SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SEVENTH LEGISLATURE

SEVENTY-FIRST LEGISLATIVE DAY
MONDAY, MARCH 20, 2023

Senate Chamber

President Bedke called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Guthrie, Rabe, and Toews, absent and excused.

Prayer was offered by Chaplain Doug Armstrong.

The Pledge of Allegiance was led by Bridger Benson, 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 March 17, 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

March 20, 2023

The JUDICIARY AND RULES Committee reports that SCR 104, S 1181, S 1182, S 1183, S 1184, S 1185, S 1186, S 1187, and S 1188 have been correctly printed.

LAKEY, Chairman

SCR 104 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

S 1181, S 1182, S 1183, and S 1184 were referred to the Finance Committee.

S 1185, S 1186, S 1187, and S 1188 were referred to the State Affairs Committee.

March 20, 2023

The JUDICIARY AND RULES Committee reports that S 1016, as amended in the House, has been correctly enrolled.

LAKEY, Chairman

The President signed Enrolled S 1016, as amended in the House, and ordered it transmitted to the House for the signature of the Speaker.

March 17, 2023

The JUDICIARY AND RULES Committee reports out H 71 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

LAKEY, Chairman

There being no objection, H 71 was referred to the Fourteenth Order of Business, General Calendar.

March 17, 2023

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

Dan Schmidt to the State Board of Health and Welfare, term to expire February 13, 2027;

Mark Bowen to the Board of Environmental Quality, term to expire July 1, 2026.

VANORDEN, 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.

March 20, 2023

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Shelly Enderud to the State Building Authority, term to expire January 1, 2026.

GUTHRIE, Chairman

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

Senator Guthrie was recorded present at this order of business.

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

Messages from the House

March 17, 2023

Dear Mr. President:

I transmit herewith H 322, H 328, and H 259, as amended, which have passed the House.

MCGINNIS, Chief Clerk

H 322, H 328, and H 259, as amended, were filed for first reading.

March 17, 2023

Dear Mr. President:

I transmit herewith Enrolled H 128, H 66, as amended in the Senate, H 74, as amended in the Senate, H 116, as amended in the Senate, and H 22, as amended in the Senate, for the signature of the President.

MCGINNIS, Chief Clerk

The President signed Enrolled H 128, H 66, as amended in the Senate, H 74, as amended in the Senate, H 116, as amended in the Senate, and H 22, as amended in the Senate, and ordered them returned to the House.

Senator Toews was recorded present at this order of business.

March 17, 2023

Dear Mr. President:

I return herewith Enrolled S 1131, S 1138, S 1010, S 1092, S 1021, S 1032, S 1033, S 1140, S 1155, and S 1046, which have been signed by the Speaker.

MCGINNIS, Chief Clerk

Enrolled S 1131, S 1138, S 1010, S 1092, S 1021, S 1032, S 1033, S 1140, S 1155, and S 1046 were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

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

Senator Rabe was recorded present at this order of business.

S 1189
BY FINANCE COMMITTEE
AN ACT
RELATING TO THE APPROPRIATION TO THE IDAHO TRANSPORTATION DEPARTMENT; APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR THE AERONAUTICS PROGRAM; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR THE HIGHWAY OPERATIONS PROGRAM; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR THE HIGHWAY OPERATIONS PROGRAM; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR THE CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION PROGRAM; PROVIDING FOR PORT ACCESS PROJECTS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE STRATEGIC INITIATIVES PROGRAM (LOCAL) FUND TO THE STRATEGIC INITIATIVES GRANT PROGRAM FUND FOR FISCAL YEAR 2024; PROVIDING A CONTINUOUS APPROPRIATION; PROVIDING FOR ACCOUNTABILITY REPORTS; PROVIDING FOR LOCAL TRANSPORTATION PROJECTS; PROVIDING REAPPROPRIATION AUTHORITY FOR THE CAPITAL FACILITIES PROGRAM; PROVIDING REAPPROPRIATION AUTHORITY FOR AIRPORT DEVELOPMENT GRANTS; PROVIDING REAPPROPRIATION AUTHORITY FOR THE CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION DIVISION; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

S 1190
BY FINANCE COMMITTEE
AN ACT
RELATING TO THE APPROPRIATION TO THE MILITARY DIVISION FOR FISCAL YEAR 2023; APPROPRIATING ADDITIONAL MONEYS TO THE MILITARY DIVISION FOR THE FEDERAL/STATE AGREEMENTS PROGRAM FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY.

S 1189 and S 1190 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 322, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

H 328, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 259, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1175, S 1176, S 1177, S 1178, S 1179, and S 1180, by Finance Committee, were read the second time at length and filed for third reading.

H 220, by State Affairs Committee, was read the second time at length and filed for third reading.

H 198, H 230, and H 292, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

H 215, H 244, and H 291, by Health and Welfare Committee, were read the second time at length and filed for third reading.

S 1141, by State Affairs Committee, was read the second time at length and filed for third reading.

H 239, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Anthon, granted by unanimous consent, S 1118 retained its place on the Third Reading Calendar for Monday, March 27, 2023.

On request by Senator Anthon, granted by unanimous consent, S 1168 and S 1167 retained their place on the Third Reading Calendar for one legislative day.

S 1171 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator VanOrden 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, Cook, Den Hartog, Grow, Guthrie, Harris, Hartgen, Just, Lakey, Lee, Lent, Rabe, Ricks, Ruchti, Schroeder, Semmelroth, Taylor, VanOrden, Ward-Engelking, Winder, Wintrow. Total - 25.

NAYS–Carlson, Foreman, Hart, Herndon, Lenney, Nichols, Okuniewicz, Toews, Trakel, Zuiderveld. Total - 10.

Total - 35.

Whereupon the President declared S 1171 passed, title was approved, and the bill ordered transmitted to the House.

S 1152 was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Winder 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, Grow, Guthrie, Harris, Hart, Hartgen, Herndon, Just, Lakey, Lee, Lent, Nichols, Okuniewicz, Rabe, Ricks, Ruchti, Schroeder, Semmelroth, Taylor, Toews, Trakel, VanOrden, Ward-Engelking, Winder, Wintrow. Total - 32.

NAYS–Foreman, Lenney, Zuiderveld. Total - 3.

Total - 35.

Whereupon the President declared S 1152 passed, title was approved, and the bill ordered transmitted to the House.

S 1143 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Harris arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator VanOrden disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES–Adams, Anthon, Bernt, Burtenshaw, Cook, Den Hartog, Grow, Guthrie, Harris, Hart, Hartgen, Just, Lakey, Lee, Lent, Rabe, Ricks, Ruchti, Schroeder, Semmelroth, Taylor, VanOrden, Ward-Engelking, Winder, Wintrow. Total - 25.

NAYS–Bjerke, Carlson, Foreman, Herndon, Lenney, Nichols, Okuniewicz, Toews, Trakel, Zuiderveld. Total - 10.

Total - 35.

Whereupon the President declared S 1143 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Anthon, granted by unanimous consent, S 1174 retained its place on the Third Reading Calendar for one legislative day.

H 170, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Den Hartog arose as sponsor of the bill and opened the debate.

On request by Senator Anthon, granted by unanimous consent, H 170, as amended in the Senate, retained its place on the Third Reading Calendar for Thursday, March 23, 2023.

H 202, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lakey 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, Grow, Guthrie, Harris, Hart, Hartgen, Herndon, Lakey, Lee, Lenney, Lent, Nichols, Okuniewicz, Ricks, Toews, Trakel, VanOrden, Winder, Zuiderveld. Total - 27.

NAYS–Just, Rabe, Ruchti, Schroeder, Semmelroth, Taylor, Ward-Engelking, Wintrow. Total - 8.

Total - 35.

Whereupon the President declared H 202, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House for possible concurrence.

H 277 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Just 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, Grow, 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 - 35.

Whereupon the President declared H 277 passed, title was approved, and the bill ordered returned to the House.

H 278 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bjerke 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, Den Hartog, Guthrie, Harris, Hartgen, Just, Lee, Rabe, Ruchti, Schroeder, Semmelroth, Taylor, VanOrden, Ward-Engelking, Winder, Wintrow. Total - 20.

NAYS–Carlson, Cook, Foreman, Grow, Hart, Herndon, Lakey, Lenney, Lent, Nichols, Okuniewicz, Ricks, Toews, Trakel, Zuiderveld. Total - 15.

Total - 35.

Whereupon the President declared H 278 passed, title was approved, and the bill ordered returned to the House.

H 282 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw 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, Cook, Den Hartog, Grow, Guthrie, Harris, Hartgen, Just, Lakey, Lee, Lent, Rabe, Ricks, Ruchti, Schroeder, Semmelroth, Taylor, VanOrden, Ward-Engelking, Winder, Wintrow. Total - 25.

NAYS–Carlson, Foreman, Hart, Herndon, Lenney, Nichols, Okuniewicz, Toews, Trakel, Zuiderveld. Total - 10.

Total - 35.

Whereupon the President declared H 282 passed, title was approved, and the bill ordered returned to the House.

H 283 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bjerke 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, Grow, Guthrie, Harris, Hart, Hartgen, Herndon, Just, Lakey, Lee, Lenney, Lent, Nichols, Okuniewicz, Rabe, Ricks, Ruchti, Schroeder, Semmelroth, Taylor, Toews, VanOrden, Ward-Engelking, Winder, Wintrow. Total - 32.

NAYS–Foreman, Trakel, Zuiderveld. Total - 3.

Total - 35.

Whereupon the President declared H 283 passed, title was approved, and the bill ordered returned to the House.

H 191 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Anthon 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, Grow, Guthrie, Harris, Hart, Hartgen, Herndon, Lakey, Lee, Lenney, Lent, Nichols, Okuniewicz, Ricks, Schroeder, Toews, Trakel, VanOrden, Winder, Zuiderveld. Total - 28.

NAYS–Just, Rabe, Ruchti, Semmelroth, Taylor, Ward-Engelking, Wintrow. Total - 7.

Total - 35.

Whereupon the President declared H 191 passed, title was approved, and the bill ordered returned to the House.

H 186 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Ricks 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, Bjerke, Burtenshaw, Carlson, Cook, Den Hartog, Grow, Guthrie, Harris, Hart, Herndon, Lakey, Lee, Lenney, Lent, Nichols, Okuniewicz, Ricks, Toews, Trakel, VanOrden, Winder, Zuiderveld. Total - 24.

NAYS–Bernt, Foreman, Hartgen, Just, Rabe, Ruchti, Schroeder, Semmelroth, Taylor, Ward-Engelking, Wintrow. Total - 11.

Total - 35.

Whereupon the President declared H 186 passed, title was approved, and the bill ordered returned to the House.

H 187 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Ricks 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, Grow, 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 - 35.

Whereupon the President declared H 187 passed, title was approved, and the bill ordered returned to the House.

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

Reading of Communications

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

Petitions, Resolutions, and Memorials

On motion by Senator Anthon, seconded by Senator Wintrow, by voice vote the Senate recessed at 11:56 a.m. until the hour of 3:30 p.m. of this day.

RECESS
AFTERNOON SESSION

The Senate reconvened at 3:30 p.m., pursuant to recess, President Bedke presiding.

Roll call showed all members present except Senator Guthrie, absent and excused.

Prior to recess the Senate was at the Fifth Order of Business, Petitions, Resolutions, and Memorials.

SCR 105
BY JUDICIARY AND RULES COMMITTEE
A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE STATE TAX COMMISSION RELATING TO INCOME TAX ADMINISTRATIVE RULES.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the State Tax Commission relating to Income Tax Administrative Rules are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 35.01.01, relating to Income Tax Administrative Rules, Rules of the State Tax Commission, adopted as a pending rule under Docket Number 35-0101-2201, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void, and of no force and effect.

SCR 105 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 20, 2023

The JUDICIARY AND RULES Committee reports that S 1189 and S 1190 have been correctly printed.

LAKEY, Chairman

S 1189 and S 1190 were referred to the Finance Committee.

March 20, 2023

The JUDICIARY AND RULES Committee reports that Enrolled S 1131, S 1138, S 1010, S 1092, S 1021, S 1032, S 1033, S 1140, S 1155, and S 1046 were delivered to the Office of the Governor at 1:43 p.m., March 20, 2023.

LAKEY, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

Senator Guthrie was recorded present at this order of business.

March 20, 2023

The STATE AFFAIRS Committee reports out S 1163 with the recommendation that it do pass.

GUTHRIE, Chairman

S 1163 was filed for second reading.

March 20, 2023

The STATE AFFAIRS Committee reports out S 1173 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GUTHRIE, Chairman

There being no objection, S 1173 was referred to the Fourteenth Order of Business, General Calendar.

March 20, 2023

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Gabriel Iacoboni to the Bingo-Raffle Advisory Board, term to expire January 7, 2025.

GUTHRIE, Chairman

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

March 20, 2023

The FINANCE Committee reports out H 319, S 1181, S 1182, S 1183, and S 1184 with the recommendation that they do pass.

GROW, Chairman

H 319, S 1181, S 1182, S 1183, and S 1184 were filed for second reading.

March 20, 2023

The JUDICIARY AND RULES Committee reports out H 117 and H 262 with the recommendation that they do pass.

LAKEY, Chairman

H 117 and H 262 were filed for second reading.

March 20, 2023

The RESOURCES AND ENVIRONMENT Committee reports out HCR 7 with the recommendation that it do pass.

BURTENSHAW, Chairman

HCR 7 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 20, 2023

The RESOURCES AND ENVIRONMENT Committee reports out H 120 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BURTENSHAW, Chairman

There being no objection, H 120 was referred to the Fourteenth Order of Business, General Calendar.

March 20, 2023

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Linda Mitchell to the Lake Pend Oreille Basin Commission, term to expire July 24, 2024.

BURTENSHAW, Chairman

The Gubernatorial appointment was 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 Ninth Order of Business.

Messages from the House

March 20, 2023

Dear Mr. President:

I transmit herewith Enrolled HCR 2 and HCR 3 for the signature of the President.

MCGINNIS, Chief Clerk

The President signed Enrolled HCR 2 and HCR 3 and ordered them returned to the House.

March 20, 2023

Dear Mr. President:

I return herewith Enrolled S 1147, S 1042, as amended, S 1139, S 1061, S 1022, as amended, S 1036, S 1100, as amended, S 1109, and S 1150, which have been signed by the Speaker.

MCGINNIS, Chief Clerk

Enrolled S 1147, S 1042, as amended, S 1139, S 1061, S 1022, as amended, S 1036, S 1100, as amended, S 1109, and S 1150 were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

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 1191
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO THE PERSONNEL SYSTEM; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5344, IDAHO CODE, TO ESTABLISH A LIMITATION REGARDING TELECOMMUTING AND TO PROVIDE FOR MONITORING OF EMPLOYEE PRODUCTIVITY; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5345, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR SALARY ADJUSTMENTS AND SAVINGS; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5346, IDAHO CODE, TO ESTABLISH A HUMAN RESOURCES AND EMPLOYEE COMPENSATION LEGISLATIVE STUDY COMMITTEE; PROVIDING A SUNSET DATE; AND DECLARING AN EMERGENCY.

S 1192
BY FINANCE COMMITTEE
AN ACT
RELATING TO THE APPROPRIATION TO THE OFFICE OF ENERGY AND MINERAL RESOURCES; APPROPRIATING MONEYS TO THE OFFICE OF ENERGY AND MINERAL RESOURCES FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REAPPROPRIATION AUTHORITY; REAFFIRMING STATUTORY COMPLIANCE REGARDING RESILIENT GRID GRANTS; REQUIRING A REPORT ON ENERGY RESILIENCY SUBGRANTS; PROVIDING FOR ACCOUNTABILITY REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

S 1193
BY FINANCE COMMITTEE
AN ACT
RELATED TO THE APPROPRIATION TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

S 1194
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO ALCOHOLIC BEVERAGES; AMENDING SECTION 23-908, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM A CERTAIN REQUIREMENT, TO PROVIDE A REQUIREMENT FOR A LICENSE ISSUED TO A THEATER, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

S 1191, S 1192, S 1193, and S 1194 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 Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Lee to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Lee, Chair of the Committee of the Whole, reported out S 1122, H 47, S 1099, H 182, and H 212, without recommendation, amended as follows:

SENATE AMENDMENT TO S 1122
AMENDMENT TO SECTION 2
On page 1 of the printed bill, delete lines 36 and 37, and insert:
"(a) Are done in cooperation with any foreign terrorist organization, as defined in 8 U.S.C. 1189, that threatens the".
On page 2, delete lines 28 and 29, and insert:
"(a) Are done in cooperation with any foreign terrorist organization, as defined in 8 U.S.C. 1189, that threatens the".

SENATE AMENDMENT TO H 47
AMENDMENT TO SECTION 1
On page 2 of the printed bill, in line 24, delete "cu-"; and in line 25, delete "riosity" and insert: "information".

