

# SENATE JOURNAL

2006

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FIFTY-EIGHTH IDAHO LEGISLATURE  
SECOND REGULAR SESSION

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SENATE JOURNAL
OF THE
IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

FIRST LEGISLATIVE DAY
MONDAY, JANUARY 9, 2006

Senate Chamber

At the hour of 12 noon on Monday, January 9, 2006, the time established for the convening of the Second Regular Session of the Fifty-eighth Idaho Legislature, the members of the Senate convened in the Senate Chamber of the Capitol in the city of Boise, President James E. Risch presiding.

The following Certificate of Election and Appointment was read by the Secretary of the Senate:

STATE OF IDAHO
OFFICE OF THE SECRETARY OF STATE

CERTIFICATE OF ELECTION AND APPOINTMENT

I, BEN YSURSA, Secretary of State of the State of Idaho and legal custodian of the records of elections held in the State of Idaho, do hereby certify that the following is a full, true, and complete list of those elected or appointed to serve as members of the Senate of the Second Regular Session of the Fifty-eighth Legislature, as shown by official records on file in my office:

Table with 2 columns: DISTRICT and NAME. Lists 21 senators including Shawn A. Keough, Joyce M. Broadsword, Michael "Mike" Jorgenson, John W. Goedde, Dick Compton, Gary J. Schroeder, Joe Stegner, R. Skipper "Skip" Brandt, Monty J. Pearce, John T. McGee, Brad Little, Curt McKenzie, Patti Anne Lodge, Hal Bunderson, John C. Andreason, David Langhorst, Elliot Werk, Kate Kelly, Mike Burkett, Gerry Sweet, and Russell M. Fulcher.

Table with 2 columns: District number and Name. Lists senators from district 22 to 35 including Tim Corder, Sr., Tom Gannon, Charles H. Coiner, Clint Stennett, Dean L. Cameron, Denton Darrington, J. Stanley Williams, Bert C. Marley, Edgar J. Malepeai, Robert L. Geddes, Melvin "Mel" Richardson, Bart M. Davis, Brent Hill, and Don M. Burtenshaw.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Idaho. Done at Boise, the Capital of Idaho, this Nineteenth day of December, in the year of our Lord, Two Thousand and Five, and of the Independence of the United States of America, the Two Hundred and Thirtieth.

/s/ BEN YSURSA
Secretary of State

The Certificate of Election and Appointment was ordered filed in the office of the Secretary of the Senate.

Roll call showed all members except Senators Pearce and Richardson, absent and formally excused by the Chair.

Prayer was offered by Chaplain Don Hardenbrook, Associate Pastor, Nampa Church of the Brethren, Nampa, Idaho.

On request by President Pro Tempore Geddes, granted by unanimous consent, the Idaho State Police Honor Guard, represented by Troopers Kevin Haight, Sheldon Kelley, Vern Hancock, and Scott Tulleners entered the Chamber. The Honor Guard was accompanied during their entrance and exit by Sergeant Rich Fuhrman, Bagpiper, Boise Police Department. President Pro Tempore Geddes provided a brief history of the flag ceremony tradition.

The Pledge of Allegiance was led by Sarah Jane McDonald, Senate Sergeant at Arms. President Risch presented the Idaho State flag to the Honor Guard to be raised above the Senate dome to fly during the Second Regular Session of the Fifty-eighth Idaho Legislature. The Honor Guard exited the Chamber.

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

Motions and Resolutions

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Rules of the Senate and Joint Rules of the Senate and House as adopted by the First Regular Session of the Fifty-eighth Idaho Legislature were adopted as the temporary rules of the Second Regular Session of the Fifty-eighth Idaho Legislature.

On request by Senator Davis, granted by unanimous consent, the President appointed a committee consisting of Senator Burtenshaw, Chairman, and Senators Gannon, Broadsword, Malepeai, and Werk to notify the Governor that the Senate is now organized and ready to conduct business.

The committee was excused.

On request by Senator Davis, granted by unanimous consent, the President appointed a committee consisting of Senator Lodge, Chairman, and Senators Coiner and Langhorst to escort the committee from the House of Representatives into the Senate Chamber. Representatives Clark, Barrett, and Pasley-Stuart informed the Senate that the House is now organized and ready to conduct business.

The committee was excused.

On request by Senator Davis, granted by unanimous consent, the President appointed a committee consisting of Senator McKenzie, Chairman, and Senators Corder and Marley to notify the House of Representatives that the Senate is now organized and ready to conduct business.

The committee was excused.

The committee appointed to wait upon the Governor returned and reported that the Governor sent his best wishes to the Senate members.

The committee was discharged.

The committee appointed to wait upon the House of Representatives returned and reported that they had conveyed the message to the House and the House expressed their best wishes for a productive session.

The committee was discharged.

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

### **Messages from the House**

January 9, 2006

Mr. President:

I transmit herewith **HCR 30** which has passed the House.

JUKER, Chief Clerk

**HCR 30** was filed for first reading.

On request by Senator Davis, 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**

**HCR 30**, by Denney and Jaquet, was introduced and read at length.

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate consideration of **HCR 30** be suspended. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Schroeder, Stegner, Stennett, Sweet, Werk, Williams.  
Total - 33.

Absent and Excused-- Pearce, Richardson. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended and announced that **HCR 30** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Davis, seconded by Senator Stennett, **HCR 30** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

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

### **Second Reading of Bills**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:40 p.m. until the hour of 6:30 p.m. of this day.

### **RECESS EVENING SESSION**

The Senate reconvened at 6:30 p.m., pursuant to recess, President Risch presiding.

Prior to recess the Senate was at the Twelfth Order of Business, Second Reading of Bills.

Roll call showed all members present except Senators Corder, Goedde, Pearce, and Richardson, absent and excused.

On request by Senator Davis, granted by unanimous consent, the Senate went at ease for the purpose of attending a joint session to hear the Governor's State of the State and Budget Address, and the State of the Judiciary Address by the Chief Justice of the Supreme Court.

### **JOINT SESSION**

Pursuant to **HCR 30**, the hour of 7 p.m. having arrived, the members of the Senate entered into the House Chamber and met in Joint Session with Speaker Newcomb presiding.

Roll call of the House showed all members present.

Roll call of the Senate showed all members present except Senators Corder, Goedde, and Richardson, absent and excused.

On request by Representative Denney, granted by unanimous consent, the Speaker appointed three committees to wait upon the

Supreme Court Justices and Appellate Court Judges, the elected officials, and the Governor and escort them to the House Chamber.

The Speaker appointed Senators Darrington and Burkett and Representatives Field and Boe as the committee to wait upon and escort the Supreme Court Justices and Appellate Court Judges to the House Chamber.

The Speaker excused the committee.

The Speaker appointed Senators Cameron and Kelly and Representatives Miller and Martinez as the committee to wait upon and escort the elected officials to the House Chamber.

The Speaker excused the committee.

The Speaker appointed Senators Davis and Stennett and Representatives Denney and Jaquet as the committee to wait upon and escort the Governor to the House Chamber.

The Speaker excused the committee.

The committees appointed by the Speaker returned and escorted the Supreme Court Justices, Appellate Court Judges, the Constitutional Officers, and the Governor into the House Chamber where they were presented to the Joint Session by the Speaker.

The Speaker introduced His Excellency, the Governor of the State of Idaho, Dirk Kempthorne, and the following **State of the State and Budget Address** was delivered by the Governor:

Mr. Speaker. Mr. President. Members of the Legislature. Mr. Chief Justice and distinguished members of the Judiciary. Fellow Constitutional Officers. My fellow Idahoans.

It is an honor to be here once again, to speak to you about the state of our state. In this historic building we once again come to do the people's work. When we walk into these hallowed halls, we leave our personal matters behind to work for the greater good. It is part of the miracle of our American democracy.

We build upon the work of the generations who came before us, but we also lay the foundations for future generations of Idahoans. Our work is guided by the values our citizens cherish: strong and healthy families; safe and vibrant communities; and responsible stewardship of Idaho's rugged and pristine outdoors. There is no place in the world like Idaho.

Now for the task before us. Part of our work is to continue to govern: to debate public policy; to balance the budget; and to maintain the services on which our people depend. But we also have many opportunities to do extraordinary things for our citizens, to invest in Idaho's future, to do things that may only happen once in a generation, but which will benefit many generations.

This year, we will add another chapter to the story of Idaho. We did not pen the first page, nor will we write the last, but our contributions will be lasting. Over the past few years, we have led in times of surplus and in times of sacrifice, in times of peace and in times of war.

When I took office seven years ago, no one could have predicted what would happen over the course of a few short years. But I said then that Idaho would be a leader among the fifty states. When state economies plunged into the worst recession since World War II, with the rest of the nation, we went from record surpluses to historic shortfalls. But again, I said that Idaho would lead the way out of the recession and we have.

When the rains from the economic storm came down, we built our budget upon the rock of fiscal conservatism, with an eye for the future. Together, we carried out a plan to get us through the tough times. Because of our choices, I'm proud to say that the State of our State is stronger than ever:

25,000 new businesses filed with the Secretary of State:

1. 23,000 new jobs;
2. Business and job growth ahead of 46 other states;
3. Unemployment at an unprecedented 3.4%—the first time in Idaho history.

No matter how you measure it, Idaho is thriving.

Some pundits and even some economists may be stunned by our remarkable recovery. But I'm not surprised. This is no accident. We made the right decisions over the past several years and as a result, our budget is balanced, our economy is full steam ahead, and the structural imbalance plaguing us is no more.

Tonight I submit to you a budget that is responsible, sensible, and doable. For Fiscal Year 2007, I am proposing a two billion, three hundred nine million dollar general fund budget. It meets the critical needs of education, health care, and public safety and it keeps general fund expenditures to a mere 5.90% growth.

We began this fiscal year with a starting balance of 214 million dollars and revenues remain above target. Despite the growth in state revenues, we will continue to control the growth of state government. We must not overextend the taxpayer's money.

Even though the economy has been very strong, home budgets are as tight as ever because of rising energy costs. Here's what one of our newspapers said: "HIGH COST OF HEAT LEAVES VALLEY RESIDENTS COLD." And if the headline isn't compelling enough, then listen to what citizens across the state have told me. My office received a call from a mother who spent one-fourth of her monthly budget on utility bills. I received an email from a family of eight, who had their power turned off right before Christmas. And a single mother wrote about having to dress her three-year old in two sweaters and wrap her eight month-old in extra blankets just to fend off the cold.

My budget includes more than 63 million dollars in one-time energy assistance to help Idahoans with their rising energy costs. Every Idaho resident who filed a 2004 individual tax return or the grocery tax credit will receive a check – fifty dollars for each man, woman and child who qualifies. That family of eight will receive 400 dollars.

We are all feeling the impacts. For many families, this is an emergency, and so I'm asking you to make this measure effective immediately. As soon as you approve the legislation, I'll sign it and within fourteen days the first checks will be on their way.

In addition to this one-time energy assistance, I am proposing that we transfer 67 million dollars to the Budget Stabilization Account. This is a prudent course of action for our state budget and it gives us a healthy reserve of over 105 million dollars -- the largest in Idaho history.

One of the reasons that we did not have to make drastic cuts to vital programs in the recent recession was because of the dedicated work of our state employees. There are countless examples of state employees taking on more responsibilities and doing more with less to serve their fellow citizens. Because we often leave to the last the question of salary increases for state employees, I think it's time to demonstrate their value to us by making it the first item we address. Therefore, I'm recommending a 3% salary increase and rather than wait until July first, I'd like to make it effective at the end of this month.

There are also special needs among correctional officers, parole officers, and the Idaho State Police. Many of these men and women work in environments that put them at great personal risk. I'm asking for additional money for these classifications. Send me this legislation so our employees can see the increase in their checks by the end of February.

Also at the top of my agenda is the major Medicaid reform that I first announced in November. Medicaid is among the fastest growing parts of the state budget. But to cure the systemic problems and to reign in the escalating costs, we must do more to modernize the system. Unless we do something, we'll be forcing the care of our grandparents to be in direct conflict with the education of their grandchildren.

We must be proactive in our approach, focusing on results instead of rules, outcomes instead of regulations. My common sense plan will simplify the system, reduce costs, and turn our attention to prevention, wellness and personal responsibility.

We'll begin by redesigning Medicaid into three distinct programs: one for low-income children; another for individuals with disabilities or special health needs; and a third for the elderly. Each program will be tailored to meet the needs of each population. I believe that by working together, with a little common sense, innovation, and Idaho ingenuity, we'll be the model for national Medicaid reform.

Through all of the budget cuts of the past years, we have kept education off the chopping block. Now, we're in a position to make additional investments in our public schools. For fiscal year 2007, my budget recognizes the importance of our public schools with a first-ever appropriation of over a billion dollars—one billion, thirty-five million to be exact. This historic investment represents a 4.89% increase over last year's appropriation.

But improving education is not merely a factor of funding. We have already improved our public schools by focusing on reading, math, and science. Now, I'm proposing another common sense reform. High school curriculum must reflect what business is demanding: even more math and science. Two years of instruction in these core areas is not enough to prepare our young people for the workforce.

The State Board of Education has recommended requiring four years of math and three years of science for graduation from Idaho high schools. This will keep our students competitive with those in other states and other countries, and it will bring our minimum high school standards in line with our own state college entrance requirements. My budget includes the funds requested to implement high school reform. We live in a 21st Century economy. We need a 21st Century education.

Another area of our school curriculum that is in need of reform is physical education. In a world where fast food and a sedentary lifestyle are becoming the norm, it's imperative that we give our children opportunities to develop lifelong habits of physical fitness.

Unfortunately, video games have replaced sports as the normal after school activity for our youth. Why would a 12 year-old want to play catch with his neighbor when he can throw a touchdown pass to an NFL all-star to win the Super Bowl - all without leaving the comfort of his couch? Some studies point to the tragic reality that if this trend continues, today's generation of children will have a shorter life expectancy than we do. We must not allow this trend to continue. It's time to revitalize and strengthen physical education around the state. You'll find a healthy investment in my budget to do just that.

We can raise the standards, but there is no replacement for a good teacher. From physical science to physical education and music to math, our teachers are on the front lines of preparing our children for the future. Idaho has some of the best, most dedicated teachers in the country. Every day, they enter the classroom to teach, inspire, and encourage our children. To all of our hard working teachers, we say thank you.

My budget includes a 27 million dollar increase for teacher salaries. As a part of this investment, I want to increase the starting wage for this noble profession. Two years ago we raised the starting teacher salary to 27,500 dollars. This year, my budget includes ongoing money to increase it once again to 30,000 dollars. When you approve this measure, we can all be proud that in the last few years, we will have raised starting teacher salaries by 20%.

Just a few weeks ago, the Idaho Supreme Court ruled on the constitutionality of our historical mechanism for funding local school construction and maintenance. In their view, reliance on the traditional school bond election process has not produced the guarantees required by our constitution.

We have already taken some important steps to encourage school districts to pass school bonds and build new schools. We implemented a plan to pay a portion of the interest on new school bonds. We have already partnered with twenty-four local school districts to build or improve schools across the state.

My budget includes 4.5 million dollars to continue this commitment, which is projected to grow to more than 22 million dollars annually by the year 2025. Many of the districts with the greatest facility needs now have new schools thanks to this partnership with the state. Many more will benefit and we're committed to the process.

Despite our progress, the Court expects more. Fortunately, they have recognized that this is a problem best solved by the political process. One of the options the Court gave us to consider is what I proposed seven years ago: lowering the supermajority for school bond elections. I support lowering the supermajority to 60% if school districts hold their bond elections concurrent with the primary or general election.

This is a constitutional matter and it will require a constitutional amendment. So it's time to put this question before the citizens of the State of Idaho by placing it on the ballot.

In higher education, we have also made investments that will benefit generations of future students. My budget for colleges and universities provides a 4.8% increase over the current fiscal year, and includes full funding for salaries, inflation, and increased enrollment. And just as with other state employees, the salary increases for faculty and staff will be effective at the end of this month.

Our faculty and staff are part of the reason that our colleges and universities are among the best in the country. But the stark reality is that Idaho ranks low compared to the rest of the nation in the percentage of high school graduates who go directly to college. Why? Part of that may be accessibility. Part may be affordability.

For too long we have asked our universities to be all things to all people, but the simple truth is that a university is a university. It is not a community college. It is not a professional-technical school.

I'm presenting a plan that will make community college classes accessible and affordable to more Idahoans. I propose investing \$5 million dollars to begin the process of creating a new statewide community college network. My proposal does not call for any new investments in brick and mortar. The community college of the 21st Century, with all of our technological assets and existing infrastructure, does not require a brick and mortar approach.

Instead, this initiative utilizes existing facilities and resources around the state, including public schools, private businesses and government buildings to meet community needs. Under my plan, instead of having to travel to a college campus miles away, students might expect to attend classes at the local high school, a corporate conference room, or a room in city hall or a county courthouse.

We have some great models to follow in North Idaho College and the College of Southern Idaho. These community colleges have already begun to expand their services to rural communities in the Mini-Cassia area and the Silver Valley, among many others.

And these true community college programs will grow as enrollment grows. In this way, these programs will be self-sustaining and life sustaining for individuals who want better jobs, a better education, and a better quality of life.

I have spoken with our college and university presidents, school superintendents, and business leaders who recognize the urgent need and have pledged their support for my "Idaho College" initiative. Let's take the next step to make college classrooms available in every part of the state.

Investing in education is the best way we can give our citizens the hope of a bright future. Unfortunately, too many of our young people are getting their education on the streets and end up in prison. Last year, I created the Criminal Justice Commission, including members of all three branches of government, law enforcement, and other community partners. They have undertaken an extensive review of the most significant criminal problems facing Idaho. They have worked tirelessly and I've taken their recommendations to heart.

On the top of that list, we're going to make our already tough sex-offender laws even tougher. First, I propose doubling the maximum sentences for the most severe sex crimes. Let's give judges greater authority to keep these predators off the streets and behind bars.

For those sex offenders who serve their time, we currently require that they register once a year with the state. That's not good enough, especially for violent sexual predators. That gives them a one-year head start if they ever decide to move or re-offend. I propose increasing the frequency of registration for violent sex offenders from once a year to quarterly. I also propose requiring these violent predators to verify their address with the Idaho State Police every month. And when a sex offender moves to Idaho intending to stay here, they'll have forty-eight hours to notify the authorities of their presence.

For those who hide from the law or fail to register, we're also going to double the maximum sentence. I have a message for sex offenders, you can live by our rules or you'll live behind bars.

Another serious problem is gang activity. As the population grows, gangs will only get worse, unless we act. Idaho currently has no laws against gangs, but we must eradicate this social epidemic before it infects every community.

And when I talk about gangs, I want to dispel the image of the unsophisticated street thug. This is organized crime. They run like a business, but their business is no good.

Gang members can be as young as 10 and well into their 50's. In some cases gang membership is a family tradition with third generation gang members. But this is one family tradition that we won't pass on in Idaho.

This session, I will send you legislation to criminalize gang activity. We will make gang recruitment illegal. We will enhance the penalties for gang members who commit crimes. And, we will make it a felony to supply firearms to a criminal gang.

And with this anti-gang legislation, we're sending a clear message: Gangs are not welcome in Idaho.

This year, we will also take another step in our continuing fight against methamphetamine. Thanks to our anti-meth initiative, we have shut down more than 760 labs in seven years; on average, we've taken out two labs every week since I took office. We've been tough on meth and the word is out. We must make it harder than ever to peddle this poison in Idaho.

It's time to require that pseudo-ephedrine, the key ingredient in meth, be kept behind the counter. We are one of the only states

that doesn't safeguard it. Some Idaho counties and cities already impose requirements on vendors. Some vendors safeguard pseudo-ephedrine voluntarily. But we need uniformity and predictability across the state. It's time we make this simple fix.

Being tough on crime is good for our communities and it's good for our state. One of the reasons that Idaho is the third fastest growing state is because of our low crime rate.

Idaho is a safe place to raise a family, because we don't tolerate those who prey on others, we put them in prison. But this means our prison population will continue to grow.

In spite of our best efforts to control the growth of our prison population, we have reached a point where we need more room in order to keep our communities safe. I'm recommending 16 million dollars for the addition of 300-beds at the privately-run prison. With county jails full and some Idaho inmates already housed out-of-state, the choices are slim: start releasing inmates or make room for more. In Idaho, if you do the crime, you do the time.

But while we lock people up, we don't always throw away the key. In our prisons, a tragic 85% of offenders have a substance abuse problem. However, addicts can recover with proper treatment. Last year I announced that Idaho received a 22.8 million dollar federal grant to create a system to help more addicts get access to treatment. Since we obtained the grant, we have helped over 5,000 people receive recovery support services and treatment.

And in our prisons, because many of our inmates can and will be released after serving their time, we must continue to focus on rehabilitation. We have seen the success of drug treatment programs in our prison system. This year we'll take our efforts a step further. We will rehabilitate offenders and assist them with their reentry back into society. My budget includes funding for a 400-bed community-based treatment center. That's 300 prison beds and 400 treatment beds. That's a net gain of 700 beds that will not only help relieve the pressure in our prisons, but change lives for the better.

One of the best ways to keep from having to build prisons is to ensure that our children are loved and cared for so they don't get into trouble in the first place. From the very start of my administration, I have focused on families and children, declaring this the Generation of the Child.

We have worked to make sure that our children get the immunizations they need to live healthy lives. In fact, we have been recognized by the Centers for Disease Control for having the largest increase in the country in our childhood immunization rate. We have also improved access to health care for many children. Nearly 70,000 children have health care today who were not covered seven years ago.

One of our greatest achievements has been to create a Culture of Caring. We have started an ongoing dialogue between parents and teachers, lawmakers and community leaders, all in an effort to increase awareness, understanding, and cooperation on the issues that most affect our children and families.

One of the great advocates has been our First Lady. Patricia has been tireless in working for Idaho families and Idaho is fortunate to have her.

Our efforts have matured over the course of seven years. We have accomplished much, but there is more to do. To continue our emphasis on families and children, I propose creating the Office for Families and Children within the Executive Office of the Governor. This effort will formalize Idaho's commitment to promoting healthy and well-educated children, and strengthening families.

With a small investment, the Office for Families and Children will facilitate the exchange of information and ideas to help strengthen our communities and protect our young people. It will also help streamline government services designed to reinforce the family unit. This is a positive step forward. Idaho families and children deserve our continued support.

In the area of economic development, we have been aggressive at expanding opportunities for Idaho businesses. We have a great success story in our continued efforts to sell Idaho goods and services around the world. Our trade missions to Asia and Mexico have opened doors for Idaho exports and built relationships that are already producing results. We estimate that our international exports from 2005 will exceed 3 billion dollars. This is big business for Idaho companies and agriculture.

Central to our ongoing success are the Idaho trade offices located in key international markets. This year, we can further enhance Idaho trade by expanding our presence in Asia. First, I propose reestablishing our part-time trade office in Japan. And with increasing opportunities in China, I propose making our Shanghai trade office full-time. Idaho is open for business, here and around the world.

Science and technology continues to be one of the driving forces behind the strength of Idaho's economy. I am recommending the full request of the Science and Technology Advisory Council. This includes funding for our TechConnect offices throughout the state; grant money for Idaho companies competing for federal research dollars; and increased funding for our universities for research and technology transfer.

This year, we must also continue to invest in rural Idaho through my Rural Initiative. Many of the new jobs in our smaller communities are the direct result of this initiative. I am proposing an additional 700,000 dollar investment. With your support, we'll bring funding for the Rural Initiative to 3.5 million dollars, of which 500,000 dollars is earmarked for science and technology projects. The rural initiative has benefited more than 60 communities, by building infrastructure and creating jobs. This is part of the reason that we're leading the nation in economic recovery. Let's continue this tremendous story of success.

Another great success story is what's happening in the area of species conservation. Our salmon and steelhead are returning to Idaho rivers. The wolf management plan you approved three years ago is now in place. Last week I signed an agreement with the Secretary of Interior that gives Idaho the authority for the day-to-day management of wolves. This is the first such agreement

between the Secretary and any governor, and it gives the state management of a reintroduced species before delisting. Although it was an historic agreement, we won't stop until we make history by delisting wolves in Idaho.

By the end of the year, I also expect that the Yellowstone Grizzly Bear will be removed from protection under the Endangered Species Act in portions of Idaho. Grizzly bears may be here to stay, but thanks to the state plan that you helped develop, federal management of this species is on its way out.

There has been a lot of discussion about local property taxes. I recognize the problem: nobody likes property taxes. But the state does NOT assess, collect, or spend a single penny of property taxes.

As a former Mayor, I understand the primary role that local governments play in public health, fire protection, law enforcement, road construction, and economic development. My budget continues the state's historical support of local government.

My budget includes nearly 142 million dollars from sales tax for cities and counties. We're also giving almost 29 million dollars from the liquor tax to cities and counties. Consider the 9.6 million dollars from the cigarette tax that goes to cities and counties; the 18.2 million dollars for Catastrophic Health Care that goes to the counties; and the 9.7 million dollars that goes to fund the Health Districts serving all 44 counties. My budget also includes more than 112 million dollars in other direct property tax relief to local government. In all we send over 325 million dollars a year to local governments to help fund local services, which otherwise would come from property taxes. The state is already a strong partner in its support of local government.

If citizens believe they are paying too much in property taxes, that debate belongs in the county courthouses and the city halls.

Having said that, I recognize that property taxes are an increasing burden. I have a genuine concern in those areas of the state with rising property values, that seniors, those on fixed incomes, and the disabled might be priced out of their homes. It should never be the case that growing property taxes force a citizen from their home.

That's why we implemented the Property Tax Circuit Breaker, to help those eligible pay their property taxes. Twenty-six thousand households currently benefit. I propose helping an additional 10,000 households—that's households, not individuals—by increasing the circuit breaker from 15.4 million dollars to 22.7 million dollars. With this increase we will help 36,000 families pay their property taxes and stay in their homes.

Expanding the circuit breaker will help, but we're also going to put in place a safety net to break the fall for those who have no other options. I'm proposing that we give seniors and the disabled, who meet the criteria of the Circuit Breaker, the added ability to defer their property taxes. The state will pay the deferred taxes as long as it's needed to keep them in their home. As the state is repaid, the money will go into a revolving fund, helping seniors and the disabled in perpetuity.

Now while we're talking about property, I want to comment on another problem that could affect property owners and local governments. Last year the United States Supreme Court ruled that governments can take private property from one person and give it to another for private economic activity. This decision erodes private property rights. This is unacceptable. The Court's opinion forces us to ask the question: Will we allow government to take your home or property and give it to private developers? I have a bill that says, not in Idaho, not now, and not ever.

We value private property. We also have some public property in Idaho that is absolutely incredible. Idaho's thirty state parks have been called the jewels of the Gem State.

These parks are important to tourism, Idaho's third largest and fastest growing industry. Tourism provides 47,000 jobs and has a 2.1 billion dollar impact to our economy. Part of that comes from the 2.5 million annual visitors to Idaho state parks.

Any investment in our state parks is an investment that will pay big dividends. And it's not just money we're talking about, it's memories—memories that will last for generations. So, I am proposing that we make a once-in-a-generation investment in our state park system.

If I say names like Yellowstone or Yosemite, it evokes great images. So do names like Heyburn and Harriman. These are special places, but parks like these don't just happen. It takes vision and commitment.

We've identified six parks across the state that are in need of updating and repair. In many instances, if we don't act, we will not only lose historic buildings, but we'll miss an opportunity to save these parks for the next generation.

In the north, on the shores of beautiful Lake Coeur d'Alene, Heyburn State Park, our first state park, is in danger of becoming merely a memory. It's time to renovate and reopen the lodge and other facilities, so that Heyburn State Park is around for another 100 years.

Much like Heyburn, Harriman State Park, located along the Henry's Fork of the Snake River in Fremont County, also needs serious repair. I propose building a visitor center, and renovating the ranch-style structures to make this park a destination once again.

In Valley County, Ponderosa State Park sits on some of the most beautiful land in Idaho. We will build a rustic lodge and family cabins, and reopen public access to the beach near the old Lakeview Village.

Eagle Island State Park along the Boise River, with our rapid population growth, will become as valuable to the Treasure Valley as Central Park is to New York City. But unless we make the investment, Eagle Island's potential will not be realized. My proposal adds needed improvements: campgrounds, equestrian trails, and more greenbelt along the Boise River.

In the Hagerman Valley, at the Billingsley Creek Unit of Thousand Springs State Park, we intend to remodel the popular Garden Center, build a small outdoor concert amphitheater, and expand the equestrian arena.



Near the Idaho-Utah border, Castle Rocks State Park is quickly becoming one of our nation's rock climbing meccas. However, the facilities are inadequate. We need more campgrounds, and there's need to remodel the traditional Ranch House that welcomes visitors.

Finally, and perhaps most significantly, we will build a new State Park in Eastern Idaho. This corner of our state is experiencing explosive population growth and the fact is that there is significant demand for citizens to have a place to spend time with their families and enjoy the beauty of the State of Idaho.

I spend a lot of time in our state parks. I love sitting around a campfire and I enjoy seeing so many families with their children doing the very same thing. When we take our children there, they make memories that last a lifetime.

What's unfortunate is that we probably won't see these same children and their families around the Statehouse because they're not organized and they don't know how to lobby. But let me assure you, on their behalf, that these repairs and improvements are important.

With this one-time money, let's make a once-in-a-generation investment in a world class park system. This is our responsibility, just as the leaders of previous generations had the vision to create the State Park System. They didn't put it off for someone else to do and neither should we.

It was this kind of once-in-a generation investment that brought us this wonderful State Capitol. The year 2005 marked the centennial of the beginning of the construction on this magnificent structure. The Statehouse is steeped in history and tradition. But we only have this building because our forefathers had the vision 100 years ago to build a house that was equal to the majesty of our people.

With each passing year, the Statehouse falls further into disrepair. Five years ago, we committed to restoring the Capitol. We delayed the project because of the recession. One year ago, I recommended that we begin the restoration of our century-old State Capitol.

Well, here we are twelve months later. The building is still unprotected from fires. We lack emergency exits, and the out-of-date elevators are still unable to accommodate a gurney in the event of a medical emergency. Nothing has changed regarding the need for this restoration project—nothing except this building is one year older and construction inflation costs have gone up five million dollars.

To your credit, we have identified a revenue source to now pay for this restoration. With that revenue stream in place, no more delay. It is my intention, that on September first of this year, we will vacate the building and begin the renovation.

Delay can also mean increased costs with highway construction. That's why last year we approved bonding for 30 years of new highway projects all across Idaho. This is one of the reasons that people called last year's session one of the most progressive and significant sessions in the state's history. We are taking advantage of today's dollars to build a generation of

highways, but it's not getting any cheaper. We have already issued the contract to underwrite the bonds, and soon, we will have the contract in place to manage the projects. Today, I ask you to approve the funding necessary to begin construction.

If anyone questions the need or the support for this, just go ask the citizens. We're going to save lives and increase commerce. We're ready to go; let's get rolling.

As we commence this second session of the 58th Idaho Legislature, I want to share a part of what I experienced over the past few years. We live in freedom and practice our form of democracy because men and women serve our country in the armed forces. Many Idahoans are currently serving in Afghanistan, Iraq and other places around the world.

Our troops are in the middle of history: fighting a war against terrorism and bringing freedom to a people who have suffered the worst kind of oppression. Members of the 116th Cavalry Brigade, the 183rd Aviation Battalion, the 124th Wing, the 189<sup>th</sup> Air Lift Squadron, the 266th Range Squadron, the Gunfighters of Mountain Home AFB, US Marine Reservists from Charlie Company, and many other active duty and reserve soldiers, sailors, airmen and marines are part of helping to lay the foundation of freedom in the Middle-East. As democracy in the Middle-East takes form, Idahoans are playing a vital role and we can be proud of their service and sacrifice.

Through all of this, Idaho has deployed a greater percentage of our National Guard Forces than any other state in the union. And in the height of our deployments, Hurricane Katrina hit the Gulf Coast. In the midst of the largest deployment in Idaho National Guard history, I sent more than 400 soldiers and airmen to Louisiana to help in the relief effort. Some time later, I spoke with the chairman of the US Senate Armed Services committee, Senator John Warner. He asked how Idaho was able to still send troops to Louisiana with our record deployment. My answer to him was that when fellow Americans call for help, Idahoans will always answer the call.

As Governor, I feel responsible for the well-being of our citizens. As Commander-in-Chief of the Idaho National Guard, I feel a special responsibility for all of our service members and for their families. With each deployment, I have been there when they leave. I've been there when they return. And I've been there when they haven't returned. I have never been so proud to be from Idaho. I have also never been so profoundly affected.

We must never forget those who have given their lives in the service of our country. And we are grateful for those who serve and safely return.

One of my honors and duties as Commander-in-Chief is to present the Purple Heart to those Idahoans who have been wounded in battle. It is an honor with deep meaning and great tradition that dates to the Revolutionary War. It's as sacred a medal as this nation has.

I've presented the Purple Heart in a variety of settings – several at Walter Reed Army Hospital, in a city park, and in my office. There are currently four Purple Hearts that have not yet

been presented. We were scheduled to present these awards across the state. But I feel that this is the place -- this is the time -- before all three branches of government and before the citizens of Idaho.

These four men represent all of our soldiers, sailors, airmen and marines who have so gallantly served. I now call upon our Adjutant General, Major General Lafrenz, and Command Sergeant-Major Lewis to assist me in the presentation of the Purple Heart to: Staff Sergeant Thomas Butler, Specialist Jason Brasse, Specialist Jesse Ingram, and Specialist Kenneth Parham. Gentlemen, would you please come forward?

Staff Sergeant Butler is assigned to Company A, 2nd Battalion 116th Cavalry Brigade, in Emmett. On June 26th, 2005 while conducting combat operations near Kirkuk, Iraq, Sergeant Butler was seriously wounded by an Improvised Explosive Device. He took shrapnel and received serious injuries to his left arm and leg, and abdomen. Sergeant Butler came home to his wife, Kimberly and their three children Amanda, Jacob, and Jared.

Specialist Jason Brasse is also assigned to Company A, 2nd Battalion 116th Cavalry Brigade, in Emmett. He was a part of the same combat operation near Kirkuk, Iraq. When the IED exploded, he was also seriously wounded, taking shrapnel in his right leg. I saw Jason and his wife Autumn at Walter Reed Army Hospital on more than one occasion.

Specialist Jesse Ingram is assigned to Detachment 2, Company B, 116th Engineer Battalion, in Grangeville. On the 14th of February, 2005 while conducting a patrol near Hawija, Iraq, his patrol took enemy fire. He received multiple shrapnel wounds to his face, neck, chest and right hand, for which he has already received one Purple Heart. After he was wounded, he returned to duty. On the 28th of April, 2005 while he was conducting another patrol in Iraq, his vehicle was destroyed by an Improvised Explosive Device. He was again seriously wounded, taking shrapnel in both arms and both legs. He's here today to receive a second purple heart.

Specialist Kenneth Parham is assigned to Detachment 1, Company B, 116th Engineer Battalion, in Orofino. On the 21st of April, 2005 his armored Humvee took a direct hit from an IED. He sustained multiple serious injuries including fractured ribs, a collapsed lung, and shrapnel wounds to his hip and shin from the explosion. This was his third incident. He came home to his wife Cheryl and their four children, Michael, Kasia, Stacey and Kenneth.

Command-Sergeant Major, post the orders.

*[medal presentation]*

After all that has been said tonight about the state of our state, I hope these soldiers leave no doubt: Idaho is in good hands. And while we debate public policy and budgets, figuratively fighting for the values of our constituents, let us never forget that our fellow citizens are literally fighting for the values of freedom and democracy around the world.

We have the privilege of practicing democracy. Let us cherish that privilege and work together. We also have some extraordinary opportunities. I expect that you will fully consider and debate my proposals. I welcome an open and thorough discussion.

I look forward to working with you to make our hopes for Idaho a reality. God bless you in your work. God bless Idaho. God bless America.

The Speaker thanked Governor Kempthorne for his message. The committee came forward and escorted the Governor from the House Chamber to the House Gallery.

At this time Speaker Newcomb introduced Chief Justice Gerald F. Schroeder who delivered the following **State of the Judiciary Address** to the Joint Session:

Governor Kempthorne, Mr. Speaker, Mr. President, Mr. President Pro Tem, my colleagues on the Supreme Court, Judges of the Court of Appeals, Constitutional Officers, distinguished members of the Senate and House of Representatives, and fellow citizens of Idaho. As a personal note from me and a professional note from all the Judiciary, Governor Kempthorne -- **we will miss you.**

Appearing before this joint body is a great honor and privilege. It is also a great opportunity, because history has taught the courts that the legislature and the Governor are cooperative branches of our system that will work diligently with us to solve the problems of our state if we articulate and identify the needs that we see.

One of the characteristics that we see from one end of the state to the other, from the austere atmosphere of the Supreme Court building to the most hectic traffic court, the stressful domestic court or the high stakes trial of a district court, is a commitment of judges to their communities. I have always known outstanding judges, but the depth today is the strongest it has ever been.

There has been a continuing effort from the magistrates commissions, the judicial council and the Governor's office to screen and select judges of the highest caliber who are legally sound and committed to their communities. Judges who have gone to the electorate have known the high expectations of the public and have lived up to that expectation. The judges of today know that they must be able to manage caseloads that would have been considered insurmountable not too many years ago and then must extend further to meet current social needs that require additional time, education and insights.

Concepts of gang violence, meth addicts, babies born with drugs in their little bodies, sexual predators reaching out through electronics -- these are not things that have always been prominent on the judicial plate or even known on that plate. They come on top of the traditional fare that the courts have always and will always deal with -- a fare that expands constantly as our population grows and the complexity of issues grows.

I can't tell you about all the judges or even a large portion of them, but I want to share enough to give you a picture.

The Governor's Criminal Justice Commission has waded into the most difficult current problems affecting public safety and the criminal justice system. Some of the judiciary's best have brought their expertise to the table as full participants in this monumental effort. The insights Justice Eismann has shared about the elements

of a successful drug court, the stark reality of gang mentality and violence catalogued by Judge Gutierrez, the working knowledge of Judge Stegner and Judge Smith – these are primary sources that speak clearly from a vantage that is irreplaceable.

Speaking of Judge Randy Smith from Pocatello. He sits on the Governor's Commission, he runs a drug court, he travels throughout the state to help other judges – he is a judge's judge – and most of you know him. Bless his soul. As most of you also know, the President of the United States has nominated Judge Smith to the 9th Circuit Court of Appeals, one of the most prestigious and responsible positions in the national judiciary.

I hope you all share with me the exceptional pride we have and recognition of the high honor this nomination brings our state and our judiciary. For those of you who do not know Judge Smith, I'd like you to meet him. May confirmation go well, Judge Smith.

So much more is going on. Idaho was honored recently to have the national director and members of the board of directors of the Legal Services Corporation established by Congress appear in Idaho to pay special tribute to the contributions of judges in this state who have taken exceptional steps to raise our state into the upper echelon of those making access to the civil courts a reality to people who in the past had no realistic part in the legal process.

Justice Trout, Judge Horton and Judge Dennard stand on the national stage of honor and respect with very strong supporting casts. In the east Judge Moss and Judge St. Clair manage a pioneering mental health court that is a finalist to become a national model through the Council of State Governments and Department of Justice.

In the north, in the Treasure Valley, and the Magic Valley, the judges press forward with drug courts, mental health courts, and family courts. Throughout the state innovation is dynamic in the district and magistrate courts.

On our own court, Justice Burdick has become the watchdog of fiscal responsibility for our retirement system and Justice Jones brings insights to our state that only one with his vast statewide experience can have. It is not enough said about our judges, but it's all the time appropriate.

We will bring things to the legislature that we think are critical to the maintenance and improvement of the judiciary. It has been eight years since we have asked for additional judges. The wisdom of the legislature in giving us the financial tools and structure to utilize retired senior judges has filled the gap, and it will be necessary to continue that system too if we are to keep pace with the growth of our state.

But the time has come when that system by itself cannot meet the needs of the courts to provide open doors to the expanding litigation and problem-solving approaches that have been so successful. Critical mass has arrived. The same number of judges cannot do the job. Timeliness, proper preparation, growth of problem-solving approaches, morale itself will fade if there is not a recognition that in the last eight years Idaho has grown and poses many more challenges.

The courts, together with the legislature and the governor, are focusing a vision of the 21st century which will mean that the judges will increasingly add to their growing caseloads problem solving functions – expanded alternative dispute resolution, expanded drug and mental health courts, family courts and juvenile courts, expanded need for understanding of the special problems of a growing diverse population, expanded use of technology to do things promptly and well. In the hard financial times the state has suffered we have asked only the consideration the legislature might give all state employees.

We will be asking the legislature to recognize that a new approach to judicial compensation is necessary if we are to continue to attract the type of people to the judiciary that have made such a beneficial impact. I won't regale you with a horror story of figures at this time, but I will make a couple of notes. Your Supreme Court is 49th in the nation in compensation, and your trial courts are close to being that low in comparison to their peers in other states.

A number of city and county assistant prosecuting attorneys, mid-level administrative personnel in the universities, and law school professors are paid substantially more than the Supreme Court Justices and certainly more than the trial judges whom we expect to solve the most imponderable of legal and social problems. The comparisons I make are not to people over compensated. The market demands these levels of pay to fill the positions.

We will be asking the legislature to examine carefully proposals to assure the stability and financial soundness of the judicial retirement system – this is not an enhancement, simply steps to recognize that the massive crash that followed 911 created issues of fiscal responsibility that must be addressed. In recognition of this the district judges voted several years ago their willingness to increase their contributions as part of the three prongs that support this system.

Additionally, we will ask the legislature to make some adjustments in court costs to improve the opportunity for magistrate judges to purchase retirement years. The law need not be changed, but additional funding must come. With it would come increased flexibility of the courts to utilize a pool of retired judges, expanding the very successful use that has already occurred.

As many of you know, during the time Judge Petrie was facing the military hazards in Iraq, Judge Grant, a retired magistrate judge, filled that void. I know that all of you join all of us in the relief we feel in having one of our best back on Idaho turf safe. He's here with us tonight – Judge Petrie. We thank you, and all the others.

We have no specific proposals for additional funding for drug and mental health courts, but we encourage the legislature to exercise the wisdom and foresight it has shown in the past in finding money for these efforts. Since their inception over one thousand three hundred persons who might have gone to the penitentiary otherwise have graduated from these courts. Last year 40 drug free babies were born to women in drug court who might otherwise have given us severely damaged infants, bearing staggering medical costs. In my many meetings with professionals,

exposure to cases, the sights and sounds before my own eyes and ears, one word keeps surfacing as the poison of our culture – methamphetamine.

I shouldn't express a personal opinion perhaps, but I will. No outside enemy will ever bring our country to its knees. If this country ever fails it will be from the internal rot of damaged brains and skewed emotions of our children seeking fulfillment through drugs, cutting short their ability to mature, driving them to acts that are unthinkable, and ultimately reducing them to shells with neither brains nor souls.

Anything within your vision to interrupt this growing cycle we know you will take. And we will continue the fight. It is a fight for survival of our society.

The state of the judiciary – it is committed. The judges know that this is a wonderful state with exceptional people that do incredibly progressive things when given the opportunity. Most people are good, but even good people must at times go to court to resolve their differences. The doors must be open promptly so they can do their legal business and get back to planting, growing, building, whatever adds to life.

Other people are bad or perceived to be bad. Again, the courts must clean up whatever mess is left in the aftermath of their conduct. They must do it promptly and fairly. Others are troubled by addiction and/or mental illness – long term problems that defy a quick fix. All these functions that judges must perform, and many more, require broad-ranging knowledge, specialized expertise, a proper degree of patience and a basic sense of justice.

Winston Churchill was a speaker of immense power and focus. It would be foolish to try to imitate him, but on the grand world scale when he reached out to this great country for its assistance against the crushing power of the Third Reich, he capsulized a concept that rings in our smaller scale – “give us the tools, and we will finish the job.” We look to you as a partner in delivering justice and hope you will continue your support of our efforts.

Thank you for the privilege of appearing here today.

The committees came forward and escorted the Governor, the Supreme Court Justices, Appellate Court Judges, and the elected officials to their chambers and offices respectively, and were, on their return, thanked and discharged by the Speaker.

On motion by Representative Denney, seconded by Representative Sayler, by voice vote the State of the State and Budget Address was ordered spread upon the pages of the House and Senate Journals.

On motion by Representative Denney, seconded by Representative Sayler, by voice vote the Joint Session was dissolved.

The appointed committee came forward and escorted the Senators from the House Chamber.

The members of the Senate returned to the Senate Chamber.

On request by Senator Davis, granted by unanimous consent, the State of the Judiciary Address was ordered spread upon the pages of the Senate Journal.

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

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 8:40 p.m. until the hour of 11:30 a.m., Tuesday, January 10, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

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### SECOND LEGISLATIVE DAY TUESDAY, JANUARY 10, 2006

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Goedde and Richardson, absent and formally excused by the Chair; and Senator Marley, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Angela Andersen, 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 9, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

**Messages from the Governor**

Senator Marley was recorded present at this order of business.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Vern Driver of Orofino, Idaho, was appointed as a member of the Idaho Board of Tax Appeals to serve a term commencing September 30, 2005, and expiring June 30, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the Local Government and Taxation Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Joseph S. Bleymaier of Boise, Idaho, was appointed as Administrator of the Idaho Division of Veterans Services to serve a term commencing May 31, 2005, and continuing at the pleasure of the Governor.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the State Affairs Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Tom Kealey of Boise, Idaho, was appointed as a member of the Idaho Endowment Fund Investment Board to serve a term commencing April 11, 2005, and expiring April 11, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Vaughn Heinrich of Caldwell, Idaho, was appointed as a member of the Idaho Endowment Fund Investment Board to serve a term commencing May 13, 2005, and expiring April 11, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Larry A. Crowley of Boise, Idaho, was appointed as a member of the Idaho Energy Resources Authority to serve a term commencing September 1, 2005, and expiring June 30, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the State Affairs Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Charles Hedemark of Boise, Idaho, was appointed as a member of the Idaho Energy Resources Authority to serve a term commencing September 1, 2005, and expiring June 30, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the State Affairs Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Randolph J. Hill of Boise, Idaho, was appointed as a member of the Idaho Energy Resources Authority to serve a term commencing September 2, 2005, and expiring June 30, 2006.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the State Affairs Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that E. Robert (Bob) Mooney of Boise, Idaho, was appointed as a member of the Idaho Energy Resources Authority to serve a term commencing September 2, 2005, and expiring June 30, 2010.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the State Affairs Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Ralph Williams of Heyburn, Idaho, was appointed as a member of the Idaho Energy Resources Authority to serve a term commencing September 2, 2005, and expiring June 30, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the State Affairs Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Anthony R. McDermott of Sagle, Idaho, was appointed as a member of the Idaho Fish and Game Commission to serve a term commencing October 12, 2005, and expiring June 30, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Peter J. Black of Pocatello, Idaho, was appointed as a member of the Idaho Personnel Commission to serve a term commencing July 1, 2005, and expiring July 1, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that John Michael Brassey of Boise, Idaho, was appointed as a member of the Idaho Personnel Commission to serve a term commencing July 1, 2005, and expiring July 1, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Clarisse Maxwell of Boise, Idaho, was appointed as a member of the Idaho Personnel Commission to serve a term commencing July 1, 2005, and expiring July 1, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Gary Blick of Castleford, Idaho, was appointed as a member of the Idaho Transportation Board to serve a term commencing January 31, 2006, and expiring January 31, 2012.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the Transportation Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Sherry Krulitz of Pinehurst, Idaho, was appointed as a member of the Idaho Judicial

Council to serve a term commencing July 1, 2005, and expiring July 1, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Brent Baker of Sandpoint, Idaho, was appointed as a member of the Lake Pend Oreille Basin Commission to serve a term commencing July 24, 2005, and expiring July 24, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Marc Brinkmeyer of Laclede, Idaho, was appointed as a member of the Lake Pend Oreille Basin Commission to serve a term commencing July 24, 2005, and expiring July 24, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Douglas A. Hancey of Rexburg, Idaho, was appointed as a member of the Park and Recreation Board to serve a term commencing June 30, 2005, and expiring June 30, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jeff Cilek of Boise, Idaho, was appointed as a member of the Idaho Public Employee Retirement System Board to serve a term commencing July 1, 2005, and expiring July 1, 2010.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.



January 9, 2006

**Miscellaneous Business**

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Daniel Fuchs of Twin Falls, Idaho, was appointed as a member of the Idaho Board of Health and Welfare to serve a term commencing January 1, 2005, and expiring January 1, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the Health and Welfare Committee.

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

**Motions and Resolutions**

On request by Senator Davis, granted by unanimous consent, Senator Russ Fulcher was assigned as a member of the Agricultural Affairs and Education Committees for the Second Session of the Fifty-eighth Idaho Legislature.

On request by Senator Davis, granted by unanimous consent, Senator Mike Jorgenson was assigned as Vice Chairman of the Education Committee and as a member of the Transportation Committee for the Second Session of the Fifty-eighth Idaho Legislature.

The Senate advanced to the Eleventh Order of Business.

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

**S 1241**  
**BY SCHROEDER**  
AN ACT

RELATING TO PREKINDERGARTEN SCHOOL AGE; AMENDING SECTION 33-201, IDAHO CODE, TO PROVIDE A MINIMUM AGE REQUIREMENT FOR ATTENDANCE IN PREKINDERGARTEN IN SCHOOL DISTRICTS WHICH CONDUCT PREKINDERGARTEN AND TO MAKE A TECHNICAL CORRECTION.

**S 1241** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

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

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:55 a.m. until the hour of 11:30 a.m., Wednesday, January 11, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

**THIRD LEGISLATIVE DAY**  
**WEDNESDAY, JANUARY 11, 2006**

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Goedde and Richardson, absent and formally excused by the Chair; and Senators Cameron and Stennett, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Brady Anderson, 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 10, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

January 11, 2006

The JUDICIARY AND RULES Committee reports that **S 1241** has been correctly printed.

DARRINGTON, Chairman

**S 1241** was referred to the Education Committee.

On request by Senator Davis, 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**

Senators Cameron and Stennett were recorded present at this order of business.

**S 1242  
BY BRANDT  
AN ACT**

RELATING TO EMINENT DOMAIN; AMENDING SECTION 7-704, IDAHO CODE, TO PROVIDE ADDITIONAL FACTS PREREQUISITE TO A TAKING.

**S 1243  
BY BRANDT  
AN ACT**

RELATING TO EMINENT DOMAIN; AMENDING SECTION 7-707, IDAHO CODE, TO REQUIRE THAT A COMPLAINT SHALL CONTAIN AN ORDER OF CONDEMNATION, OR RESOLUTION, OR OTHER OFFICIAL AND BINDING DOCUMENT ENTERED BY THE PLAINTIFF WHICH SETS FORTH AND CLEARLY IDENTIFIES ALL PROPERTY RIGHTS TO BE ACQUIRED INCLUDING RIGHTS TO AND FROM THE PUBLIC WAY, AND PERMANENT AND TEMPORARY EASEMENTS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 40-506, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION.

**S 1244  
BY BRANDT  
AN ACT**

RELATING TO EMINENT DOMAIN; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-701A, IDAHO CODE, TO SPECIFY USES NOT AUTHORIZED.

**S 1245  
BY BRANDT  
AN ACT**

RELATING TO EMINENT DOMAIN; AMENDING SECTION 7-711, IDAHO CODE, TO PROVIDE AN ALTERNATE METHOD FOR ESTABLISHING THE MINIMUM AMOUNT FOR DAMAGES WHEN ASCERTAINING THE VALUE OF THE PROPERTY.

**S 1246  
BY BRANDT  
AN ACT**

RELATING TO RELOCATION ASSISTANCE AND EMINENT DOMAIN; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-722, IDAHO CODE, TO PROVIDE LIMITATION ON COMPENSABLE DAMAGES, RELOCATION ASSISTANCE AND APPLICATION OF CHAPTER 20, TITLE 40, IDAHO CODE, TO ALL CONDEMNERS; AND AMENDING SECTION 40-102, IDAHO CODE, TO REVISE THE DEFINITION OF "AGENCY" AND TO MAKE TECHNICAL CORRECTIONS.

**S 1247  
BY BRANDT  
AN ACT**

RELATING TO EMINENT DOMAIN; AMENDING SECTION 7-721, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING THE STATE AND POLITICAL SUBDIVISIONS OF THE STATE, TO REMOVE LANGUAGE REFERENCING THE PURPOSES OF ACQUISITION OF REAL PROPERTY AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

**S 1248  
BY BRANDT  
AN ACT**

RELATING TO COSTS IN EMINENT DOMAIN PROCEEDINGS; AMENDING SECTION 7-711A, IDAHO CODE, TO DELETE THE PROVISION FOR DISCRETIONARY AWARD OF COSTS AND FEES AND TO PROVIDE THAT THE COURT SHALL DETERMINE WHAT COSTS AND FEES ARE REASONABLE TO AWARD; AMENDING SECTION 7-718, IDAHO CODE, TO PROVIDE FOR THE AWARD OF REASONABLE COSTS AND ATTORNEY'S FEES TO THE DEFENDANT IN EMINENT DOMAIN ACTIONS IF IT IS DETERMINED THE AMOUNT OF JUST COMPENSATION EXCEEDS THE CONDEMNOR'S LAST PRELITIGATION OFFER BY TEN PERCENT OR MORE.

**S 1249  
BY BRANDT  
AN ACT**

RELATING TO EMINENT DOMAIN; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-707A, IDAHO CODE, TO PROVIDE FULL AND COMPLETE DISCLOSURE BY THE CONDEMNING AUTHORITY TO THE DEFENDANTS REGARDING THE AMOUNT OF JUST COMPENSATION TO WHICH THE CONDEMNING AUTHORITY CLAIMS THE DEFENDANTS ARE ENTITLED.

**S 1242, S 1243, S 1244, S 1245, S 1246, S 1247, S 1248,** and **S 1249** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

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

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:45 a.m. until the hour of 11:30 a.m., Thursday, January 12, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

\_\_\_\_\_  
**FOURTH LEGISLATIVE DAY  
THURSDAY, JANUARY 12, 2006**

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Goedde and Richardson, absent and formally excused by the Chair; and Senators Brandt and Burkett, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Kylie Barrus, 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 11, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

January 12, 2006

The JUDICIARY AND RULES Committee reports that **S 1242, S 1243, S 1244, S 1245, S 1246, S 1247, S 1248, and S 1249** have been correctly printed.

DARRINGTON, Chairman

**S 1242, S 1243, S 1244, S 1245, S 1246, S 1247, S 1248, and S 1249** were referred to the State Affairs Committee.

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

**Messages from the Governor**

Senator Brandt was recorded present at this order of business.

January 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho State Legislature

Dear Mr. President:

As required by Section 57-1601, *Idaho Code*, I am transmitting the following report of the Governor's Emergency Fund for fiscal years 2005 and 2006.

**Balance as of July 1, 2004**                      **\$83,744.48**  
No activity in fiscal year 2005

**Balance as of June 30, 2005**                      **\$83,744.48**  
No activity year-to-date in  
fiscal year 2006

**Balance as of December 31, 2005**                      **\$83,744.48**

Very truly yours,  
/s/ Dirk Kempthorne  
Governor

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

The Senate advanced to the Ninth Order of Business.

**Messages from the House**

January 11, 2006

Mr. President:

I transmit herewith Enrolled **HCR 30** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 30** and ordered it returned to the House.

On request by Senator Davis, 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 1250**

**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO THE JUVENILE CORRECTIONS ACT; AMENDING SECTION 20-510, IDAHO CODE, TO PROVIDE THAT COURTS MAY MAKE PRELIMINARY INQUIRIES TO DETERMINE WHETHER THE INTERESTS OF THE PUBLIC OR OF THE JUVENILE REQUIRE FURTHER ACTION.

**S 1251**

**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO COURTS; REPEALING SECTION 1-1612, IDAHO CODE, REQUIRING PERSONS TO APPEAR AT APPOINTED PLACES.

**S 1252**  
**BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO THE STATE BOARD OF CORRECTION; AMENDING SECTION 20-227, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE AND TO PROVIDE REFERENCES TO MENTAL HEALTH COURTS.

**S 1253**  
**BY SCHROEDER**  
AN ACT

RELATING TO KINDERGARTENS; AMENDING SECTION 33-208, IDAHO CODE, TO PROVIDE THAT SCHOOL DISTRICTS SHALL ESTABLISH A KINDERGARTEN PROGRAM; AMENDING SECTION 33-302, IDAHO CODE, TO PROVIDE THAT ELEMENTARY AND ALL OTHER SCHOOL DISTRICTS MUST PROVIDE INSTRUCTION IN KINDERGARTEN; AMENDING SECTION 33-512, IDAHO CODE, TO REQUIRE SCHOOL DISTRICTS TO PROVIDE CLASSES IN KINDERGARTEN AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 33-210, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

**S 1250, S 1251, S 1252, and S 1253** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

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

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:45 a.m. until the hour of 11:30 a.m. Friday, January 13, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

**FIFTH LEGISLATIVE DAY**  
**FRIDAY, JANUARY 13, 2006**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Burtenshaw, Goedde, Malepeai, and Richardson, absent and formally excused by the Chair; and Senators Burkett and Cameron, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Saige Harrington, 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 12, 2006 was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

Senators Burkett and Cameron were recorded present at this order of business.

January 13, 2006

The JUDICIARY AND RULES Committee reports that **S 1250, S 1251, S 1252, and S 1253** have been correctly printed.

DARRINGTON, Chairman

**S 1250, S 1251, and S 1252** were referred to the Judiciary and Rules Committee.

**S 1253** was referred to the Education Committee.

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

**Motions and Resolutions**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the following attaches were elected to fill the offices provided for by the *Constitution* of the State of Idaho and by statute:

- Administrative Assistant to President
- Pro Tempore . . . . . Darelyn McCarter
- Fiscal Assistant to President Pro Tem . . . . . Mary Sue Jones
- Majority Leader Secretary . . . . . Geri Rees
- Assistant Majority Leader Secretary . . . . . Beverly Boyle
- Majority Caucus Secretary . . . . . Ann DeAngeli
- Secretary to Secretary of Senate . . . . . June Keithly
- Assistant Secretary of Senate . . . . . Rusti Horton
- Journal Clerk . . . . . Lana Muller
- Calendar Clerk . . . . . Margaret Lundy
- Minority Chief of Staff . . . . . Marie Hattaway
- Minority Staff Assistant . . . . . Doug Lantz
- Minority Staff Assistant . . . . . Craig Herzog
- Minority Staff Assistant . . . . . Casey Shelley
- Sergeant at Arms . . . . . Sarah Jane McDonald
- Assistant Sergeant at Arms . . . . . Debbie Wayman
- Republican Secretarial Pool:
  - Pool Secretary . . . . . Mary Harvey
  - Pool Secretary . . . . . Arlene Mahaffey

Pool Secretary ..... Twyla Melton  
 Pool Secretary ..... Barbara Davidson  
 Pool Secretary ..... Alena Shea  
 Pool Secretary ..... Katy Whittier  
 Senate Doorkeeper ..... Bob McDonald  
 Mail Room Director ..... Sally Clark  
 Mail Room ..... Jean Briggs  
 Mail Room ..... Lenette Bendio  
 Committee Secretaries:  
 Agricultural Affairs ..... Wanda Brock  
 Commerce & Human Resources ..... Olga Coply  
 Education ..... Jeanné Clayton  
 Finance ..... Peggy Moyer  
 Health & Welfare ..... Joy Dombrowski  
 Judiciary & Rules ..... Leigh Hinds  
 Local Government & Taxation ..... Shelley Sheridan  
 Resources & Environment ..... Juanita Budell  
 State Affairs ..... Deborah Riddle  
 Transportation ..... Betty Osborn  
 Senate Chaplain ..... Pastor Don Hardenbrook  
 Lounge Hostess ..... JoAnn Parkinson  
 Lounge Assistants ..... Susan Bonny, Melissa Owen,  
 Mary Richards, Nancy Wilkes, Kim Tolley

Pages:

- Anna Ward, Priest River
- Jillian Marotz, Idaho Falls
- Angela Andersen, Blackfoot
- Dana Nelson, Gooding
- Mickenzie Stuart, Chubbuck
- Kylie Barrus, Burley
- Staniela Nikolova, Twin Falls
- Chris MacMillan, Twin Falls
- Brady Anderson, Boise
- Saige Harrington, Idaho City

Whereupon the President instructed the Sergeant at Arms to escort the attaches to the Desk at which time the Oath of Office was administered to the elected attaches and they were escorted from the Chamber.

The Senate advanced to the Eleventh Order of Business.

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

**S 1254  
BY BRANDT  
AN ACT**

RELATING TO ACTIONS REGARDING REAL PROPERTY; PROVIDING LEGISLATIVE INTENT; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 61, TITLE 67, IDAHO CODE, TO PROVIDE A CLAIMS AND ARBITRATION PROCESS, TO DEFINE TERMS APPLICABLE TO SECTION 67-6101, IDAHO CODE, TO PROVIDE FOR INITIATING A PROCEEDING, TO PROVIDE MEDIATION PROCEDURES, TO PROVIDE SPECIAL MASTER PROCEEDINGS, TO PROVIDE SPECIAL MASTER HEARING, TO PROVIDE SPECIAL MASTER RECOMMENDATION, TO PROVIDE POSTRECOMMENDATION PROCEDURES, TO PROVIDE FOR COST-SHARING IMPLEMENTATION AND RECORDS, TO PROVIDE CLAIMS AND JUDICIAL

CONSIDERATION, TO DEFINE TERMS APPLICABLE TO SECTION 67-6102, IDAHO CODE, TO PROVIDE FOR INITIATING A PROCEEDING, TO PROVIDE FOR AN OFFER TO SETTLE, TO PROVIDE FOR JUDICIAL CONSIDERATION AND COMPENSATION, TO PROVIDE FOR RECOVERY OF JUDICIAL CONSIDERATION COSTS AND TO PROVIDE CONCLUDING ACTIONS AND RESTRICTIVE PROVISIONS.

**S 1254** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

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

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:55 a.m. until the hour of 11:30 a.m., Monday, January 16, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

**EIGHTH LEGISLATIVE DAY  
MONDAY, JANUARY 16, 2006**

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Richardson and Sweet, absent and formally excused by the Chair; and Senators Burkett, Cameron, Langhorst, and Marley, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Jillian Marotz, Page.

The Senate advanced to the Third Order of Business.

**Reading and Correction of the Journal**

Senators Burkett, Langhorst, and Marley were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 13, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

### Petitions, Resolutions, and Memorials

#### SJM 113

#### BY JUDICIARY AND RULES COMMITTEE

##### A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

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

WHEREAS, Judge N. Randy Smith has been nominated by President George W. Bush to serve on the Ninth Circuit U.S. Court of Appeals; and

WHEREAS, Judge N. Randy Smith received his law and undergraduate degrees from Brigham Young University; and

WHEREAS, Judge N. Randy Smith served as Sixth District Judge in Pocatello, Idaho, since 1996 and serves as the presiding judge of the felony drug court in the Sixth District; and

WHEREAS, Judge N. Randy Smith has served as pro tem justice on the Idaho Supreme Court and the Idaho Court of Appeals; and

WHEREAS, Judge N. Randy Smith has taught legal and business classes as part of the College of Business faculty at Idaho State University, Brigham Young University and Boise State University; and

WHEREAS, as a partner with Merrill and Merrill, Chartered, from 1982 to 1996, Judge N. Randy Smith's practice included federal and state court practice in all areas of litigation; and

WHEREAS, Judge N. Randy Smith served as corporate counsel for the J. R. Simplot Company from 1976 to 1982; and

WHEREAS, Judge N. Randy Smith received a Lawyer's AV rating from Martindale-Hubbell; and

WHEREAS, Judge N. Randy Smith has served in various capacities, including president, of the Idaho District Judges Association; and

WHEREAS, Judge N. Randy Smith has been a member of the Idaho Judicial Council, which recommends disciplinary actions for judges, since 1991; and

WHEREAS, Judge N. Randy Smith served as the chairman of the Idaho Small Lawsuit Resolution Act Committee and as a member of the Idaho State Evidence Rules and Criminal Rules Advisory Committees; and

WHEREAS, Judge N. Randy Smith served on the United States Ninth Circuit U.S. Court of Appeals Judicial Conference Executive Committee from 1991 to 1995 and the United States District Court Civil Justice Reform Act Committee for Idaho from 1991 to 1996; and

WHEREAS, Judge N. Randy Smith has been a member of numerous American Bar Association sections, including the litigation, labor law and judicial sections; and

WHEREAS, Judge N. Randy Smith was awarded the distinguished George G. Granata, Jr. Award for Professionalism in 2004, based upon his significant contributions over a substantial period of time to the Idaho judicial system and his status as a role model in the community; and

WHEREAS, Judge N. Randy Smith was awarded the prestigious Idaho State University "Statesman of the Year" Award in 2005, which recognized his significant contributions to the welfare of Idaho and his commitment to reducing crime and preventing offenders from returning to criminal behavior; and

WHEREAS, Judge N. Randy Smith is a highly respected jurist, attorney, mediator and community member all across the state.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we support the confirmation of the appointment of Judge N. Randy Smith to serve on the Ninth Circuit U.S. Court of Appeals.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to 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.

**SJM 113** 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

January 13, 2006

The JUDICIARY AND RULES Committee reports that **S 1254** has been correctly printed.

DARRINGTON, Chairman

**S 1254** was referred to the State Affairs Committee.

On request by Senator Davis, 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 1255

#### BY JUDICIARY AND RULES COMMITTEE

##### AN ACT

RELATING TO THE UNIFORM ENVIRONMENTAL COVENANTS ACT; AMENDING TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 30, TITLE 55, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO SET FORTH THE NATURE OF RIGHTS AND SUBORDINATION OF INTERESTS, TO SET FORTH REQUIREMENTS FOR THE CONTENTS OF ENVIRONMENTAL COVENANTS, TO PROVIDE THAT QUALIFYING ENVIRONMENTAL COVENANTS RUN WITH THE LAND, TO PROVIDE FOR VALIDITY AND EFFECT OF ENVIRONMENTAL COVENANTS, TO PROVIDE FOR THE RELATIONSHIP OF ENVIRONMENTAL COVENANTS TO

OTHER LAND USE LAWS, TO REQUIRE NOTICE AND RECORDING, TO SET FORTH DURATION OF COVENANTS, TO PROVIDE FOR AMENDMENT BY COURT ACTION, TO PROVIDE FOR AMENDMENT OR TERMINATION BY CONSENT, TO PROVIDE FOR ENFORCEMENT, TO ESTABLISH A REGISTRY AND TO REQUIRE NOTICE, TO PROVIDE FOR UNIFORMITY OF APPLICATION AND CONSTRUCTION, TO PROVIDE FOR RELATION TO THE ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT AND TO PROVIDE FOR SEVERABILITY.

**S 1256**

**BY JUDICIARY AND RULES COMMITTEE  
AN ACT**

RELATING TO THE UNIFORM LIMITED PARTNERSHIP ACT; REPEALING CHAPTER 2, TITLE 53, IDAHO CODE; AMENDING TITLE 53, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 2, TITLE 53, IDAHO CODE, TO PROVIDE FOR THE UNIFORM LIMITED PARTNERSHIP ACT, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR KNOWLEDGE AND NOTICE, TO PROVIDE FOR NATURE, PURPOSE AND DURATION OF ENTITIES, TO SET FORTH POWERS, TO PROVIDE GOVERNING LAW, TO PROVIDE SUPPLEMENTAL PRINCIPLES OF LAW, TO PROVIDE A RATE OF INTEREST, TO PROVIDE FOR NAMES AND RESERVATION OF NAMES, TO SET FORTH EFFECT OF PARTNERSHIP AGREEMENTS, TO PROVIDE NONWAIVABLE PROVISIONS, TO SET FORTH REQUIRED INFORMATION, TO PROVIDE FOR BUSINESS TRANSACTIONS OF PARTNERS WITH A PARTNERSHIP, TO PROVIDE FOR DUAL CAPACITY, TO PROVIDE FOR REGISTERED OFFICES AND AGENTS, TO PROVIDE FOR CHANGES OF REGISTERED OFFICES OR AGENTS, TO PROVIDE FOR THE RESIGNATION OF REGISTERED AGENTS, TO PROVIDE FOR SERVICE OF PROCESS, TO PROVIDE FOR CONSENT AND PROXIES OF PARTNERS, TO PROVIDE FOR THE FORMATION OF LIMITED PARTNERSHIPS AND CERTIFICATES OF LIMITED PARTNERSHIPS, TO PROVIDE FOR AMENDMENT OR RESTATEMENT OF CERTIFICATES, TO PROVIDE FOR STATEMENTS OF TERMINATION, TO PROVIDE FOR THE SIGNING OF RECORDS, TO PROVIDE FOR SIGNING AND FILING PURSUANT TO A JUDICIAL ORDER, TO PROVIDE FOR DELIVERY TO AND FILING OF RECORDS BY THE SECRETARY OF STATE, TO SET FORTH EFFECTIVE TIMES AND DATES, TO PROVIDE FOR CORRECTING FILED RECORDS, TO PROVIDE FOR LIABILITY FOR FALSE INFORMATION IN FILED RECORDS, TO PROVIDE FOR CERTIFICATES OF EXISTENCE OR AUTHORIZATION, TO PROVIDE FOR ANNUAL REPORTS FOR THE SECRETARY OF STATE, TO SET FORTH PROVISIONS APPLICABLE TO BECOMING A LIMITED PARTNER, TO LIMIT THE RIGHT OR POWER TO BIND LIMITED PARTNERSHIP, TO LIMIT LIABILITY, TO PROVIDE FOR THE RIGHT TO INFORMATION, TO SET FORTH LIMITED DUTIES OF LIMITED PARTNERS, TO SET FORTH PROVISIONS APPLICABLE TO PERSONS WHO ERRONEOUSLY BELIEVE THEMSELVES TO BE A LIMITED PARTNER, TO SET FORTH PROVISIONS APPLICABLE TO BECOMING A GENERAL PARTNER, TO PROVIDE FOR A GENERAL PARTNER AGENT, TO PROVIDE FOR LIABILITY, TO PROVIDE FOR ACTIONS BY AND AGAINST

PARTNERSHIPS AND PARTNERS, TO PROVIDE FOR MANAGEMENT RIGHTS, TO PROVIDE FOR THE RIGHT TO INFORMATION, TO SET FORTH GENERAL STANDARDS OF CONDUCT, TO PROVIDE FOR FORMS OF CONTRIBUTION, TO PROVIDE FOR LIABILITY FOR CONTRIBUTION, TO PROVIDE FOR THE SHARING OF DISTRIBUTIONS, TO PROVIDE FOR INTERIM DISTRIBUTIONS, TO LIMIT THE RIGHT TO RECEIVE DISTRIBUTIONS, TO PROVIDE FOR DISTRIBUTIONS IN KIND, TO PROVIDE FOR THE RIGHT TO DISTRIBUTION, TO SET FORTH LIMITATIONS ON DISTRIBUTIONS, TO PROVIDE FOR LIABILITY FOR IMPROPER DISTRIBUTIONS, TO PROVIDE FOR DISSOCIATION OF PERSONS AS LIMITED PARTNERS, TO SET FORTH THE EFFECT OF DISSOCIATION, TO PROVIDE FOR DISSOCIATION OF PERSONS AS GENERAL PARTNERS, TO PROVIDE FOR A PERSON'S POWER TO DISSOCIATE AS GENERAL PARTNER, TO PROVIDE FOR WRONGFUL DISSOCIATION, TO SET FORTH THE EFFECT OF DISSOCIATION, TO PROVIDE FOR THE POWER TO BIND AND LIABILITY TO LIMITED PARTNERSHIPS BEFORE DISSOLUTION OR DISSOCIATION, TO PROVIDE FOR LIABILITY TO OTHER PERSONS DISSOCIATED AS GENERAL PARTNERS, TO PROVIDE FOR A PARTNER'S TRANSFERABLE INTEREST, TO PROVIDE FOR TRANSFER OF A PARTNER'S TRANSFERABLE INTEREST, TO PROVIDE RIGHTS OF CREDITORS, TO PROVIDE POWER OF ESTATE OF DECEASED PARTNER, TO PROVIDE FOR NONJUDICIAL DISSOLUTION, TO PROVIDE FOR JUDICIAL DISSOLUTION, TO PROVIDE FOR WINDING UP OF THE PARTNERSHIP, TO PROVIDE FOR THE POWER OF CERTAIN PERSONS TO BIND PARTNERSHIP AFTER DISSOLUTION, TO PROVIDE FOR LIABILITY, TO PROVIDE FOR KNOWN AND OTHER CLAIMS AGAINST A DISSOLVED LIMITED PARTNERSHIP, TO PROVIDE FOR LIABILITY OF CERTAIN PERSONS WHEN CLAIMS AGAINST A LIMITED PARTNERSHIP ARE BARRED, TO PROVIDE FOR ADMINISTRATIVE DISSOLUTION, TO PROVIDE FOR REINSTATEMENT, TO PROVIDE FOR APPEALS FROM A DENIAL OF REINSTATEMENT, TO PROVIDE FOR THE DISPOSITION OF ASSETS, TO SET FORTH WHEN CONTRIBUTIONS ARE REQUIRED, TO SET FORTH GOVERNING LAW FOR FOREIGN LIMITED PARTNERSHIPS, TO PROVIDE FOR APPLICATION FOR CERTIFICATES OF AUTHORITY, TO SET FORTH ACTIVITIES NOT CONSTITUTING TRANSACTING BUSINESS, TO PROVIDE FOR THE FILING OF CERTIFICATES OF AUTHORITY, TO PROVIDE FOR NONCOMPLYING NAMES OF FOREIGN LIMITED PARTNERSHIPS, TO PROVIDE FOR REVOCATION OF CERTIFICATES OF AUTHORITY, TO PROVIDE FOR CANCELLATION OF CERTIFICATES OF AUTHORITY, TO SET FORTH THE EFFECT OF A FAILURE TO HAVE A CERTIFICATE, TO PROVIDE FOR ACTION BY THE ATTORNEY GENERAL, TO PROVIDE FOR DIRECT ACTION BY A PARTNER, TO PROVIDE FOR DERIVATIVE ACTIONS, TO IDENTIFY PROPER PLAINTIFFS, TO PROVIDE FOR PLEADINGS, TO PROVIDE FOR PROCEEDS AND EXPENSES, TO DEFINE TERMS RELATING TO CONVERSIONS AND MERGERS, TO PROVIDE FOR CONVERSION, TO PROVIDE FOR ACTION ON PLANS OF CONVERSION, TO SET FORTH FILINGS REQUIRED FOR CONVERSION, TO PROVIDE EFFECTIVE DATE OF PLANS,

TO SET FORTH THE EFFECT OF CONVERSION, TO PROVIDE FOR MERGERS, TO PROVIDE FOR ACTION ON PLANS OF MERGER, TO SET FORTH FILINGS REQUIRED FOR MERGERS, TO PROVIDE EFFECTIVE DATE OF PLANS, TO SET FORTH THE EFFECT OF MERGER, TO SET FORTH RESTRICTIONS ON APPROVAL OF CONVERSIONS, MERGERS AND ON RELINQUISHING CERTAIN STATUS, TO PROVIDE FOR LIABILITY AFTER CONVERSION OR MERGER, TO PROVIDE FOR THE POWER OF CERTAIN PERSONS TO BIND AN ORGANIZATION AFTER CONVERSION OR MERGER, TO PROVIDE FOR NONEXCLUSIVITY, TO PROVIDE FOR UNIFORMITY OF APPLICATION AND CONSTRUCTION, TO PROVIDE FOR SEVERABILITY, TO SET FORTH PROVISIONS APPLICABLE TO RELATION TO THE ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT, TO PROVIDE FOR APPLICATION TO EXISTING RELATIONSHIPS AND TO PROVIDE A SAVINGS CLAUSE; AMENDING SECTION 30-1-401, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND PROVIDING AN EFFECTIVE DATE.

S 1255 and S 1256 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

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

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:45 a.m. until the hour of 11 a.m., Tuesday, January 17, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

**NINTH LEGISLATIVE DAY  
TUESDAY, JANUARY 17, 2006**

Senate Chamber

President Risch called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Brandt, Burkett, Cameron, and Pearce, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Chris MacMillan, 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 16, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

**Petitions, Resolutions and Memorials**

Senator Cameron was recorded present at this order of business.

**SJR 103  
BY WERK**

**A JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO SECTION 1, ARTICLE III, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO INITIATIVES TO PROVIDE THAT NO INITIATIVE OF THE PEOPLE ENACTED INTO LAW SHALL BE SUBJECT TO REPEAL IN ITS ENTIRETY BY THE LEGISLATURE, AT ANY TIME, WITHOUT ITS SUBMISSION TO THE ELECTORATE AT THE GENERAL ELECTION IN AN EVEN-NUMBERED YEAR IN A MANNER AS PROVIDED BY LAW; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

**SJM 114  
BY STATE AFFAIRS COMMITTEE**

**A JOINT MEMORIAL**

TO THE PRESIDENT OF THE UNITED STATES, TO THE UNITED STATES SECRETARY OF ENERGY, TO THE LEADERSHIP OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

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

WHEREAS, the United States of America has become excessively dependent upon foreign sources of oil, and that dependence threatens the security of the American people and economy; and

WHEREAS, it is in the best interests of the United States and Idaho to become as energy independent and diversified as possible to avoid economic dislocations instigated by foreign oil interests, markets and the effects of natural disasters; and



WHEREAS, comprehensive energy legislation signed into law in 2005 advocates the expansion of nuclear energy for the production of electrical power and hydrogen, as well as the development of bioenergy and other alternative fuels to reduce dependence on foreign sources of oil; and

WHEREAS, the United States Department of Energy (DOE) is the federal agency that has primary responsibility for carrying out the directives of the President and the Congress relative to enabling and enhancing the energy security of the nation; and

WHEREAS, the DOE's Idaho National Laboratory (INL) is a key national research, development and demonstration resource wherein the federal government has invested significant tax dollars to establish such unique and globally important assets as the Advanced Test Reactor, the Safety and Tritium Applied Research Fusion Facility, the Control Systems Security and Test Center, and others, all of which demand continued, or even expanded, use to assure maximum return on tax dollar investment; and

WHEREAS, the state of Idaho appreciates the effective, expedited cleanup that has occurred in accordance with the 1995 Settlement Agreement, and is committed to hosting continued broad-spectrum, national priority nuclear research in Idaho as fully allowed by that agreement; and

WHEREAS, such nuclear research promises to advance our national interests and critical need for safe, greenhouse gas free generation of abundant energy with dramatically reduced waste concerns.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we support and encourage the DOE, the Administration and the Congress to identify, commit and sustain the funding necessary to allow design, development, testing and demonstration in Idaho at INL of safe, state of the art, advanced nuclear energy systems that can, ultimately, be commercially replicated in other locations throughout the United States and throughout the world.

BE IT FURTHER RESOLVED that the Legislature supports execution of an enhanced portfolio of bioenergy, hydropower, fuel reforming and related alternative and renewable energy research in Idaho at INL, and hereby requests that the DOE, the Administration and the Congress identify, commit and sustain the funding necessary to allow continued performance of this and other multiprogram energy and national security enhancing work so critical to the long-term well-being of these United States.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of Energy of the United States, 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.

**SJR 103** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**SJM 114** 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

January 17, 2006

The JUDICIARY AND RULES Committee reports that **S 1255**, **S 1256**, and **SJM 113** have been correctly printed.

DARRINGTON, Chairman

**S 1255** and **S 1256** were referred to the Judiciary and Rules Committee.

**SJM 113** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 16, 2006

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:

Anthony R. McDermott to the Idaho Fish and Game Commission, term to expire June 30, 2009.

SCHROEDER, 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 Davis, 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 Pearce was recorded present at this order of business.

### **S 1257** **BY WERK** AN ACT

RELATING TO INITIATIVES AND REFERENDUMS; AMENDING CHAPTER 5, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-515, IDAHO CODE, TO PROVIDE THAT THE REPEAL, IN ITS ENTIRETY BY THE LEGISLATURE, OF ANY MEASURE OR STATUTE APPROVED BY INITIATIVE SHALL NOT BECOME EFFECTIVE UNTIL THE VOTERS APPROVE OF THE REPEALER, TO PROVIDE THAT SUCH A REPEAL WILL BE OF TEMPORARY EFFECT, TO PROVIDE THE EFFECT IF A MAJORITY OF VOTERS VOTING ON THE QUESTION DO NOT APPROVE OF THE REPEAL AND TO PROVIDE THAT THE QUESTION ON THE BALLOT SHALL BE TREATED AS A REFERENDUM; AMENDING SECTION 34-1803, IDAHO CODE, TO PROVIDE THAT THE REPEAL, IN ITS ENTIRETY, BY THE LEGISLATURE, OF ANY MEASURE OR STATUTE APPROVED BY INITIATIVE SHALL CAUSE ALL REQUIREMENTS FOR SIGNATURES AND PETITIONS FOR A REFERENDUM TO BE WAIVED, AND SHALL, FOR PURPOSES OF THE LAW ON REFERENDUMS,

CONSTITUTE THE SUFFICIENT NUMBER OF SIGNATURES AND THE PETITION PURSUANT TO THE LAW ON REFERENDUMS AND THE MEASURE SHALL BE REFERRED TO THE NEXT BIENNIAL REGULAR ELECTION FOR THE VOTERS TO VOTE UPON; AMENDING SECTION 34-1809, IDAHO CODE, TO PROVIDE DUTIES OF THE ATTORNEY GENERAL REGARDING BILLS APPROVED BY THE LEGISLATURE REPEALING, IN ITS ENTIRETY, A STATUTE OR MEASURE APPROVED BY INITIATIVE; AND PROVIDING AN EFFECTIVE DATE.

**S 1258**

**BY RESOURCES AND ENVIRONMENT COMMITTEE  
AN ACT**

RELATING TO FISH AND GAME; AMENDING SECTION 36-401, IDAHO CODE, TO PROVIDE AN EXCEPTION FROM HUNTING, TRAPPING AND FISHING LICENSE REQUIREMENTS FOR RESIDENTS OF CERTAIN STATE LONG-TERM CARE FACILITIES.

**S 1259**

**BY RESOURCES AND ENVIRONMENT COMMITTEE  
AN ACT**

RELATING TO WATER DISTRICTS; AMENDING SECTION 42-605, IDAHO CODE, TO REVISE NOTIFICATION PROVISIONS RELATING TO WATER DISTRICT MEETINGS AND TO MAKE A TECHNICAL CORRECTION.

**S 1260**

**BY STATE AFFAIRS COMMITTEE  
AN ACT**

RELATING TO HORSE RACING; AMENDING SECTION 54-2502, IDAHO CODE, TO DEFINE "PARI-MUTUEL" AND "SIMULCAST" AND TO REVISE THE DEFINITION OF "HORSEMEN'S GROUP."

**S 1261**

**BY STATE AFFAIRS COMMITTEE  
AN ACT**

RELATING TO HORSE RACING; AMENDING SECTION 54-2508, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO REVISE LICENSE APPLICATION REQUIREMENTS FOR RACE MEETS, TO REVISE LICENSE SPECIFICATION PROVISIONS, TO PROVIDE FOR THE SIMULCAST PURSE MONEYS FUND, TO PROVIDE RULEMAKING AUTHORITY AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

**S 1262**

**BY STATE AFFAIRS COMMITTEE  
AN ACT**

RELATING TO HORSE RACING; AMENDING SECTION 54-2512, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO REVISE APPLICATION PROVISIONS FOR LICENSES AUTHORIZING SIMULCAST AND/OR TELEVISED RACES AND TO REVISE PROVISIONS RELATING TO ADVANCE DEPOSIT WAGERING; AND DECLARING AN EMERGENCY.

**S 1263  
BY FINANCE COMMITTEE  
AN ACT**

RELATING TO APPROPRIATIONS; STATING FINDINGS OF THE LEGISLATURE; APPROPRIATING ADDITIONAL MONEYS FOR FISCAL YEAR 2006 TO STATE AGENCIES AND STATE INSTITUTIONS FOR A SALARY INCREASE FOR EMPLOYEES; AND DECLARING AN EMERGENCY.

**S 1257, S 1258, S 1259, S 1260, S 1261, S 1262, and S 1263** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

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

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:15 a.m. until the hour of 11:30 a.m., Wednesday, January 18, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

**TENTH LEGISLATIVE DAY  
WEDNESDAY, JANUARY 18, 2006**

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senator Burtenshaw, absent and formally excused by the Chair; and Senators Andreason and Burkett, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Dana Nelson, Page.

The Senate advanced to the Third Order of Business.

**Reading and Correction of the Journal**

Senator Burkett was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 17, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

**Petitions, Resolutions, and Memorials**

Senator Andreason was recorded present at this order of business.

**SJM 115**

**BY SCHROEDER**

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

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

WHEREAS, we recognize that federal agencies exchange and divest small or insignificant parcels of land; and

WHEREAS, almost sixty-four percent of Idaho is federal land; and

WHEREAS, there exists in the Congress of the United States a proposal to sell a significant portion of Idaho's federal land; and

WHEREAS, this federal land contributes to Idaho's economy in many ways including grazing, mining, timber production and recreation; and

WHEREAS, federal land in Idaho provides average Americans access to wild, natural areas; and

WHEREAS, Idahoans value outdoor experiences very highly and generations of Idahoans and other Americans have enjoyed this federal land through activities such as hunting, fishing, camping and hiking; and

WHEREAS, most Idahoans have found special places on federal land which give their lives meaning and enjoyment and the sale of a significant portion of this land would prohibit many from utilizing these places in the future.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we are opposed to any proposals which lead to a significant sale of federal land located in the state of Idaho.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to 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.

**SJM 116**

**BY STENNETT**

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, TO THE UNITED STATES SECRETARY OF THE INTERIOR, TO THE UNITED STATES SECRETARY OF AGRICULTURE, TO THE LEADERSHIP OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE SENATE AND HOUSE OF

REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

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

WHEREAS, the Congress has before it H.R.3855, legislation which would mandate the sale of fifteen percent of total federal lands held by the United States Forest Service and the United States Department of the Interior, with emphasis on lands in those states, like Idaho, where the United States owns more than fifteen percent of the total land area, to help pay for the devastation wreaked by hurricane Katrina;

WHEREAS, approximately 20,458,000 acres of land, over thirty-eight percent of the land in Idaho, is owned by the Forest Service, and approximately 11,836,000 acres, over twenty-two percent of the land in Idaho, is owned by the Bureau of Land Management;

WHEREAS, H.R.3855 would expose vast amounts of the Idaho lands owned by the federal government for sale to the highest bidder;

WHEREAS, the public lands in Idaho represent a cherished wilderness heritage for Idahoans who rely on the public lands for work and recreation, including outfitters and guides, miners, loggers, hunters, fishermen, campers, climbers, hikers, backpackers, mountain bikers, four wheelers, white water boaters, power boaters, cross county skiers and snowshoers, snowmobilers, berry pickers, picnickers, and lovers of the beauty, elegance and wildness of the public lands and the plants and animals that populate them, as well as those Idahoans who earn a livelihood by providing equipment and services to these public land users;

WHEREAS, Idahoans firmly believe that access to the public lands is a birthright, reflecting their independent spirit, not to be impaired.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we respectfully request that Congress oppose any sale of the federal public lands in Idaho for the purported purpose of assisting the victims of hurricane Katrina or any other alleged purpose.

BE IT FURTHER RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge that any future sale of the federal public lands in Idaho that may be authorized by Congress, for whatever purpose, require the participation of the Idaho people and be conditioned upon continued access to the remaining federal and state public lands.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the United States Secretary of Agriculture, to the leadership of the Senate and House of Representatives of the United States in Congress assembled, to 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.

**SJM 115** and **SJM 116** were introduced, read the first time 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**

January 18, 2006

The JUDICIARY AND RULES Committee reports that **S 1257, S 1258, S 1259, S 1260, S 1261, S 1262, S 1263, SJM 114,** and **SJR 103** have been correctly printed.

DARRINGTON, Chairman

**S 1257, S 1260, S 1261, S 1262,** and **SJR 103** were referred to the State Affairs Committee.

**S 1258** and **S 1259** were referred to the Resources and Environment Committee.

**S 1263** was referred to the Finance Committee.

On request by Senator McKenzie, granted by unanimous consent, **SJM 114** was referred to the State Affairs Committee.

January 17, 2006

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:

Charles Hedemark to the Idaho Energy Resource Authority, term to expire June 30, 2009.

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.

January 18, 2006

The FINANCE Committee reports out **S 1263** with the recommendation that it do pass.

CAMERON, Chairman

**S 1263** was filed for second reading.

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

**Motions and Resolutions**

The President announced the Resources and Environment Committee report relative to the Gubernatorial appointment of Anthony R. McDermott was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Broadsword, seconded by Senator Stennett, the Gubernatorial appointment of Anthony R. McDermott as a member of the Idaho Fish and Game Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that **SJM 113** was before the Senate for final consideration.

Moved by Senator Davis, seconded by Senator Burkett, that **SJM 113** be adopted. The question being, "Shall the memorial be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Hill. Total - 2.

Total - 35.

Whereupon the President declared **SJM 113** adopted, title was approved, and the memorial ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

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

**S 1264**

**BY TRANSPORTATION COMMITTEE**

AN ACT

RELATING TO PERMIT REQUIREMENTS FOR TRANSPORTERS OF HAZARDOUS WASTES; AMENDING SECTION 49-2202, IDAHO CODE, TO PROVIDE THAT VENDORS SELLING HAZARDOUS WASTE PERMITS SHALL BE REMUNERATED AS DETERMINED BY CONTRACT BETWEEN THE VENDOR AND THE IDAHO TRANSPORTATION DEPARTMENT AND TO MAKE TECHNICAL CORRECTIONS.

**S 1265**

**BY TRANSPORTATION COMMITTEE**

AN ACT

RELATING TO WRITTEN REPORTS OF MOTOR VEHICLE ACCIDENTS; AMENDING SECTION 49-117, IDAHO CODE, TO REDEFINE "PERSONAL INFORMATION" TO PROVIDE THAT IT MAY INCLUDE INFORMATION ON VEHICULAR ACCIDENTS; AND AMENDING SECTION 49-1306, IDAHO CODE, TO PROVIDE REFERENCE TO PERSONAL INFORMATION IN WRITTEN REPORTS OF ACCIDENTS WHICH IS PRIVILEGED OR IS TO BE HELD CONFIDENTIAL.

**S 1266**  
**BY TRANSPORTATION COMMITTEE**  
 AN ACT

RELATING TO RECREATIONAL TRESPASS AND LIMITATION OF LANDHOLDER LIABILITY; AMENDING SECTION 36-1604, IDAHO CODE, TO PROVIDE THAT THE LIMITATION OF LIABILITY OF A LANDOWNER EXTENDS TO FREE PUBLIC USE OF PRIVATELY-OWNED AIRSTRIPS, TO DEFINE "AIRSTRIPS," TO REVISE THE DEFINITION OF "LAND" TO INCLUDE AIRSTRIPS AND TO REVISE THE DEFINITION OF "RECREATIONAL PURPOSES" TO INCLUDE THE FLYING OF AIRCRAFT.

**S 1267**  
**BY TRANSPORTATION COMMITTEE**  
 AN ACT

RELATING TO MOTOR FUELS; AMENDING CHAPTER 2, TITLE 71, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 71-241A, IDAHO CODE, TO PROVIDE FOR RENEWABLE FUEL STANDARDS, TO DEFINE A TERM, TO PROVIDE AN ETHANOL BLENDED FUEL STANDARD, TO PROVIDE AN EXEMPTION TO THE ETHANOL BLENDED FUEL STANDARDS AND TO PROVIDE APPLICATION TO FEDERALLY REGULATED STORAGE TANKS IN CERTAIN COUNTIES FOR A CERTAIN PERIOD.

**S 1268**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**  
 AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1352, IDAHO CODE, TO REVISE ELIGIBILITY PROVISIONS FOR DISABILITY RETIREMENT.

**S 1269**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**  
 AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; REPEALING SECTION 59-1335, IDAHO CODE, RELATING TO ACCUMULATED VOLUNTARY CONTRIBUTIONS; AND PROVIDING FOR THE DISTRIBUTION OF FUNDS.

**S 1270**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**  
 AN ACT

RELATING TO UNUSED SICK LEAVE FUNDS ADMINISTERED BY THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 33-1228, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE SEVERANCE ALLOWANCE AT RETIREMENT; AND AMENDING SECTION 67-5339, IDAHO CODE, TO CLARIFY THAT AMOUNTS SHALL BE DETERMINED BY THE RETIREMENT BOARD, TO PROVIDE THAT AMOUNTS SHALL BE USED TO PAY PREMIUMS SUBJECT TO APPLICABLE FEDERAL TAX LIMITS FOR CERTAIN INSURANCE PROGRAMS AND TO MAKE A TECHNICAL CORRECTION.

**S 1271**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**  
 AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1356, IDAHO CODE, TO REVISE TERMINOLOGY AND TO CLARIFY THAT SUSPENDED BENEFITS ARE CONSIDERED RETIREE BENEFITS IN THE EVENT A DEATH BENEFIT BECOMES PAYABLE.

**S 1272**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**  
 AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1359, IDAHO CODE, TO FURTHER LIMIT AUTOMATIC SEPARATION BENEFITS; AND DECLARING AN EMERGENCY.

**S 1273**  
**BY BRANDT**  
 AN ACT

RELATING TO EMINENT DOMAIN; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-723, IDAHO CODE, TO PROVIDE THAT ALL ISSUES OF FACT IN CONDEMNATION CASES, EXCEPT FACTS PREREQUISITE TO TAKING AS PROVIDED IN SECTION 7-704, IDAHO CODE, SHALL BE DETERMINED BY A JURY UPON THE REQUEST OF EITHER PARTY.

**S 1264, S 1265, S 1266, S 1267, S 1268, S 1269, S 1270, S 1271, S 1272, and S 1273** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

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

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:30 p.m. until the hour of 11:30 a.m., Thursday, January 19, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

**ELEVENTH LEGISLATIVE DAY**  
**THURSDAY, JANUARY 19, 2006**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Burkett, Marley, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Staniela Nikolova, 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 18, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

Senators Burkett, Marley, and Werk were recorded present at this order of business.

January 19, 2006

The JUDICIARY AND RULES Committee reports that **S 1264, S 1265, S 1266, S 1267, S 1268, S 1269, S 1270, S 1271, S 1272, S 1273, SJM 115, and SJM 116** have been correctly printed.

DARRINGTON, Chairman

**S 1264, S 1265, S 1266, and S 1267** were referred to the Transportation Committee.

**S 1268, S 1269, S 1270, S 1271, and S 1272** were referred to the Commerce and Human Resources Committee.

**S 1273, SJM 115, and SJM 116** were referred to the State Affairs Committee.

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

**Motions and Resolutions**

The President Pro Tempore announced the State Affairs Committee report relative to the Gubernatorial appointment of Charles Hedemark was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Little, seconded by Senator Stennett, the Gubernatorial appointment of Charles Hedemark as a member of the Idaho Energy Resources Authority was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

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

**S 1274**

**BY STENNETT**

AN ACT

RELATING TO ENERGY FACILITY SITING; AMENDING TITLE 61, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 17, TITLE 61, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT AND TO PROVIDE A MORATORIUM ON THE PERMITTING OR CONSTRUCTION OF CERTAIN COAL FIRED POWER PLANTS; DECLARING AN EMERGENCY AND PROVIDING A SUNSET DATE.

**S 1275**

**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO THE PEACE OFFICERS STANDARDS AND TRAINING COUNCIL; AMENDING SECTION 19-5109, IDAHO CODE, TO PROVIDE THAT THE COUNCIL MAY IMPLEMENT TRAINING AND STANDARDS FOR EMPLOYEES OF THE IDAHO DEPARTMENT OF JUVENILE CORRECTIONS WHO ARE ENGAGED IN THE DIRECT CARE AND MANAGEMENT OF JUVENILES.

**S 1276**

**BY STENNETT, MARLEY, MALEPEAI, WERK, KELLY, LANGHORST, BURKETT**

AN ACT

RELATING TO THE LOCAL PLANNING ACT; AMENDING SECTION 67-6511, IDAHO CODE, TO PROVIDE THAT, IN THE CASE OF AN ORDINANCE AMENDMENT INVOLVING THE LOCATION OF A THERMAL GENERATION POWER PLANT WITH A NAMEPLATE CAPACITY OF FIFTY MEGAWATTS OR GREATER, THE RESIDENTS OF COUNTIES IMMEDIATELY ADJOINING THE COUNTY WHERE THE THERMAL GENERATION POWER PLANT IS PROPOSED TO BE LOCATED SHALL BE GIVEN NOTICE OF THE PROPOSED ORDINANCE CHANGE; AMENDING SECTION 67-6512, IDAHO CODE, TO PROVIDE THAT, IN THE CASE OF A SPECIAL USE PERMIT INVOLVING THE LOCATION OF A THERMAL GENERATION POWER PLANT WITH A NAMEPLATE CAPACITY OF FIFTY MEGAWATTS OR GREATER, THE RESIDENTS OF COUNTIES IMMEDIATELY ADJOINING THE COUNTY WHERE THE THERMAL GENERATION POWER PLANT IS PROPOSED TO BE LOCATED SHALL BE GIVEN NOTICE OF THE PROPOSED SPECIAL USE PERMIT; AND DECLARING AN EMERGENCY.

**S 1277**  
**BY FINANCE COMMITTEE**  
AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE STATE CONTROLLER FOR FISCAL YEAR 2006; AND DECLARING AN EMERGENCY.

**S 1278**  
**BY FINANCE COMMITTEE**  
AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE COMMISSION ON THE ARTS FOR FISCAL YEAR 2006; AND DECLARING AN EMERGENCY.

**S 1279**  
**BY RESOURCES AND ENVIRONMENT COMMITTEE**  
AN ACT

RELATING TO DOMESTIC CERVIDAE; AMENDING SECTION 36-711, IDAHO CODE, TO PROVIDE THAT NO PERSON SHALL IMPORT DOMESTIC CERVIDAE INTO IDAHO FROM OUTSIDE THE STATE AND TO PROVIDE THAT ANY PERSON IN VIOLATION SHALL BE GUILTY OF A MISDEMEANOR AND ANY ANIMALS IMPORTED IN VIOLATION SHALL BE SEIZED BY OFFICERS OF THE DEPARTMENT OF FISH AND GAME OR OTHER LAW ENFORCEMENT OFFICERS; AND DECLARING AN EMERGENCY.

**S 1280**  
**BY STENNETT, MARLEY, MALEPEAI, WERK, KELLY,**  
**LANGHORST, BURKETT**  
AN ACT

RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING SECTION 63-602G, IDAHO CODE, TO PROVIDE THAT THE FIRST ONE HUNDRED THOUSAND DOLLARS OF THE MARKET VALUE FOR ASSESSMENT PURPOSES OF THE HOMESTEAD OR FIFTY PERCENT OF THE MARKET VALUE FOR ASSESSMENT PURPOSES OF THE HOMESTEAD, WHICHEVER IS THE LESSER, SHALL BE EXEMPT FROM PROPERTY TAXATION, TO DEFINE "HOMESTEAD," TO PROVIDE FOR CERTAIN ANNUAL ADJUSTMENTS TO THE MAXIMUM AMOUNT SUBJECT TO PROPERTY TAX EXEMPTION, TO PROVIDE FOR PUBLICATION AND DISSEMINATION OF ADJUSTMENTS, TO PROVIDE THAT THE PUBLICATION OF ADJUSTMENTS SHALL BE EXEMPT FROM THE PROVISIONS OF THE ADMINISTRATIVE PROCEDURE ACT AND TO MAKE TECHNICAL CORRECTIONS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**S 1274, S 1275, S 1276, S 1277, S 1278, S 1279, and S 1280** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**Motion to Suspend Rules**

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **S 1263** 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 **S 1263** be read the second time by title and 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--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

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

**S 1263** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1263** passed, title was approved, and the bill ordered transmitted to the House.

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

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 11:30 a.m., Friday, January 20, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

**TWELFTH LEGISLATIVE DAY  
FRIDAY, JANUARY 20, 2006**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Cameron, Gannon, Richardson, and Williams, absent and formally excused by the Chair; and Senator Little, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Mickenzie Stuart, Page.

The Senate advanced to the Third Order of Business.

**Reading and Correction of the Journal**

Senator Little was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 19, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

**Petitions, Resolutions, and Memorials**

**SJR 104**

**BY SCHROEDER**

**A JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO SECTION 2, ARTICLE IX, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE STATE BOARD OF EDUCATION, TO PROVIDE FOR THE CREATION OF TWO SEPARATE COUNCILS OF THE STATE BOARD OF EDUCATION, TO PROVIDE FOR A COUNCIL FOR HIGHER EDUCATION PROVIDING GENERAL SUPERVISION OF ALL STATE INSTITUTIONS OF HIGHER EDUCATION, TO PROVIDE THAT THE GOVERNMENT AND CONTROL OF THE UNIVERSITY OF IDAHO SHALL BE BY ITS BOARD OF REGENTS, TO PROVIDE FOR THE GOVERNMENT AND CONTROL OF ALL OTHER STATE INSTITUTIONS OF HIGHER EDUCATION BE BY EACH INSTITUTION'S BOARD OF TRUSTEES, TO PROVIDE FOR A COUNCIL FOR PUBLIC SCHOOLS PROVIDING SUPERVISION, GOVERNMENT AND CONTROL OF THE PUBLIC SCHOOLS AND ANY OTHER STATE EDUCATIONAL INSTITUTION NOT CONNECTED WITH POSTSECONDARY EDUCATION, TO PROVIDE FOR

THE COUNCIL FOR HIGHER EDUCATION AND THE COUNCIL FOR PUBLIC SCHOOLS, CONVENED AS A WHOLE, TO PROVIDE SUPERVISION, GOVERNMENT AND CONTROL OF GENERAL EDUCATIONAL INSTITUTIONS AND PROGRAMS OF COMMON ACCESS TO BOTH HIGHER EDUCATION AND PUBLIC SCHOOL SYSTEMS AND TO PROVIDE THAT THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL SERVE AS A MEMBER OF THE COUNCIL FOR PUBLIC SCHOOLS; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

**SR 106**

**BY SCHROEDER**

**A SENATE RESOLUTION**

STATING FINDINGS OF THE SENATE AND AMENDING RULE 42 RELATING TO CONSIDERATION OF GUBERNATORIAL APPOINTMENTS.

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

WHEREAS, the Senate desires that Rule 42 of the Rules of the Senate be amended.

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled in the Second Regular Session of the Fifty-eighth Idaho Legislature, that Rule 42 of the Rules of the Senate be amended to read as follows:

**RULE 42**

Gubernatorial Appointments.--Any appointment by the Governor of the State of Idaho which requires confirmation by the Senate shall be on the desk of the President of the Senate and announced therefrom while in session, not less than three legislative days before being acted upon by the Senate, excepting therefrom any nomination received after the fifty-seventh day of the session; any appointee so chosen by the Governor may be examined by the State Affairs Committee or other designated committee, which committee ~~shall~~ may submit a report to the whole Senate for adoption.

Adoption by the Senate of the committee report, if any, shall be affirmative action of the Senate on the confirmation of the appointee unless the committee report contains no recommendation. If the committee does not submit a report to the whole Senate for adoption, the appointment shall be deemed rejected and the Senate's consent shall be deemed not to have been given to the appointment.

Any report of the committee recommending confirmation of an appointment need be held for only one day when the recommendation for appointment or report of the appointment has been read across the desk more than three days previously.

**SJM 117**

**BY SCHROEDER**

**A JOINT MEMORIAL**

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.



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

WHEREAS, children have been and continue to be the top priority of the Idaho Legislature; and

WHEREAS, the Idaho Legislature places the protection, education and welfare of our children as a top priority; and

WHEREAS, the Idaho Legislature recognizes that the future of our state, the nation and the world as a whole depends upon nurturing and protecting children so that they may grow and develop in a healthy environment; and

WHEREAS, millions of children in this world are sold into slavery and exploited in child sex industries; and

WHEREAS, millions of children worldwide have no opportunity to attend school or even attain basic literacy skills; and

WHEREAS, we find the enslavement and sexual exploitation of children distinctly contrary to our societal values and a violation of the most basic human rights; and

WHEREAS, we also find it unacceptable that children are being denied basic educational opportunities which provide the foundation to their and our futures.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Congress of the United States is urged to direct its own energies and to recommend to the President of the United States that United States foreign policy place the highest priority on the protection of children by withholding foreign aid assistance to those countries that continue to tolerate child slavery and the sexual exploitation of their children.

BE IT FURTHER RESOLVED that United States foreign policy include a significant foreign aid program of providing schools for children whose families lack the resources to secure a basic education for these children on their own.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to 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.

**SJR 104, SR 106, and SJM 117** were introduced, read the first time 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

January 20, 2006

The JUDICIARY AND RULES Committee reports that **S 1274, S 1275, S 1276, S 1277, S 1278, S 1279, and S 1280** have been correctly printed.

DARRINGTON, Chairman

**S 1274** was referred to the State Affairs Committee.

**S 1275** was referred to the Judiciary and Rules Committee.

**S 1276** and **S 1280** were referred to the Local Government and Taxation Committee.

**S 1277** and **S 1278** were referred to the Finance Committee.

**S 1279** was referred to the Agricultural Affairs Committee.

January 20, 2006

The FINANCE Committee reports out **S 1277** and **S 1278** with the recommendation that they do pass.

CAMERON, Chairman

**S 1277** and **S 1278** were filed for second reading.

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

#### Messages from the Governor

January 19, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Darrell Kerby of Bonners Ferry, Idaho, was appointed as a member of the Idaho Energy Resources Authority to serve a term commencing September 2, 2005, and expiring June 30, 2007.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the State Affairs Committee.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

January 20, 2006

Mr. President:

I transmit herewith **H 403** which has passed the House.

JUKER, Chief Clerk

**H 403** was filed for first reading.

On request by Senator Davis, 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 1281**

**BY GANNON, SCHROEDER**

AN ACT

RELATING TO CHARTER SCHOOLS; AMENDING SECTION 33-5205, IDAHO CODE, TO PROVIDE THAT THE LISTED PREFERENCE GIVEN TO APPLICANTS TO A CHARTER SCHOOL BE NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ADMINISTRATIVE RULE OR REGULATION OR POLICY OR ANY PUBLIC SCHOOL DISTRICT OR OTHER CHARTERING ENTITY.

**S 1282**

**BY SCHROEDER**

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5204, IDAHO CODE, TO PROVIDE FOR AN EXCEPTION TO THE ORGANIZATION AND MANAGEMENT OF PUBLIC CHARTER SCHOOLS UNDER THE IDAHO NONPROFIT CORPORATION ACT; AND AMENDING SECTION 33-5205, IDAHO CODE, TO REQUIRE THE PETITION TO ESTABLISH A PUBLIC CHARTER SCHOOL TO SET FORTH THE MANNER BY WHICH THE PUBLIC CHARTER SCHOOL'S BOARD OF DIRECTORS IS TO BE ELECTED.

**S 1283**

**BY SCHROEDER**

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-416, IDAHO CODE, TO REVISE SENIOR COMBINATION LICENSE FEES.

**S 1284**

**BY SCHROEDER**

AN ACT

RELATING TO QUALIFICATION OF VOLUNTEERS; AMENDING SECTION 67-2336, IDAHO CODE, TO PROVIDE THAT A PERSON MAY NOT BE REJECTED AS A VOLUNTEER FOR A STATE OR LOCAL GOVERNMENTAL ENTITY EXCEPT FOR PROVEN MISCONDUCT OR FOR BEING CONVICTED OR FOUND GUILTY OF A CRIMINAL OFFENSE IN THIS STATE, IN ANOTHER STATE, TERRITORY OR PROVINCE OR BY THE FEDERAL GOVERNMENT.

**S 1285**

**BY SCHROEDER**

AN ACT

RELATING TO THE OFFICE OF THE STATE BOARD OF EDUCATION; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 56, TITLE 33, IDAHO CODE, TO PROVIDE FOR A SHORT TITLE, TO SET FORTH PURPOSES, TO PROVIDE DEFINITIONS, TO PROVIDE FOR ELIGIBILITY FOR IDAHO MATHEMATICS, SCIENCE AND ENGINEERING SCHOLARSHIPS, TO PROVIDE DUTIES AND RESPONSIBILITIES FOR THE OFFICE OF THE STATE BOARD OF EDUCATION AND TO CREATE THE IDAHO MATHEMATICS, SCIENCE AND ENGINEERING SCHOLARSHIP FUND.

**S 1286**

**BY SCHROEDER**

AN ACT

RELATING TO THE PUBLIC RECORDS ACT; AMENDING SECTION 9-345, IDAHO CODE, TO PROVIDE THAT IF A COURT FINDS THAT A PUBLIC OFFICIAL HAS DELIBERATELY AND IN BAD FAITH IMPROPERLY REFUSED A LEGITIMATE REQUEST FOR THE INSPECTION OR COPYING OF A PUBLIC RECORD, A CIVIL PENALTY SHALL BE ASSESSED AGAINST THE PUBLIC OFFICIAL IN AN AMOUNT NOT LESS THAN ONE THOUSAND DOLLARS, WHICH SHALL BE PAID INTO THE GENERAL FUND OR SUCH HIGHER AMOUNT AS THE COURT DEEMS JUST; AND AMENDING SECTION 9-348, IDAHO CODE, TO PROVIDE THAT IF A COURT FINDS THAT A PERSON OR PUBLIC OFFICIAL HAS DELIBERATELY AND IN BAD FAITH VIOLATED THE PROVISIONS PROHIBITING THE DISTRIBUTION OF MAILING OR TELEPHONE NUMBER LISTS, THE PERSON OR PUBLIC OFFICIAL SHALL BE LIABLE FOR A CIVIL PENALTY ASSESSED BY THE COURT IN AN AMOUNT NOT LESS THAN ONE THOUSAND DOLLARS, WHICH SHALL BE PAID INTO THE GENERAL FUND OR SUCH HIGHER AMOUNT AS THE COURT DEEMS JUST.

**S 1287**

**BY SCHROEDER**

AN ACT

RELATING TO THE OPEN MEETING LAW; AMENDING SECTION 67-2341, IDAHO CODE, TO FURTHER DEFINE THE TERM "GOVERNING BODY"; AND AMENDING SECTION 67-2347, IDAHO CODE, TO INCREASE THE MAXIMUM FINES FOR VIOLATION OF THE OPEN MEETING LAW AND TO MAKE A TECHNICAL CORRECTION.

**S 1288**

**BY SCHROEDER**

AN ACT

RELATING TO NOTICE OF STATE AND LOCAL GOVERNMENT MEETINGS; AMENDING SECTION 67-2343, IDAHO CODE, TO PROVIDE THAT ALL MEETING NOTICES INCLUDING TIME OR PLACE CHANGES SHALL BE POSTED ON THE OUTSIDE OF THE ORIGINAL MEETING PLACE IN A CONSPICUOUS PLACE.

**S 1289**

**BY SCHROEDER**

AN ACT

RELATING TO MINUTES OF GOVERNMENTAL MEETINGS; AMENDING SECTION 67-2344, IDAHO CODE, TO PROVIDE THAT A FULL TRANSCRIPT OF A MEETING IS NOT REQUIRED EXCEPT AS OTHERWISE PROVIDED BY LAW AND TO PROVIDE THAT A RECORDING OF THE MEETING IS REQUIRED AND ALL RECORDINGS SHALL BE RETAINED FOR A MINIMUM OF SEVEN YEARS FROM THE DATE OF THE MEETING AND SUCH RECORDINGS SHALL BE DEEMED A PUBLIC RECORD PURSUANT TO THE PUBLIC RECORDS ACT AND TO MAKE A TECHNICAL CORRECTION.

**S 1290**  
**BY LANGHORST, KELLY, BURKETT, MALEPEAL,**  
**MARLEY, STENNETT, WERK**  
 AN ACT

RELATING TO COMPREHENSIVE CAMPAIGN FINANCE REFORM; AMENDING TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 26, TITLE 34, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO STATE FINDINGS OF THE LEGISLATURE CONCERNING CAMPAIGN FINANCE REFORM, TO DEFINE TERMS, TO PROVIDE AN ALTERNATIVE CAMPAIGN FINANCING OPTION, TO CREATE THE IDAHO FAIR ELECTIONS ACT TRUST FUND AND SPECIFY SOURCES OF FUNDING, TO SPECIFY THE TERMS OF PARTICIPATION IN THE IDAHO FAIR ELECTIONS ACT CANDIDATE PROCESS, TO GOVERN THE ADMINISTRATION OF THE IDAHO FAIR ELECTIONS ACT, TO PROVIDE VIOLATIONS AND TO REQUIRE A STUDY REPORT TO THE LEGISLATURE; AMENDING CHAPTER 32, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3201H, IDAHO CODE, TO PROVIDE AN ADDITIONAL PENALTY ON ANY CIVIL PENALTY FOR PURPOSES OF THE IDAHO FAIR ELECTIONS ACT TRUST FUND; AMENDING SECTION 67-6607, IDAHO CODE, TO CHANGE THE ALLOWABLE CONTRIBUTION TO CANDIDATES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6625, IDAHO CODE, TO INCREASE FINES FOR VIOLATION OF CAMPAIGN CONTRIBUTION REPORTING PROVISIONS, TO DEDICATE RECEIPTS TO THE IDAHO FAIR ELECTIONS ACT TRUST FUND AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6625A, IDAHO CODE, TO INCREASE THE FINE FOR LATE FILING OF REPORTS, TO DEDICATE RECEIPTS TO THE IDAHO FAIR ELECTIONS ACT TRUST FUND AND TO MAKE A TECHNICAL CORRECTION; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 79, TITLE 67, IDAHO CODE, TO CREATE THE COMMISSION ON FAIR ELECTION PRACTICES, TO DEFINE TERMS, TO PROVIDE THE POWERS AND DUTIES OF THE COMMISSION ON FAIR ELECTION PRACTICES AND TO PROVIDE THE SOURCE OF FUNDING FOR THE COMMISSION; PROVIDING SEVERABILITY; PROVIDING LIBERAL CONSTRUCTION TO EFFECTUATE THE PURPOSES OF THIS ACT; PROVIDING AN EFFECTIVE DATE, REFERENCING EFFECTIVE DATES INCORPORATED IN SECTIONS OF LAW, AND PROVIDING A SUNSET DATE.

**S 1291**  
**BY MCGEE**  
 AN ACT

RELATING TO IMPOUNDMENT OF VEHICLES OF PERSONS CONVICTED OF DRIVING UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR OTHER INTOXICATING SUBSTANCES; AMENDING CHAPTER 14, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1431, IDAHO CODE, TO PROVIDE FOR SEIZURE AND IMPOUNDMENT OF VEHICLES, TO PROVIDE FOR NOTICE, TO PROVIDE FOR IMPOUNDMENT OR RENDERING THE VEHICLE INOPERABLE FOR THIRTY DAYS UPON CONVICTION, TO PROVIDE FOR TREATMENT OF THE VEHICLE IF SUBJECT TO FORFEITURE, TO SET FORTH REQUIREMENTS FOR

RELEASE OF THE VEHICLE, TO PROVIDE FOR DISPOSITION OF THE VEHICLE IF THE OWNER OR OPERATOR IS NOT CONVICTED, TO PROVIDE A CAUSE OF ACTION BY THE REGISTERED OWNER, TO PROVIDE FOR IMMUNITY FROM LIABILITY AND TO DEFINE A TERM; AMENDING CHAPTER 14, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1432, IDAHO CODE, TO PROVIDE FOR FORFEITURE OF A VEHICLE AND THE GROUNDS FOR FORFEITURE, TO PROVIDE FOR FORFEITURE PROCEEDINGS AND TO PROVIDE FOR SALE OF THE VEHICLE AND DISTRIBUTION OF THE PROCEEDS; AND AMENDING SECTION 18-8005, IDAHO CODE, TO PROVIDE FOR THE IMPOUNDMENT OF VEHICLES FOR PERSONS CONVICTED MULTIPLE TIMES OF DRIVING UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR OTHER INTOXICATING SUBSTANCES.

