

# SENATE JOURNAL OF THE IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTY-SEVENTH LEGISLATURE

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EIGHTEENTH LEGISLATIVE DAY  
THURSDAY, JANUARY 26, 2023

Senate Chamber

President Pro Tempore Winder called the Senate to order at 11:15 a.m.

Roll call showed all members present except Senator Grow, absent and formally excused by the Chair.

Prayer was offered by Chaplain Doug Armstrong.

The Pledge of Allegiance was led by Hannah Gaalswyk, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 25, 2023, was read and approved as corrected.

LAKEY, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Anthon, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

January 26, 2023

The JUDICIARY AND RULES Committee reports that [SJR 101](#), [S 1018](#), [S 1019](#), and [S 1020](#) have been correctly printed.

LAKEY, Chairman

[SJR 101](#) was referred to the State Affairs Committee.

[S 1018](#) was referred to the Health and Welfare Committee.

[S 1019](#) and [S 1020](#) were referred to the Commerce and Human Resources Committee.

January 25, 2023

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Ashley Dowell as the Executive Director of the Commission of Pardons and Parole, term to continue at the pleasure of the Governor;

Eric Fredericksen as the State Appellate Public Defender, term to expire August 1, 2026.

LAKEY, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Anthon, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

#### S 1021

#### BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO PRIEST LAKE; AMENDING SECTION 70-507, IDAHO CODE, TO PROHIBIT CERTAIN OUTLET CONTROL STRUCTURES AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

#### S 1022

#### BY JUDICIARY AND RULES COMMITTEE AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-944, IDAHO CODE, TO REVISE A PROVISION REGARDING STANDARDS FOR WINDSHIELDS AND WINDOWS OF MOTOR VEHICLES, TO REMOVE PROVISIONS REGARDING VIOLATIONS AND COMPLIANCE, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

#### S 1023

#### BY JUDICIARY AND RULES COMMITTEE AN ACT

RELATING TO THE OFFICE OF ADMINISTRATIVE HEARINGS; AMENDING SECTION 67-1406, IDAHO CODE, TO PROVIDE THAT THE OFFICE OF ADMINISTRATIVE HEARINGS MAY EMPLOY PRIVATE COUNSEL; AMENDING SECTION 67-2601, IDAHO CODE, TO PROVIDE THAT THE OFFICE OF ADMINISTRATIVE HEARINGS IS UNDER THE DEPARTMENT OF SELF-GOVERNING AGENCIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-5281, IDAHO CODE, TO PROVIDE THAT THE CHIEF ADMINISTRATIVE HEARING OFFICER SHALL BE COMPENSATED AS DETERMINED BY THE GOVERNOR; AMENDING SECTION 67-5282, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DUTIES AND PROHIBITED CONDUCT OF THE CHIEF ADMINISTRATIVE HEARING OFFICER; AMENDING SECTION 67-5283, IDAHO CODE, TO REVISE PROVISIONS REGARDING QUALIFICATIONS OF THE CHIEF ADMINISTRATIVE HEARING OFFICER; AMENDING SECTION 67-5303, IDAHO CODE, TO PROVIDE THAT ALL HEARING OFFICERS AND ALL OTHER EMPLOYEES OF THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL BE NONCLASSIFIED EMPLOYEES AND TO REMOVE SURPLUS VERBIAGE; AMENDING SECTION 74-104, IDAHO CODE, TO PROVIDE THAT CERTAIN WRITINGS ASSOCIATED WITH THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL BE EXEMPT FROM DISCLOSURE AND THAT CERTAIN ORDERS ISSUED BY THE OFFICE

OF ADMINISTRATIVE HEARINGS ARE NOT EXEMPT FROM DISCLOSURE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

**S 1024**

**BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO COMMUTATIONS AND PARDONS; AMENDING SECTION 20-1016, IDAHO CODE, TO REVISE A PROVISION REGARDING COMMUTATIONS AND PARDONS FOR OFFENSES PUNISHABLE BY DEATH OR LIFE IMPRISONMENT AND TO PROVIDE FOR CONSPIRACIES TO COMMIT CERTAIN OFFENSES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

