

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-EIGHTH LEGISLATURE

THIRTIETH LEGISLATIVE DAY
TUESDAY, FEBRUARY 10, 2026

House of Representatives

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

Roll call showed 68 members present.
Absent and excused - Cornilles and Petzke. Total - 2.
Total - 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Paisley Hall, Page.

3RD ORDER

Approval of Journal

February 10, 2026

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

At this time, the Speaker put the House at ease for the Idaho State Historical Society Presentation.

The Idaho State Historical Society presented for viewing an archival-quality framed reproduction of the Declaration of Independence, the Brady Powder Horn, and the Idaho Admission Act.

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

4TH ORDER

Consideration of Messages from the Governor and the Senate

February 9, 2026

Mr. Speaker:
I transmit herewith [SCR 116](#), [SCR 115](#), [S 1239](#), and [S 1234](#) which have passed the Senate.
NOVAK, Secretary

[SCR 116](#), [SCR 115](#), [S 1239](#), and [S 1234](#) were filed for first reading.

5TH ORDER

Report of Standing Committees

February 10, 2026

Mr. Speaker:
We, your COMMITTEE ON JUDICIARY, RULES AND ADMINISTRATION, report that we have printed [H 606](#), [H 607](#), [H 608](#), [H 609](#), [H 610](#), and [H 611](#).
SKAUG, Chairman

[H 606](#) was referred to the Judiciary, Rules and Administration Committee.

[H 607](#) was referred to the State Affairs Committee.

[H 608](#) was referred to the Education Committee.

[H 609](#) and [H 610](#) were referred to the Revenue and Taxation Committee.

[H 611](#) was referred to the Business Committee.

February 10, 2026

Mr. Speaker:
We, your COMMITTEE ON JUDICIARY, RULES AND ADMINISTRATION, report that we have transmitted enrolled [H 559](#) to the Governor at 2:40 p.m., as of this date, February 9, 2026.
SKAUG, Chairman

February 9, 2026

Mr. Speaker:
We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 561](#) and recommend that it do pass.
CRANE(13), Chairman

[H 561](#) was filed for second reading.

February 9, 2026

Mr. Speaker:
We, your COMMITTEE ON JUDICIARY, RULES AND ADMINISTRATION, report that we have had under consideration [H 520](#), [H 579](#), [H 580](#), and [H 581](#) and recommend that they do pass.
SKAUG, Chairman

[H 520](#), [H 579](#), [H 580](#), and [H 581](#) were filed for second reading.

February 9, 2026

Mr. Speaker:
We, your COMMITTEE ON BUSINESS, report that we have had under consideration [H 583](#) and recommend that it do pass.
REDMAN, Chairman

[H 583](#) was filed for second reading.

February 9, 2026

Mr. Speaker:
We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [H 587](#) and [HCR 26](#) and recommend that they do pass.
MENDIVE, Chairman

[H 587](#) and [HCR 26](#) were filed for second reading.

February 10, 2026

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 573](#) and recommend that it do pass.

CRANE(13), Chairman

[H 573](#) 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 JOINT MEMORIAL NO. 13
BY RESOURCES AND CONSERVATION COMMITTEE
A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE ADMINISTRATOR OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY, THE REGIONAL ADMINISTRATOR OF EPA REGION 10, THE ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS), THE COMMANDING GENERAL OF THE U.S. ARMY CORPS OF ENGINEERS, THE COMMANDER OF THE U.S. ARMY CORPS OF ENGINEERS WALLA WALLA DISTRICT, THE DIRECTOR OF THE IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY, THE DIRECTOR OF THE IDAHO DEPARTMENT OF LANDS, THE MEMBERS OF THE IDAHO WATER RESOURCE BOARD, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OF CONGRESS, AND THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, in 2004 the Sackett family purchased land near Priest Lake in Bonner County, Idaho; and

WHEREAS, when the Sacketts attempted to start building their home in 2007, they were quickly stopped by the Environmental Protection Agency (EPA) asserting jurisdiction pursuant to a 1996 determination by the U.S. Army Corps of Engineers (Corps) that the land was wetlands subject to the Clean Water Act (CWA), which the EPA itself affirmed in 2007; and

WHEREAS, the CWA allows for federal jurisdiction, oversight, and regulation of "waters of the United States" (WOTUS), which includes wetlands adjacent to WOTUS; and

WHEREAS, the Sacketts fought for over a decade for their right to build on their property; and

WHEREAS, finally, after nearly 16 years of litigation, the Supreme Court, in *Sackett v. Environmental Protection Agency, et al.*, 598 U.S. 651 (2023) (*Sackett*), sided with the Sacketts, finding that the EPA and Corps exceeded their authority, and announced a new standard for determining what is included in WOTUS and, thus, what is subject to federal jurisdiction; and

WHEREAS, courts have historically applied a "significant nexus" test to determine whether waters are, in fact, WOTUS subject to federal jurisdiction, wherein waters or wetlands would so qualify if the wetland has a continuous surface connection to waters that are WOTUS in their own right (i.e. traditional interstate navigable waters) such that it is difficult to determine where the water ends and the wetland begins. Courts have consistently held that nonnavigable, isolated, intrastate waters,

including intermittent or ephemeral streams, man-made drainage ditches, and culverts, were not, in fact, WOTUS subject to federal jurisdiction; and

WHEREAS, the Supreme Court in *Sackett* further clarified the law by announcing that the CWA extends only to wetlands with a continuous surface connection to waters that are WOTUS in their own right such that the wetland is indistinguishable from the WOTUS, and that the CWA use of WOTUS encompasses only those relatively permanent, standing, or continuously flowing bodies of water forming geographical features that are described in ordinary parlance as streams, oceans, rivers, and lakes; and

WHEREAS, despite the decades of Supreme Court cases finding the EPA and Corps overextended their jurisdiction under the CWA by a misguided interpretation of what qualifies as WOTUS and providing clarification on how that term should be interpreted, the two agencies still fail to properly adhere to the law as provided by statute and judicial decree; and

WHEREAS, notwithstanding the law and standards announced by the Supreme Court in its 2023 *Sackett* decision, among other decisions, the EPA and Corps continue to apply overturned and outdated rules and standards, such as by asserting jurisdiction over intermittent and ephemeral streams and channels that are not relatively permanent or continuously flowing bodies of water and are not what ordinary people would describe as streams, oceans, rivers, or lakes; and

WHEREAS, Idahoans are being materially injured by the two agencies' inability to follow current law and continuing to assert jurisdiction over "waters" that plainly do not qualify as WOTUS, such as stockwater ponds, ditches, and canals; and

WHEREAS, Idaho, as the state in which the *Sackett* dispute arose, has a compelling interest in ensuring that federal agencies operating within Idaho's borders faithfully implement and adhere to the binding standards set forth by the Supreme Court in *Sackett*; and

WHEREAS, federal agencies' refusal to follow current law increases compliance costs, delays permits, and causes injury to Idaho's agriculture, housing, transportation, energy, forestry, mining, and water infrastructure projects, with accompanying adverse effects on jobs and regional competitiveness; and

WHEREAS, Idaho's prosperity depends on predictable, lawful, and efficient permitting carried out with a spirit of cooperative federalism that respects the Supreme Court's *Sackett* decision and provides timely, transparent coordination with state authorities.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature affirms the controlling standard announced by the Supreme Court in *Sackett v. Environmental Protection Agency* that requires an indistinguishable surface connection to exist for waters adjacent to "waters of the United States," which are relatively permanent, standing, or continuously flowing bodies of water, to be subject to the Clean Water Act and federal regulation and jurisdiction, and the Legislature opposes any federal assertion of jurisdiction inconsistent with that standard.

BE IT FURTHER RESOLVED that the Legislature urges the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers to fully and immediately implement the standard set forth in *Sackett* and formally recognize that intermittent and ephemeral streams, which are dry for long periods of time, are not "waters of the United States" subject to federal jurisdiction, but are instead subject to state and local oversight and regulation.

BE IT FURTHER RESOLVED that the Legislature urges the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers to: rescind or revise any pre-*Sackett*

guidance, training materials, or field manuals that rely on outdated and overturned laws, standards, and practices; provide updated materials, manuals, and policies that reflect current law; and provide up-to-date training for Region 10 personnel and consultants operating in Idaho.

BE IT FURTHER RESOLVED that the Legislature urges Idaho's congressional delegation to support legislation that codifies the standards set forth by the Supreme Court in *Sackett* in the Clean Water Act and creates oversight mechanisms to ensure that federal agencies do not reintroduce overturned and outdated standards through rule, guidance, or informal policy or practice.

BE IT FURTHER RESOLVED that the Legislature urges the Trump administration to take the appropriate measures to ensure administrative rules that codify the standards set forth by the Supreme Court in *Sackett* are promptly promulgated and implemented by the agencies.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Administrator of the U.S. Environmental Protection Agency, the Regional Administrator of EPA Region 10, the Assistant Secretary of the Army (Civil Works), the Commanding General of the U.S. Army Corps of Engineers, the Commander of the U.S. Army Corps of Engineers Walla Walla District, the Director of the Idaho Department of Environmental Quality, the Director of the Idaho Department of Lands, the members of the Idaho Water Resource Board, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

[HJM 13](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[SCR 116](#) and [SCR 115](#), by Resources and Environment Committee, were introduced, read the first time by title, and referred to the Resources and Conservation Committee.

8TH ORDER

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 612 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO SOLAR ENERGY; AMENDING CHAPTER 1, TITLE 61, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 61-122, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING PORTABLE SOLAR GENERATION DEVICES; AMENDING SECTION 61-129, IDAHO CODE, TO REVISE PROVISIONS REGARDING PUBLIC UTILITIES; AMENDING SECTION 48-1802, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 48-1803, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE APPLICABILITY OF THE RESIDENTIAL SOLAR ENERGY SYSTEM DISCLOSURE ACT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 613 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO POLLING PLACES; AMENDING SECTION 6-1605, IDAHO CODE, TO PROVIDE A LIMITATION ON LIABILITY FOR WORKERS OR

VOLUNTEERS AT CERTAIN POLLING PLACES; AMENDING SECTION 34-302, IDAHO CODE, TO PROVIDE FOR STATE FUNDING OF COMMERCIAL LIABILITY INSURANCE FOR CERTAIN PRIVATE FACILITIES USED AS POLLING PLACES; AMENDING SECTION 63-602, IDAHO CODE, TO ESTABLISH A PROVISION REGARDING PROPERTY EXEMPT FROM TAXATION; AMENDING SECTION 67-5773, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION SHALL PURCHASE CERTAIN COMMERCIAL LIABILITY INSURANCE FOR CERTAIN PRIVATE FACILITIES DESIGNATED AS POLLING PLACES; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 614 BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE AN ACT

RELATING TO THE DEVELOPMENTALLY DISABLED AND MENTALLY ILL; AMENDING SECTION 66-317, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 66-329, IDAHO CODE, TO REVISE A PROVISION REGARDING THE DETENTION OR INVOLUNTARY ADMISSION TO A HOSPITAL OR OTHER FACILITY OF CERTAIN INDIVIDUALS; AMENDING SECTION 66-402, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 66-406, IDAHO CODE, TO PROVIDE FOR A REBUTTABLE PRESUMPTION THAT A PERSON IS UNABLE TO MEET ESSENTIAL REQUIREMENTS FOR PHYSICAL HEALTH OR SAFETY IN CERTAIN INSTANCES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 615 BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE AN ACT

RELATING TO DISTURBING THE PEACE; AMENDING SECTION 18-6409, IDAHO CODE, TO REVISE PROVISIONS REGARDING DISTURBING THE PEACE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 616 BY BUSINESS COMMITTEE AN ACT

RELATING TO ARCHITECTS; AMENDING SECTION 54-306, IDAHO CODE, TO ESTABLISH AN EXEMPTION TO ALLOW THE FILING OF CERTAIN TECHNICAL SUBMISSIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 617 BY BUSINESS COMMITTEE AN ACT

RELATING TO PROGRAMMABLE MONEY; AMENDING SECTION 28-1-201, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 28-9-102, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE A TECHNICAL CORRECTION; AMENDING TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 54, TITLE 28, IDAHO CODE, TO DEFINE TERMS, TO LIMIT THE USE OF PROGRAMMABLE MONEY, TO PROVIDE REMEDIES, AND TO ESTABLISH PROVISIONS REGARDING CRIMINAL PENALTIES; PROVIDING

SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 618
BY BUSINESS COMMITTEE
AN ACT

RELATING TO INSURANCE; AMENDING CHAPTER 24, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-2402, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING TRANSPARENCY REQUIREMENTS FOR FIRE INSURERS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 619
BY BUSINESS COMMITTEE
AN ACT

RELATING TO WILDFIRE RISK MITIGATION; AMENDING THE HEADING FOR CHAPTER 24, TITLE 41, IDAHO CODE; AMENDING CHAPTER 24, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-2402, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT AND TO PROVIDE A SHORT TITLE; AMENDING CHAPTER 24, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-2403, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 24, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-2404, IDAHO CODE, TO ESTABLISH THE IDAHO WILDFIRE RISK MITIGATION FUND; AMENDING CHAPTER 24, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-2405, IDAHO CODE, TO PROVIDE FOR THE POWERS AND AUTHORITY OF THE DIRECTOR OF THE DEPARTMENT OF INSURANCE; AMENDING SECTION 41-406, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DEPOSIT AND REPORT OF FEES, LICENSES, AND TAXES; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 620
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO BOARDS OF COUNTY COMMISSIONERS; AMENDING CHAPTER 8, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-882, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE POWERS AND DUTIES OF BOARDS OF COUNTY COMMISSIONERS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 621
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO CONCEALED WEAPONS; AMENDING SECTION 18-3302C, IDAHO CODE, TO REVISE A PROVISION REGARDING PROHIBITED CONDUCT AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 622
BY EDUCATION COMMITTEE
AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1020, IDAHO CODE, TO REVISE PROVISIONS REGARDING IDAHO DIGITAL LEARNING ACADEMY

FUNDING; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 623
BY EDUCATION COMMITTEE
AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1639, IDAHO CODE, TO REQUIRE IDAHO PUBLIC SCHOOLS TO PROVIDE FOR A DAILY MOMENT OF SILENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 624
BY EDUCATION COMMITTEE
AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1619, IDAHO CODE, TO REVISE PROVISIONS REGARDING VIRTUAL EDUCATION PROGRAMS; AMENDING SECTION 33-5202A, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 33-5206, IDAHO CODE, TO REVISE PROVISIONS REGARDING REQUIREMENTS FOR OPERATING A PUBLIC CHARTER SCHOOL; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

[H 612](#), [H 613](#), [H 614](#), [H 615](#), [H 616](#), [H 617](#), [H 618](#), [H 619](#), [H 620](#), [H 621](#), [H 622](#), [H 623](#), and [H 624](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1239](#), by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules and Administration Committee.

[S 1234](#), by Education Committee, was introduced, read the first time by title, and referred to the Education Committee.

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

10TH ORDER
Second Reading of Bills and Joint Resolutions

[S 1225](#), as amended, by Education Committee, was read the second time by title and filed for third reading.

11TH ORDER
Third Reading of Bills and Joint Resolutions

Mr. Monks asked unanimous consent that [HJM 12](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

[H 551](#) - TAXATION

[H 551](#) 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. Cheatum to open debate.

The question being, "Shall [H 551](#) pass?"

Roll call resulted as follows:
AYES—Alfieri, Barbieri, Beiswenger, Berch, Bingham, Boyle, Bruce, Burgoyne, Cannon, Cayler, Cheatum, Church, Crane(12), Crane(13), Dygert, Egbert, Ehardt, Ehlers, Erickson, Fuhriman, Furniss, Galaviz, Gannon, Garner, Green, Hall(Stone), Handy, Harris, Hawkins, Haws, Healey, Hill, Holtzclaw,

Whereupon the Speaker declared that [H 544](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Monks asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

Mr. Monks asked unanimous consent that beginning Wednesday, February 11, 2026, legislation on the Third Reading Calendar be placed in the following order: House bills, joint resolutions, joint memorials, concurrent resolutions, and resolutions, Senate bills, joint resolutions, joint memorials, and concurrent resolutions.. There being no objection, it was so ordered.

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, 2026

Speaker Mike Moyle
Idaho House of Representatives

Dear Speaker Moyle:

The House Revenue & Taxation Committee has received and reviewed all pending rules from the:

- **State Tax Commission / Sales Tax**
- **State Tax Commission**

It is the recommendation of the Committee that all pending rules be **approved** in their entirety.

Respectfully,
/s/ David Cannon, Chairman
House Revenue & Taxation
Committee

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

House of Representatives
State of Idaho

February 9, 2026

Speaker Mike Moyle
Idaho House of Representatives

Dear Speaker Moyle:

The House Education Committee has received and reviewed all pending and temporary rules from the:

- **State Board of and State Department of Education / State Department of Education**
- **Division of Career Technical Education**

It is the recommendation of the Committee that all the pending and temporary rules be **approved** in their entirety.

Respectfully,
/s/ Dale Hawkins, Chairman
House Education Committee

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

15TH ORDER
Announcements

Announcements were made to the body.

16TH ORDER
Adjournment

Mr. Monks moved that the House adjourn until 11 a.m., Wednesday, February 11, 2026. Seconded by Ms. Rubel. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:59 a.m.

MIKE MOYLE, Speaker

ATTEST:
CYRUS VORE, Acting Chief Clerk