SENATE AMENDMENT TO S 1099
AMENDMENT TO SECTION 1
On page 1 of the printed bill, following line 41, insert:
"(5) Notwithstanding any other provision of law, this section shall not be deemed to invalidate any lawful duty or authority of the school district and its employees, law enforcement, or the department of health and welfare to conduct investigations relating to allegations of child abuse, abandonment, or neglect.".
CORRECTION TO TITLE
On page 1, in line 7, delete "AND"; and in line 8, following "TION" insert: ", AND TO PROVIDE FOR CERTAIN INVESTIGATIONS".

SENATE AMENDMENT TO H 182
AMENDMENT TO SECTION 1
On page 1 of the printed bill, in line 18, delete "silent"; in line 33, following "and states" insert: "in part"; in line 37, delete ", or excuse acts of" and insert: "..."; and delete lines 38 through 40.
On page 2, delete lines 1 through 6; in line 7, delete "crimes""; and in line 14, delete "SILENT".

CORRECTION TO TITLE

On page 1, in line 5 , delete "SILENT".

SENATE AMENDMENT TO H 212

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 23 through 26, and insert:

"(4) The operation of day camps, programs, and religious schools for less than twelve (12) weeks during a calendar year or not more often than once a week and after school programs for children over four (4) years of age or in kindergarten; or".

The Committee also has S 1055, H 58, S 1111, H 155, H 24, H 138, H 192, S 1158, H 219, S 1157, H 281, H 269, and H 193 under consideration, reports progress, and begs leave to sit again.

LEE, Chair

On motion by Senator Lee, seconded by Senator Wintrow, the report was adopted by voice vote.

S 1122, as amended, and S 1099, as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

H 47, as amended in the Senate, H 182, as amended in the Senate, and H 212, as amended in the Senate, were filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

Moved by Senator Anthon, seconded by President Pro Tempore Winder, that **H 24** be referred to the Twelfth Order of Business, Second Reading Calendar. The question being, "Shall the motion prevail?"

Whereupon the President declared the motion prevailed by a division of the Senate and **H 24** was referred to the Twelfth Order of Business.

H 24 was filed for second reading.

Moved by Senator Harris, seconded by Senator Lee, that **H 138** be referred to the Twelfth Order of Business, Second Reading Calendar. The question being, "Shall the motion prevail?"

Whereupon the President declared the motion prevailed, by voice vote, and **H 138** was referred to the Twelfth Order of Business.

H 138 was filed for second reading.

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

Third Reading of Bills

Motion to Suspend Rules

Moved by Senator Anthon, seconded by Senator Harris, that all rules of the Senate interfering with the immediate passage of H 292 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 292 be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Adams, Anthon, Bernt, Bjerke, Burtenshaw, Carlson, Cook, Den Hartog, Foreman, Grow, 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 - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 292 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Grow arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senators Anthon and Schroeder disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES–Adams, Anthon, Bernt, Bjerke, Burtenshaw, Carlson, Cook, Den Hartog, Foreman, Grow, Guthrie, Harris, Hart, Hartgen, Herndon, Just, Lakey, Lee, Lenney, Lent, Nichols, Okuniewicz, Ricks, Ruchti, Schroeder, Taylor, Toews, Trakel, VanOrden, Ward-Engelking, Winder, Zuiderveld. Total - 32.

NAYS–Rabe, Semmelroth, Wintrow. Total - 3.

Total - 35.

Whereupon the President declared H 292 passed, title was approved, and the bill ordered returned to the House.

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

Reports of Standing Committees

March 20, 2023

The JUDICIARY AND RULES Committee reports that Senate amendments to S 1122, H 47, S 1099, H 182, and H 212 have been correctly printed.

LAKEY, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 20, 2023

The JUDICIARY AND RULES Committee reports that S 1122, as amended, and S 1099, as amended, have been correctly engrossed.

LAKEY, Chairman

S 1122, as amended, and S 1099, as amended, were filed for first reading.

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

H 47, as amended in the Senate, by Local Government Committee, was read the first time at length and filed for second reading.

H 182, as amended in the Senate, by State Affairs Committee, was read the first time at length and filed for second reading.

H 212, as amended in the Senate, by Health and Welfare Committee, was read the first time at length and filed for second reading.

S 1122, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

S 1099, as amended, by Education Committee, was read the first time at length and filed for second reading.

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

Third Reading of Bills

On request by Senator Anthon, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by remaining House bills.

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 5:38 p.m. until the hour of 10 a.m., Tuesday, March 21, 2023.

SCOTT BEDKE, President

Attest: JENNIFER NOVAK, Secretary