**S 1025**

**BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO MARRIAGE; AMENDING SECTION 31-3205, IDAHO CODE, TO REMOVE A PROVISION REGARDING A MARRIAGE LICENSE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 32-201, IDAHO CODE, TO REMOVE PROVISIONS REGARDING A MARRIAGE LICENSE AND TO PROVIDE FOR THE FILING OF A MARRIAGE CERTIFICATE; AMENDING SECTION 32-202, IDAHO CODE, TO REMOVE PROVISIONS REGARDING A MARRIAGE LICENSE AND TO PROVIDE FOR VALID MARRIAGE CONTRACTS; AMENDING SECTION 32-302, IDAHO CODE, TO REMOVE A PROVISION REGARDING A MARRIAGE LICENSE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 32-306, IDAHO CODE, TO REVISE A PROVISION REGARDING A CERTIFICATE OF MARRIAGE, TO PROVIDE FOR THE FORM OF THE CERTIFICATE, AND TO PROVIDE FOR CERTAIN DUTIES REGARDING A CERTIFICATE; AMENDING CHAPTER 3, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-306A, IDAHO CODE, TO PROVIDE FOR THE RECORDING OF MARRIAGE CERTIFICATES AND TO PROVIDE A PENALTY; REPEALING SECTION 32-401, IDAHO CODE, RELATING TO A MARRIAGE LICENSE AND CONTENTS; REPEALING SECTION 32-402, IDAHO CODE, RELATING TO A CERTIFICATE AND RETURN; REPEALING SECTION 32-403, IDAHO CODE, RELATING TO APPLICATION FOR AND ISSUANCE OF A LICENSE; REPEALING SECTION 32-404, IDAHO CODE, RELATING TO ADMINISTRATION OF OATHS; REPEALING SECTION 32-405, IDAHO CODE, RELATING TO A MINISTER OR OFFICER MAY SOLEMNIZE A MARRIAGE; REPEALING SECTION 32-406, IDAHO CODE, RELATING TO SOLEMNIZATION WITHOUT A LICENSE AND A PENALTY; REPEALING SECTION 32-407, IDAHO CODE, RELATING TO A RECORD OF A RETURN OF A LICENSE; REPEALING SECTION 32-408, IDAHO CODE, RELATING TO FEES FOR ISSUING A LICENSE; AMENDING SECTION 32-415, IDAHO CODE, TO REVISE A PROVISION REGARDING A VIOLATION; AMENDING SECTION 39-262, IDAHO CODE, TO REVISE PROVISIONS REGARDING MARRIAGE CERTIFICATES; REPEALING SECTION 39-263, IDAHO CODE, RELATING TO MARRIAGE LICENSE FEES; AMENDING THE HEADING FOR CHAPTER 4, TITLE 32, IDAHO CODE, TO REMOVE REFERENCE TO MARRIAGE LICENSES; AMENDING SECTION 39-5210, IDAHO CODE, TO REVISE A PROVISION REGARDING ELIGIBLE PROJECTS; AMENDING SECTION 39-5212, IDAHO CODE,

TO REVISE A PROVISION REGARDING ALLOCATION OF FUNDS; AMENDING SECTION 39-5213, IDAHO CODE, TO REVISE A PROVISION REGARDING CERTAIN FEES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

**S 1026**

**BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO ATTORNEYS; AMENDING SECTION 3-103, IDAHO CODE, TO PROVIDE FOR A COURT RULE REGARDING THE ROLL OF ATTORNEYS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

**S 1027**

**BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO WITNESSES; AMENDING SECTION 9-205, IDAHO CODE, TO REVISE A PROVISION REGARDING SERVING INTERPRETERS WITH A SUBPOENA; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

[S 1021](#), [S 1022](#), [S 1023](#), [S 1024](#), [S 1025](#), [S 1026](#), and [S 1027](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Anthon, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

[S 1001](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Guthrie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Adams, Anthon, Bernt, Bjerke, Burtenshaw, Carlson, Cook, Den Hartog, Foreman, Guthrie, Harris, Hart, Hartgen, Herndon, Just, Lakey, Lee, Lenney, Lent, Nichols, Okuniewicz, Rabe, Ricks, Ruchti, Schroeder, Semmelroth, Taylor, Toews, Trakel, VanOrden, Ward-Engelking, Winder, Wintrow, Zuiderveld. Total - 34.

NAYS—None.

Absent and excused—Grow. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1001](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Anthon, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Anthon, seconded by Senator Wintrow, by voice vote, the Senate adjourned at 11:43 a.m. until the hour of 11 a.m., Friday, January 27, 2023.

CHUCK WINDER, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary