** retain their places on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

**HR 3 - BILLS**

**HR 3** was read the third time at length and placed before the House for final consideration.

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

The question being, "Shall **HR 3** be adopted?"

Roll call resulted as follows:
AYES–Alfieri, Allgood, Andrus, Barbieri, Blanksma, Boyle, Bundy, Burns, Cannon, Cheatum, Chew(Hoy), Clow, Cornilles, Crane(12), Crane(13), Dixon(1), Dixon(24), Durrant, Ehlers, Erickson, Furniss, Galaviz, Garner, Green, Handy, Healey(Galloway), Hill, Holtzclaw(Yorgason), Horman, Lanting, Manwaring, McCann, Mendive, Mickelsen, Miller, Mitchell, Monks, Nash, Necochea, Nelsen, Palmer, Petzke, Pickett, Raybould, Raymond, Roberts, Sauter, Shepherd, Skaug, Tanner, Vander Woude, Weber, Wheeler, Wroten, Yamamoto, Young, Mr. Speaker. Total - 57.
NAYS–Berch, Ehardt, Gallagher, Gannon, Hawkins, Kingsley, Lambert, Mathias, Price, Redman, Rubel, Scott, Wisniewski. Total - 13.
Total - 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, **HR 3** was adopted by the House. Title was approved and the resolution filed in the office of the Chief Clerk.

## H 56 - TRANSPORTATION

**H 56** 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. Durrant to open debate.

The question being, "Shall **H 56** pass?"

Roll call resulted as follows:
AYES–Alfieri, Allgood, Andrus, Barbieri, Berch, Blanksma, Boyle, Bundy, Burns, Cannon, Chew(Hoy), Clow, Cornilles, Crane(12), Crane(13), Dixon(1), Dixon(24), Durrant, Ehardt, Ehlers, Erickson, Furniss, Galaviz, Gallagher, Gannon, Garner, Green, Handy, Hawkins, Healey(Galloway), Hill, Holtzclaw(Yorgason), Horman, Kingsley, Lambert, Lanting, Manwaring, Mathias, McCann, Mendive, Mickelsen, Miller, Mitchell, Monks, Nash, Necochea, Nelsen, Palmer, Petzke, Pickett, Price, Raybould, Raymond, Redman, Roberts, Rubel, Sauter, Scott, Shepherd, Skaug, Tanner, Vander Woude, Weber, Wheeler, Wisniewski, Wroten, Yamamoto, Young, Mr. Speaker. Total - 69.
NAYS–Cheatum. Total - 1.
Total - 70.

Whereupon the Speaker declared that **H 56** passed the House. Title was approved and the bill ordered transmitted to the Senate.

## H 57 - TRANSPORTATION

**H 57** 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. Nelsen to open debate.

The question being, "Shall **H 57** pass?"

Roll call resulted as follows:
AYES–Alfieri, Allgood, Andrus, Barbieri, Berch, Blanksma, Boyle, Bundy, Burns, Cannon, Cheatum, Chew(Hoy), Clow, Cornilles, Crane(12), Crane(13), Dixon(1), Dixon(24), Durrant, Ehardt, Ehlers, Erickson, Furniss, Galaviz, Gallagher, Gannon, Garner, Green, Handy, Hawkins, Healey(Galloway), Hill, Holtzclaw(Yorgason), Horman, Kingsley, Lambert, Lanting, Manwaring, Mathias, McCann, Mendive, Mickelsen, Miller, Mitchell, Monks, Nash, Necochea, Nelsen, Palmer, Petzke, Pickett, Price, Raybould, Raymond, Redman, Roberts, Rubel, Sauter, Scott, Shepherd, Skaug, Tanner, Vander Woude, Weber, Wheeler, Wisniewski, Wroten, Yamamoto, Young, Mr. Speaker. Total - 70.

Whereupon the Speaker declared that **H 57** passed the House. Title was approved and the bill ordered transmitted to the Senate.

## H 68 - OFFICE OF PERFORMANCE EVALUATIONS

**H 68** 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 68** 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, Garner, Hawkins, Healey(Galloway), Hill, Holtzclaw(Yorgason), Horman, Kingsley, Lambert, Lanting, Manwaring, McCann, Mendive, Mickelsen, Miller, Mitchell, Monks, Nelsen, Palmer, Petzke, Pickett, Price, Raybould, Raymond, Redman, Sauter, Scott, Shepherd, Skaug, Tanner, Vander Woude, Weber, Wheeler, Wroten, Yamamoto, Young, Mr. Speaker. Total - 57.
NAYS–Berch, Burns, Chew(Hoy), Galaviz, Gannon, Green, Handy, Mathias, Nash, Necochea, Roberts, Rubel, Wisniewski. Total - 13.
Paired Votes:
AYE - Crane(13) NAY - Burns
(Pairs enumerated in roll call above.)
Total - 70.

Whereupon the Speaker declared that **H 68** passed the House. Title was approved and the bill ordered transmitted to the Senate.

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., Friday, February 10, 2023. Seconded by Ms. Necochea. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:06 p.m.

MIKE MOYLE, Speaker

ATTEST:
ERICA MCGINNIS, Chief Clerk