**S 1292**  
**BY KELLY, STENNETT, WERK, MALEPEAL, MARLEY**  
 AN ACT

RELATING TO ENERGY FACILITY SITING; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 68, TITLE 39, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE METHODS OF ENERGY GENERATION, TO CREATE A STATE ENERGY FACILITY PLANNING COMMITTEE AND TO PROVIDE MEMBERSHIP, TO PROVIDE FOR THE STATE ENERGY FACILITY SITING MANAGEMENT PLAN, TO PROVIDE FOR A MORATORIUM ON PERMITTING, TO PROVIDE FOR PERMITS AND LICENSES, TO PROVIDE FOR LICENSES AND THEIR ISSUANCE AFTER ADOPTION OF THE ENERGY FACILITY SITING MANAGEMENT PLAN, TO PROVIDE FOR EXPANSION, ENLARGEMENT OR ALTERATION OF ENERGY FACILITIES, TO PROVIDE FOR REVIEW AND SITING LICENSES, TO PROVIDE A SITING LICENSE APPLICATION, FEES AND RULES, TO PROVIDE FOR THE CREATION OF SITE REVIEW PANELS, MEMBERS, MEETINGS AND PROCEDURES, TO PROVIDE FOR DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY UPON RECEIPT OF A SITING LICENSE APPLICATION AND TO PROVIDE FOR A RECOMMENDATION, TO PROVIDE THAT INFORMATION OBTAINED SHALL BE A PUBLIC RECORD AND TO PROVIDE A REMEDY FOR DEVALUATION OF PROPERTY CAUSED BY AN APPROVED FACILITY; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

**S 1293**  
**BY STENNETT, KELLY, WERK**  
 AN ACT

RELATING TO THE ENVIRONMENT; AMENDING SECTION 39-118B, IDAHO CODE, TO DELETE AN ARCHAIC TERM AND TO PROVIDE THAT THE BOARD OF ENVIRONMENTAL QUALITY SHALL PROMULGATE RULES AND ADOPT A STATE MERCURY EMISSIONS CONTROL PLAN TO ENSURE THAT NO THERMAL POWER GENERATING FACILITY NOT IN OPERATION ON JANUARY 1, 2006, THAT EMITS MORE THAN ONE POUND OF MERCURY PER YEAR INTO THE AIR SHALL BE PERMITTED OR CONSTRUCTED IN THE STATE OF IDAHO;

AND AMENDING SECTION 39-107D, IDAHO CODE, TO PROVIDE THAT THE REQUIREMENTS REGARDING STRINGENCY OF BOARD OF ENVIRONMENTAL QUALITY RULES VERSUS FEDERAL LAW OR REGULATIONS SHALL NOT APPLY TO RULES PROVIDING A STATE MERCURY EMISSIONS CONTROL PLAN; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**S 1294  
BY STENNETT  
AN ACT**

RELATING TO ASSESSMENT OF OPERATING PROPERTY; AMENDING SECTION 63-405, IDAHO CODE, TO PROVIDE THAT ON AND AFTER JANUARY 1, 2006, ANY NEWLY INSTALLED OR CONSTRUCTED EQUIPMENT USING COAL TO GENERATE ELECTRICITY WITH A NAMEPLATE CAPACITY OF TWO HUNDRED FIFTY MEGAWATTS AND NOT OWNED BY A PUBLIC UTILITY SHALL BE ASSESSED BY THE STATE TAX COMMISSION AND TO PROVIDE FOR APPORTIONMENT TO THE VARIOUS TAXING DISTRICTS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**S 1281, S 1282, S 1283, S 1284, S 1285, S 1286, S 1287, S 1288, S 1289, S 1290, S 1291, S 1292, S 1293,** and **S 1294** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 403**, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

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

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:55 a.m. until the hour of 11:30 a.m., Monday, January 23, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

**FIFTEENTH LEGISLATIVE DAY  
MONDAY, JANUARY 23, 2006**

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senator Goedde, absent and formally excused by the Chair; and Senators Bunderson, Cameron, and Marley, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Anna Ward, Page.

The Senate advanced to the Third Order of Business.

**Reading and Correction of the Journal**

Senator Bunderson was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 20, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

January 23, 2006

The JUDICIARY AND RULES Committee reports that **S 1281, S 1282, S 1283, S 1284, S 1285, S 1286, S 1287, S 1288, S 1289, S 1290, S 1291, S 1292, S 1293, S 1294, SJM 117, SR 106,** and **SJR 104** have been correctly printed.

DARRINGTON, Chairman

**S 1281, S 1282, S 1285,** and **SJR 104** were referred to the Education Committee.

**S 1283** was referred to the Resources and Environment Committee.

**S 1284, S 1287, S 1288, S 1289, S 1290, S 1292, S 1294,** and **SJM 117** were referred to the State Affairs Committee.

**S 1286, S 1291,** and **SR 106** were referred to the Judiciary and Rules Committee.

**S 1293** was referred to the Health and Welfare Committee.

Senators Cameron and Marley were recorded present at this order of business.

January 20, 2006

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

Larry A. Crowley to the Idaho Energy Resources Authority, term to expire June 30, 2008;

E. Robert (Bob) Mooney to the Idaho Energy Resources Authority, term to expire June 30, 2010;

Ralph Williams to the Idaho Energy Resources Authority, term to expire June 30, 2008;

Joseph S. Bleymaier as Administrator for the Idaho Division of Veterans Services, term to expire at the pleasure of the Governor.

BURTENSHAW, 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.

January 20, 2006

The FINANCE Committee reports out **H 403** with the recommendation that it do pass.

CAMERON, Chairman

**H 403** was filed for second reading.

January 23, 2006

The STATE AFFAIRS Committee reports out **S 1260** and **SJM 114** with the recommendation that they do pass.

BURTENSHAW, Chairman

**S 1260** was filed for second reading.

**SJM 114** 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 Davis, 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 1295**

**BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO THE INDUSTRIAL SPECIAL INDEMNITY FUND; AMENDING SECTION 72-327, IDAHO CODE, TO REMOVE OBSOLETE REFERENCES, TO REVISE THE CALCULATION OF ASSESSMENTS AND TO PROVIDE FOR THE REPORTING OF BENEFITS PAID DURING A ONE YEAR PERIOD.

**S 1296**

**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO ACTIONS FOR FORCIBLE ENTRY AND UNLAWFUL DETAINER; AMENDING SECTION 6-310, IDAHO CODE, TO PROVIDE FOR ACTIONS AND NOTICE WHEN A TENANT IS A TENANT AT SUFFERANCE;

AMENDING SECTION 6-311, IDAHO CODE, TO PROVIDE APPLICATION OF THE STATUTE ON CONTINUANCES TO A PERSON WHO IS IN POSSESSION OF THE PROPERTY AND IS A TENANT AT SUFFERANCE; AMENDING SECTION 6-311A, IDAHO CODE, TO PROVIDE FOR A TRIAL WITHOUT A JURY IF THE TENANT IS A TENANT AT SUFFERANCE; AND DECLARING AN EMERGENCY.

**S 1297**

**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO CRIMINAL JUDGMENTS; AMENDING SECTION 19-2520, IDAHO CODE, TO REMOVE LANGUAGE REQUIRING A NOTICE OF INTENT TO SEEK ENHANCED PENALTIES IN CERTAIN CASES AND TO MAKE A TECHNICAL CORRECTION.

**S 1298**

**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO SCRAP METAL DEALERS; AMENDING CHAPTER 8, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-878, IDAHO CODE, TO DEFINE TERMS, TO REQUIRE RECORDS FOR PURCHASES OF SCRAP ALUMINUM PIPE OR COPPER, TO REQUIRE THE MAINTENANCE OF RECORDS, TO PROVIDE PENALTIES AND TO PROVIDE AN EXEMPTION.

**S 1295**, **S 1296**, **S 1297**, and **S 1298** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**S 1277** and **S 1278**, by Finance Committee, were read the second time at length and filed for third reading.

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

**Messages from the House**

January 23, 2006

Mr. President:

I return herewith **S 1263** which has passed the House.

JUKER, Chief Clerk

**S 1263** was referred to the Judiciary and Rules Committee for enrolling.

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

**Reports of Standing Committees**

January 23, 2006

The JUDICIARY AND RULES Committee reports that **S 1263** has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1263**, and ordered it transmitted to the House for the signature of the Speaker.

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

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 11:30 a.m., Tuesday, January 24, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

**SIXTEENTH LEGISLATIVE DAY  
TUESDAY, JANUARY 24, 2006**

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senator Goedde, absent and formally excused by the Chair; and Senators Cameron, Compton, Little, and Marley, absent and excused.

Prayer was offered by Senator McGee.

The Pledge of Allegiance was led by Angela Andersen, Page.

The Senate advanced to the Third Order of Business.

**Reading and Correction of the Journal**

Senators Compton and Little were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 23, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

January 24, 2006

The JUDICIARY AND RULES Committee reports that **S 1295, S 1296, S 1297, and S 1298** have been correctly printed.

DARRINGTON, Chairman

**S 1295** was referred to the Commerce and Human Resources Committee.

**S 1296, S 1297, and S 1298** were referred to the Judiciary and Rules Committee.

January 23, 2006

The JUDICIARY AND RULES Committee reports out **S 1250, S 1251, and S 1252** with the recommendation that they do pass.

DARRINGTON, Chairman

**S 1250, S 1251, and S 1252** were filed for second reading.

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

**Messages from the House**

Senator Marley was recorded present at this order of business.

January 23, 2006

Mr. President:

I transmit herewith **H 404** which has passed the House.

JUKER, Chief Clerk

**H 404** was filed for first reading.

January 23, 2006

Mr. President:

I return herewith Enrolled **S 1263** which has been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1263** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, 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 1299**

**BY RESOURCES AND ENVIRONMENT COMMITTEE**  
AN ACT

RELATING TO NONPROFIT TIMBER PROTECTIVE ASSOCIATIONS; AMENDING CHAPTER 1, TITLE 38, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 38-104A, IDAHO CODE, TO DEFINE A TERM AND TO PROVIDE SPECIFIED RESTRICTIONS RELATING TO LIABILITY OF NONPROFIT TIMBER PROTECTIVE ASSOCIATIONS WHILE PERFORMING CONTRACTS WITH THE STATE OF IDAHO OR ANY AGENCY OF THE STATE OF IDAHO; AND DECLARING AN EMERGENCY.

**S 1300**

**BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO SEX OFFENDERS; AMENDING SECTION 18-8314, IDAHO CODE, TO REVISE THE POWERS AND DUTIES OF THE SEXUAL OFFENDER CLASSIFICATION BOARD TO PROVIDE FOR BOARD REVIEW OF CERTAIN CRIMES AND VIOLATIONS; AND DECLARING AN EMERGENCY.

**S 1301**

**BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO MANDATORY MINIMUM SENTENCING; AMENDING SECTION 19-2520G, IDAHO CODE, TO INCREASE THE MANDATORY MINIMUM TERM OF CONFINEMENT FOR CERTAIN SEX OFFENDERS TO FIFTEEN YEARS AND TO PROVIDE FOR A MANDATORY MINIMUM TERM OF LIFE IMPRISONMENT FOR CERTAIN REPEAT SEX OFFENDERS DESIGNATED AS VIOLENT SEXUAL PREDATORS.

**S 1302**

**BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO DEATH SENTENCES; AMENDING SECTION 19-2827, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE JUDICIAL REVIEW OF THE IMPOSITION OF THE DEATH PENALTY.

**S 1303**

**BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO MISUSE OF PUBLIC FUNDS; AMENDING SECTION 18-5701, IDAHO CODE, TO PROHIBIT THE MISUSE OF CERTAIN PUBLIC FINANCIAL INSTRUMENTS AND DEVICES, TO MAKE A GRAMMATICAL CORRECTION AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 18-5703, IDAHO CODE, TO DEFINE TERMS.

**S 1304**

**BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO CRIMINAL PROCEDURE; AMENDING SECTION 19-2604, IDAHO CODE, TO SET FORTH

PROVISIONS APPLICABLE TO JUDGMENTS FOR OFFENSES REQUIRING SEX OFFENDER REGISTRATION, TO CLARIFY THE TERM "CONVICTION" AND TO MAKE TECHNICAL CORRECTIONS.

**S 1305**

**BY FINANCE COMMITTEE**  
AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF BUILDING SAFETY IN THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR FISCAL YEAR 2006; AUTHORIZING ADDITIONAL FULL-TIME POSITIONS; AND DECLARING AN EMERGENCY.

**S 1306**

**BY FINANCE COMMITTEE**  
AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE STATE BOARD FOR PROFESSIONAL-TECHNICAL EDUCATION FOR FISCAL YEAR 2006; REDUCING THE APPROPRIATION TO THE STATE BOARD FOR PROFESSIONAL-TECHNICAL EDUCATION FOR FISCAL YEAR 2006; AND DECLARING AN EMERGENCY.

**S 1307**

**BY FINANCE COMMITTEE**  
AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE STATE BOARD OF EDUCATION FOR SPECIAL PROGRAMS FOR FISCAL YEAR 2006; AND DECLARING AN EMERGENCY.

**S 1308**

**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO POSTSECONDARY EDUCATION; AMENDING CHAPTER 37, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-3726, IDAHO CODE, TO REQUIRE A PUBLISHER OF A TEXTBOOK OR OTHER PRINTED INSTRUCTIONAL MATERIAL WHICH HAS BEEN ADOPTED FOR INSTRUCTIONAL USE AT A POSTSECONDARY IDAHO INSTITUTION TO FURNISH AN ELECTRONIC VERSION FOR USE BY A STUDENT WHO IS BLIND, VISUALLY IMPAIRED, OR HAS A DIAGNOSED READING DISABILITY FOR A PRICE WHICH DOES NOT EXCEED THE PRICE FOR THE EQUIVALENT PRINT VERSION, TO PROVIDE COPYRIGHT PROTECTION OF PUBLISHERS AND TO PROVIDE PROCEDURE.

**S 1299, S 1300, S 1301, S 1302, S 1303, S 1304, S 1305, S 1306, S 1307, and S 1308** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 404**, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

Senator Cameron was recorded present at this order of business.

**H 403**, by Appropriations Committee, was read the second time at length and filed for third reading.

**S 1260**, 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**

**S 1277** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Goedde. Total - 1.

Total - 35.

Whereupon the President declared **S 1277** passed, title was approved, and the bill ordered transmitted to the House.

**S 1278** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Goedde. Total - 1.

Total - 35.

Whereupon the President declared **S 1278** passed, title was approved, and the bill ordered transmitted to the House.

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

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:55 a.m. until the hour of 11 a.m., Wednesday, January 25, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

**SEVENTEENTH LEGISLATIVE DAY  
WEDNESDAY, JANUARY 25, 2006**

Senate Chamber

At the request of President Pro Tempore Geddes, Acting President Stegner called the Senate to order at 11 a.m.

Roll call showed all members present except President Pro Tempore Geddes and Senators Burkett, Burtenshaw, Cameron, Hill, Keough, Langhorst, Lodge, Marley, McGee, Pearce, Richardson, Sweet, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Saige Harrington, 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 24, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

Senators Burtenshaw and Langhorst were recorded present at this order of business.

January 25, 2006

The JUDICIARY AND RULES Committee reports that **S 1299, S 1300, S 1301, S 1302, S 1303, S 1304, S 1305, S 1306, S 1307**, and **S 1308** have been correctly printed.

DARRINGTON, Chairman



**S 1299** was referred to the Resources and Environment Committee.

**S 1300, S 1301, S 1302, S 1303, and S 1304** were referred to the Judiciary and Rules Committee.

**S 1305, S 1306, and S 1307** were referred to the Finance Committee.

**S 1308** was referred to the Education Committee.

January 24, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1263** was delivered to the Office of the Governor at 11:50 a.m., January 24, 2006.

DARRINGTON, Chairman

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

January 24, 2006

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

Peter J. Black to the Idaho Personnel Commission, term to expire July 1, 2011.

ANDREASON, 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.

January 24, 2006

The FINANCE Committee reports out **H 404** with the recommendation that it do pass.

CAMERON, Chairman

**H 404** was filed for second reading.

January 25, 2006

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

Vern Driver to the Board of Tax Appeals, term to expire June 30, 2008.

BUNDERSON, 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.

January 25, 2006

The FINANCE Committee reports out **S 1305, S 1306, and S 1307** with the recommendation that they do pass.

CAMERON, Chairman

**S 1305, S 1306, and S 1307** were filed for second reading.

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

#### Messages from the Governor

January 25, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Donald Gross of Coeur d'Alene, Idaho, was appointed as a member of the State Board of Health and Welfare to serve a term commencing January 11, 2006, and expiring January 7, 2007.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the Health and Welfare Committee.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

Senator Burkett was recorded present at this order of business.

January 24, 2006

Mr. President:

I transmit herewith **H 409** which has passed the House.

JUKER, Chief Clerk

**H 409** was filed for first reading.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

President Pro Tempore Geddes and Senators Cameron, Hill, Keough, Lodge, McGee, Marley, Pearce, Richardson, Sweet, and Werk were recorded present at this order of business.

The Acting President announced the State Affairs Committee report, relative to the Gubernatorial appointments of Larry A. Crowley, E. Robert "Bob" Mooney, Ralph Williams, and Joseph S. Bleymaier, was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator McKenzie, seconded by Senator Stennett, the Gubernatorial appointment of Larry A. Crowley as a member of the Idaho Energy Resources Authority was confirmed by voice vote.

On motion by Senator Little, seconded by Senator Stennett, the Gubernatorial appointment of E. Robert "Bob" Mooney as a member of the Idaho Energy Resources Authority was confirmed by voice vote.

On motion by Senator Darrington, seconded by Senator Stennett, the Gubernatorial appointment of Ralph Williams as a member of the Idaho Energy Resources Authority was confirmed by voice vote.

On motion by Senator Davis, seconded by Senator Burkett, the Gubernatorial appointment of Joseph S. Bleymaier as Administrator for the Idaho Division of Veterans Services was confirmed by voice vote.

The Acting President declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Acting President announced that **SJM 114** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Bunderson, seconded by Senator Stennett, **SJM 114** was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

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

#### S 1309

#### BY COMMERCE AND HUMAN RESOURCES COMMITTEE

#### AN ACT

RELATING TO THE STATE PERSONNEL SYSTEM AND NONCLASSIFIED STATE OFFICERS AND EMPLOYEES; AMENDING SECTION 33-2101A, IDAHO CODE, TO DELETE A CODE REFERENCE; AMENDING SECTION 33-2109A, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 59-1603, IDAHO CODE, TO DELETE A CODE

REFERENCE, TO PROVIDE CORRECT TERMINOLOGY, TO INCREASE THE MAXIMUM AWARD THAT MAY BE GRANTED TO CERTAIN NONCLASSIFIED OFFICERS AND EMPLOYEES FOR MERITORIOUS SERVICE AND FOR SUGGESTIONS RESULTING IN TAXPAYER SAVINGS, TO PROVIDE EXCEPTIONS TO THE MAXIMUM AWARD UNDER EXTRAORDINARY CIRCUMSTANCES, TO REQUIRE REPORTING OF ALL AWARDS GRANTED IN THE PRECEDING FISCAL YEAR AND REPORTING OF CHANGES MADE PURSUANT TO AN EMPLOYEE'S SUGGESTION AND RESULTING SAVINGS, TO PROVIDE FOR RECRUITMENT AND RETENTION AWARDS TO CERTAIN NONCLASSIFIED OFFICERS AND EMPLOYEES AND TO REQUIRE REPORTING OF SUCH AWARDS GRANTED IN THE PRECEDING FISCAL YEAR, TO PROVIDE FOR NONPERFORMANCE RELATED PAY TO CERTAIN NONCLASSIFIED OFFICERS AND EMPLOYEES AND TO REQUIRE REPORTING OF SUCH AWARDS GRANTED IN THE PRECEDING FISCAL YEAR, TO PROVIDE FOR NONPERFORMANCE RELATED PAY TO SPECIFIED EMPLOYEES WHICH CANNOT EXCEED FIVE PERCENT OF THE EMPLOYEE'S BASE PAY AND TO REQUIRE REPORTING OF SUCH AWARDS GRANTED IN THE PRECEDING FISCAL YEAR, TO PROVIDE CRITERIA FOR REIMBURSEMENT OF MOVING EXPENSES AND TO REQUIRE REPORTING OF ALL MOVING REIMBURSEMENTS GRANTED IN THE PRECEDING FISCAL YEAR AND TO PROVIDE THAT THE STATE CONTROLLER'S OFFICE IS RESPONSIBLE FOR THE ESTABLISHMENT AND MAINTENANCE OF SPECIFIC PAY CODES; AMENDING SECTION 59-1606, IDAHO CODE, TO DELETE AN INCORRECT CODE REFERENCE; AMENDING SECTION 59-1607, IDAHO CODE, TO PROVIDE PROPER TERMINOLOGY AND TO CLARIFY COMPENSATORY TIME FOR CLASSIFIED AND NONCLASSIFIED EMPLOYEES WHO ARE DESIGNATED AS EXECUTIVE; AMENDING SECTION 67-3511, IDAHO CODE, TO PROVIDE AN EXCEPTION TO THE LIMITATION ON USE OF APPROPRIATIONS MADE FOR EXPENSES OTHER THAN PERSONNEL COSTS AND TO PROVIDE FOR LIMITATIONS ON THE AMOUNT OF LEGISLATIVE APPROPRIATIONS FOR PERSONNEL COSTS WHICH CAN BE TRANSFERRED TO OTHER OBJECT CODES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-5302, IDAHO CODE, TO PROVIDE CORRECT REFERENCES, TO REFORMAT THE SECTION AND TO EXPAND THE DEFINITION OF "HOLIDAY" TO DISTINGUISH NONEXECUTIVE EMPLOYEES FROM EMPLOYEES CLASSIFIED AS EXECUTIVE EXEMPT; AMENDING SECTION 67-5309, IDAHO CODE, TO CLARIFY RULEMAKING AUTHORITY OF THE DIVISION OF HUMAN RESOURCES REGARDING RULES FOR DISCIPLINARY DISMISSAL, DEMOTION, SUSPENSION OR OTHER DISCIPLINE FOR CAUSE AND FOR SHIFT DIFFERENTIAL PAY AND TO SPECIFY ADDITIONAL RULEMAKING AUTHORITY; REPEALING SECTION 67-5309A, IDAHO CODE; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5309A, IDAHO CODE, TO PROVIDE A STATE EMPLOYEE COMPENSATION PHILOSOPHY; REPEALING SECTION 67-5309B, IDAHO CODE; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION

67-5309B, IDAHO CODE, TO ESTABLISH THE IDAHO COMPENSATION PLAN; REPEALING SECTION 67-5309C, IDAHO CODE; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5309C, IDAHO CODE, TO PROVIDE FOR SPECIFIED ANNUAL SURVEYS, REPORTS AND RECOMMENDATIONS; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5309D, IDAHO CODE, TO PROVIDE OTHER PAY DELIVERY OPTIONS; REPEALING SECTION 67-5326, IDAHO CODE; AMENDING SECTIONS 67-5328, 67-5329, 67-5330 AND 67-5331, IDAHO CODE, TO PROVIDE STATE OVERTIME POLICY, TO CLARIFY PROVISIONS RELATING TO CASH COMPENSATION AND COMPENSATORY TIME, TO REFORMAT SECTION 67-5328, IDAHO CODE, TO REDESIGNATE SECTIONS 67-5329, 67-5330 AND 67-5331, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTIONS 67-5333 AND 67-5339, IDAHO CODE, TO REFORMAT SECTION 67-5333, IDAHO CODE, TO REDESIGNATE SECTION 67-5339, IDAHO CODE, AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTIONS 67-5334, 67-5335 AND 67-5337, IDAHO CODE, TO CLARIFY COMPUTATION OF VACATION TIME FOR CLASSIFIED OFFICERS AND EMPLOYEES ACCORDING TO THEIR DEFINITIONS UNDER THE FEDERAL FAIR LABOR STANDARDS ACT, TO MAKE TECHNICAL CORRECTIONS, TO REFORMAT SECTION 67-5334, IDAHO CODE, AND TO REDESIGNATE SECTIONS 67-5335 AND 67-5337, IDAHO CODE; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5337, IDAHO CODE, TO PROVIDE FOR MOVING EXPENSE REIMBURSEMENT; AMENDING SECTION 67-5342, IDAHO CODE, TO REDEFINE "SEVERANCE PAY"; AND DECLARING AN EMERGENCY.

**S 1309** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 409**, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

**S 1250**, **S 1251**, and **S 1252**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

**H 403** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator

McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Langhorst. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 403** passed, title was approved, and the bill ordered returned to the House.

**S 1260** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Langhorst. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1260** passed, title was approved, and the bill ordered transmitted to the House.

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

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 11:15 a.m., Thursday, January 26, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

January 25, 2006

**EIGHTEENTH LEGISLATIVE DAY  
THURSDAY, JANUARY 26, 2006**

Senate Chamber

At the request of the President Pro Tempore, Acting President Little called the Senate to order at 11:15 a.m.

Roll call showed all members present except President Pro Tempore Geddes, absent and formally excused by the Chair; and Senators Burkett, Cameron, Fulcher, Hill, Keough, Lodge, Marley, McGee, Pearce, Richardson, Sweet, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Brady Anderson, Page.

The Senate advanced to the Third Order of Business.

**Reading and Correction of the Journal**

Senator Burkett was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 25, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

January 26, 2006

The JUDICIARY AND RULES Committee reports that **S 1309** has been correctly printed.

DARRINGTON, Chairman

**S 1309** was referred to the Commerce and Human Resources Committee.

January 25, 2006

The FINANCE Committee reports out **H 409** with the recommendation that it do pass.

CAMERON, Chairman

**H 409** was filed for second reading.

The JUDICIARY AND RULES Committee reports out **S 1255** and **S 1256** with the recommendation that they do pass.

DARRINGTON, Chairman

**S 1255** and **S 1256** were filed for second reading.

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

**Motions and Resolutions**

Senator Fulcher was recorded present at this order of business.

The Acting President announced the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Peter J. Black was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Malepeai, seconded by Senator Davis, the Gubernatorial appointment of Peter J. Black as a member of the Idaho Personnel Commission was confirmed by voice vote.

The Acting President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the Local Government and Taxation Committee report relative to the Gubernatorial appointment of Vern Driver was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Malepeai, seconded by Senator Andreason, the Gubernatorial appointment of Vern Driver as a member of the Board of Tax Appeals was confirmed by voice vote.

The Acting President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

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

**S 1310**

**BY JUDICIARY AND RULES COMMITTEE  
AN ACT**

RELATING TO WRITTEN AGREEMENTS; AMENDING SECTION 9-505, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR AGREEMENTS FIXING THE BOUNDARY BETWEEN ADJOINING PARCELS OF REAL PROPERTY AND TO MAKE TECHNICAL CORRECTIONS.

**S 1311**  
**BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO LIMITATIONS OF ACTIONS; AMENDING SECTION 5-203, IDAHO CODE, TO REVISE CONDITIONS UNDER WHICH ACTIONS TO RECOVER REAL PROPERTY OR POSSESSION OF REAL PROPERTY CAN BE MAINTAINED AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 5-204, IDAHO CODE, TO REVISE CONDITIONS UNDER WHICH ACTIONS OR DEFENSE TO ACTIONS ARISING OUT OF CLAIMS TO TITLE OR RENTS OR PROFITS CAN BE EFFECTUAL; AMENDING SECTION 5-206, IDAHO CODE, TO REVISE EXCEPTION PROVISIONS RELATING TO CONSTRUCTIVE POSSESSION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 5-207, IDAHO CODE, TO REVISE CONDITIONS RELATING TO ADVERSE POSSESSION OF PROPERTY UNDER WRITTEN CLAIMS OF TITLE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 5-210, IDAHO CODE, TO REVISE CONDITIONS RELATING TO ADVERSE POSSESSION OF PROPERTY UNDER ORAL CLAIMS TO TITLE; AMENDING SECTION 5-211, IDAHO CODE, TO REVISE CONDITIONS RELATING TO PRESUMPTION REGARDING POSSESSION AS BETWEEN TENANTS AND LANDLORDS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 5-213, IDAHO CODE, TO REVISE CONDITIONS RELATING TO THE TOLLING OF STATUTES OF LIMITATION INVOLVING PERSONS UNDER CERTAIN DISABILITIES AND TO MAKE A TECHNICAL CORRECTION.

**S 1312**  
**BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO CRIMES AND PUNISHMENTS; AMENDING SECTION 18-910, IDAHO CODE, TO INCREASE THE PENALTY FOR ASSAULT WITH INTENT TO COMMIT A SERIOUS FELONY; AMENDING SECTION 18-912, IDAHO CODE, TO INCREASE THE PENALTY FOR BATTERY WITH INTENT TO COMMIT A SERIOUS FELONY; AMENDING SECTION 18-1506, IDAHO CODE, TO INCREASE THE PENALTY FOR SEXUAL ABUSE OF A CHILD UNDER AGE SIXTEEN; AMENDING SECTION 18-1506A, IDAHO CODE, TO INCREASE THE PENALTY FOR RITUALIZED ABUSE OF A CHILD AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-1507, IDAHO CODE, TO INCREASE THE PENALTY FOR SEXUAL EXPLOITATION OF A CHILD AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-1507A, IDAHO CODE, TO INCREASE THE PENALTY FOR POSSESSION OF SEXUALLY EXPLOITATIVE MATERIAL FOR OTHER THAN A COMMERCIAL PURPOSE; AMENDING SECTION 18-1508A, IDAHO CODE, TO INCREASE THE PENALTY FOR SEXUAL BATTERY OF A MINOR CHILD SIXTEEN OR SEVENTEEN YEARS OF AGE; AMENDING SECTION 18-4116, IDAHO CODE, TO REVISE THE PENALTY FOR INDECENT EXPOSURE; AMENDING SECTION 18-6602, IDAHO CODE, TO INCREASE THE PENALTY FOR INCEST; AMENDING SECTION 18-8307, IDAHO CODE, TO REVISE SEXUAL OFFENDER REGISTRATION REQUIREMENTS; AMENDING SECTION 18-8308, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO VERIFICATION OF SEX

OFFENDER ADDRESSES; AMENDING SECTION 18-8309, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO NAME AND ADDRESS CHANGES OF SEXUAL OFFENDERS; AMENDING SECTION 18-8311, IDAHO CODE, TO INCREASE PENALTIES FOR SEXUAL OFFENDERS WHO FAIL TO MEET REGISTRATION, ADDRESS VERIFICATION AND NOTICE REQUIREMENTS; AND DECLARING AN EMERGENCY.

**S 1313**  
**BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO THE IDAHO CRIMINAL GANG ENFORCEMENT ACT; AMENDING TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 85, TITLE 18, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR EXTENDED SENTENCES, TO PROHIBIT THE RECRUITMENT OF GANG MEMBERS, TO PROHIBIT SUPPLYING FIREARMS TO A CRIMINAL GANG AND TO PERMIT THE ADOPTION OF LOCAL ORDINANCES; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

**S 1310, S 1311, S 1312, and S 1313** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**H 404**, by Appropriations Committee, was read the second time at length and filed for third reading.

**S 1305, S 1306, and S 1307**, by Finance Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

Senators Hill, Keough, Lodge, McGee, Pearce, Richardson, Sweet, and Werk were recorded present at this order of business.

**S 1250** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams.  
Total - 32.

NAYS--None.

Absent and excused--Cameron, Geddes, Marley. Total - 3.

Total - 35.

Whereupon the Acting President declared **S 1250** passed, title was approved, and the bill ordered transmitted to the House.

Senator Cameron was recorded present at this order of business.

**S 1251** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Geddes, Marley. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1251** passed, title was approved, and the bill ordered transmitted to the House.

Senator Marley was recorded present at this order of business.

**S 1252** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Geddes. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1252** passed, title was approved, and the bill ordered transmitted to the House.

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

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:50 a.m. until the hour of 11:15 a.m., Friday, January 27, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

**NINETEENTH LEGISLATIVE DAY  
FRIDAY, JANUARY 27, 2006**

Senate Chamber

At the request of the President Pro Tempore, Acting President Darrington called the Senate to order at 11:15 a.m.

Roll call showed all members present except President Pro Tempore Geddes and Senators Andreason and Cameron, absent and formally excused by the Chair; and Senators Burkett, Marley, and Pearce, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Kylie Barrus, 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 26, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

Senators Marley and Pearce were recorded present at this order of business.

January 27, 2006

The JUDICIARY AND RULES Committee reports that **S 1310, S 1311, S 1312, and S 1313** have been correctly printed.

DARRINGTON, Chairman

**S 1310, S 1311, S 1312, and S 1313** were referred to the Judiciary and Rules Committee.

January 26, 2006

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

Donald Gross to the State Board of Health and Welfare, term to expire January 7, 2007.

COMPTON, 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.

January 27, 2006

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

Randolph J. Hill to the Idaho Energy Resources Authority, term to expire June 30, 2006;

Darrell Kerby to the Idaho Energy Resources Authority, term to expire June 30, 2007.

BURTENSCHAW, 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 Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

January 24, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

#### S 1263

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Senate advanced to the Ninth Order of Business.

### Messages from the House

January 26, 2006

Mr. President:

I transmit herewith **H 440** which has passed the House.

JUKER, Chief Clerk

**H 440** was filed for first reading.

January 27, 2006

Mr. President:

I transmit herewith Enrolled **H 403** for the signature of the President.

JUKER, Chief Clerk

The Acting President announced that Enrolled **H 403** will be held at the Secretary's desk for the signature of the President, and when so signed, will be returned to the House.

On request by Senator Davis, 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 1314 BY COMMERCE AND HUMAN RESOURCES COMMITTEE AN ACT

RELATING TO THE HEALTH CARE TASK FORCE; AMENDING SECTION 20, CHAPTER 472, LAWS OF 2000, AS AMENDED BY SECTION 1, CHAPTER 477, LAWS OF 2000, TO REVISE TERMINOLOGY AND TO INCREASE TASK FORCE MEMBERSHIP; AND AMENDING SECTION 21, CHAPTER 472, LAWS OF 2000, AS AMENDED BY SECTION 2, CHAPTER 477, LAWS OF 2000, TO REVISE TERMINOLOGY.

#### S 1315 BY COMMERCE AND HUMAN RESOURCES COMMITTEE AN ACT

RELATING TO COUNTIES; AMENDING SECTION 31-814, IDAHO CODE, TO REMOVE A CAP ON FUND BALANCES FOR INSURANCE ON COUNTY PROPERTY.

#### S 1316 BY EDUCATION COMMITTEE AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 13, TITLE 33, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE FINDINGS, TO DEFINE TERMS, TO PROVIDE FOR QUALIFICATIONS FOR EDUCATIONAL INTERPRETERS, TO PROVIDE EXCEPTIONS, TO PROVIDE FOR CONTINUING TRAINING REQUIREMENTS, AND TO PROVIDE THE STATE BOARD OF EDUCATION WITH RULEMAKING AUTHORITY.

**S 1317**  
**BY STATE AFFAIRS COMMITTEE**  
**AN ACT**

RELATING TO HORSE RACING; AMENDING SECTION 54-2508, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO REVISE LICENSE APPLICATION REQUIREMENTS FOR RACE MEETS, TO REVISE LICENSE SPECIFICATION PROVISIONS, TO PROVIDE FOR THE SIMULCAST PURSE MONEYS FUND, TO PROVIDE RULEMAKING AUTHORITY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2512, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO REVISE APPLICATION PROVISIONS FOR LICENSES AUTHORIZING SIMULCAST AND/OR TELEVISED RACES AND TO REVISE PROVISIONS RELATING TO ADVANCE DEPOSIT WAGERING; AND DECLARING AN EMERGENCY.

**S 1314, S 1315, S 1316, and S 1317** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 440**, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**H 409**, by Appropriations Committee, was read the second time at length and filed for third reading.

**S 1255 and S 1256**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

**H 404** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--None.

Absent and excused--Andreason, Burkett, Cameron, Geddes. Total - 4.

Total - 35.

Whereupon the Acting President declared **H 404** passed, title was approved, and the bill ordered returned to the House.

**S 1305** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--None.

Absent and excused--Andreason, Burkett, Cameron, Geddes. Total - 4.

Total - 35.

Whereupon the Acting President declared **S 1305** passed, title was approved, and the bill ordered transmitted to the House.

Senator Burkett was recorded present at this order of business.

**S 1306** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Andreason, Cameron, Geddes. Total - 3.

Total - 35.

Whereupon the Acting President declared **S 1306** passed, title was approved, and the bill ordered transmitted to the House.

**S 1307** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:



AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Andreason, Cameron, Geddes. Total - 3.

Total - 35.

Whereupon the Acting President declared **S 1307** passed, title was approved, and the bill ordered transmitted to the House.

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

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:45 a.m. until the hour of 11:30 a.m., Monday, January 30, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

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### TWENTY-SECOND LEGISLATIVE DAY MONDAY, JANUARY 30, 2006

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senator Brandt, absent and formally excused by the Chair; and Senators Cameron, Kelly, Malepeai, and Marley, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Chris MacMillan, 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 27, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

#### Reports of Standing Committees

January 30, 2006

The JUDICIARY AND RULES Committee reports that **S 1314**, **S 1315**, **S 1316**, and **S 1317** have been correctly printed.

DARRINGTON, Chairman

**S 1314** and **S 1315** were referred to the Commerce and Human Resources Committee.

**S 1316** was referred to the Education Committee.

**S 1317** was referred to the State Affairs Committee.

January 27, 2006

The FINANCE Committee reports out **H 440** with the recommendation that it do pass.

CAMERON, Chairman

**H 440** was filed for second reading.

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

#### Motions and Resolutions

Senators Cameron, Kelly, Malepeai, and Marley were recorded present at this order of business.

The President announced the Health and Welfare Committee report relative to the Gubernatorial appointment of Donald Gross was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Broadsword, seconded by Senator Stennett, the Gubernatorial appointment of Donald Gross as a member of the Board of Health and Welfare was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the State Affairs Committee report relative to the Gubernatorial appointments of Randolph J. Hill and Darrell Kerby was before the Senate for final consideration. The question being, "Shall the report be adopted?"

On motion by Senator McKenzie, seconded by Senator Stennett, the Gubernatorial appointment of Randolph J. Hill as a member of the Idaho Energy Resources Authority was confirmed by voice vote.

On motion by Senator Keough, seconded by Senator Stennett, the Gubernatorial appointment of Darrell Kerby as a member of the Idaho Energy Resources Authority was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

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

**S 1318**

**BY JUDICIARY AND RULES COMMITTEE  
AN ACT**

RELATING TO ESTATE PROPERTY; AMENDING SECTION 15-3-1201, IDAHO CODE, TO SET FORTH PROVISIONS APPLICABLE TO THE RECOVERY OF MEDICAL ASSISTANCE COSTS BY THE DEPARTMENT OF HEALTH AND WELFARE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 56-218, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE RECOVERY OF CERTAIN MEDICAL ASSISTANCE; AND AMENDING SECTION 56-218A, IDAHO CODE, TO REVISE A CODE REFERENCE.

**S 1319**

**BY JUDICIARY AND RULES COMMITTEE  
AN ACT**

RELATING TO THE UNIFORM PROBATE CODE; AMENDING SECTION 15-3-1201, IDAHO CODE, TO INCREASE THE CAP FOR ESTATE VALUES AND TO MAKE TECHNICAL CORRECTIONS.

**S 1320**

**BY JUDICIARY AND RULES COMMITTEE  
AN ACT**

RELATING TO THE UNIFORM PROBATE CODE; AMENDING SECTION 15-5-207, IDAHO CODE, TO REVISE NOTICE PROVISIONS APPLICABLE TO PROCEEDINGS FOR THE APPOINTMENT OF A GUARDIAN OF A MINOR AND TO MAKE TECHNICAL CORRECTIONS.

**S 1321**

**BY JUDICIARY AND RULES COMMITTEE  
AN ACT**

RELATING TO TRUSTS; AMENDING SECTION 68-119, IDAHO CODE, TO REVISE APPLICABILITY; AND AMENDING CHAPTER 1, TITLE 68, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 68-120, IDAHO CODE, TO PROVIDE THAT THE DOCTRINE OF WORTHIER TITLE SHALL NOT BE APPLIED.

**S 1322**

**BY JUDICIARY AND RULES COMMITTEE  
AN ACT**

RELATING TO GUARDIANS AND CONSERVATORS; AMENDING SECTION 54-1142, IDAHO CODE, TO

AUTHORIZE GUARDIANS OR CONSERVATORS TO DISPOSE OF A DECEASED PERSON'S REMAINS IN CERTAIN CIRCUMSTANCES; AMENDING SECTION 15-5-306, IDAHO CODE, TO PROVIDE FOR THE CONTINUANCE OF A GUARDIANSHIP IN CERTAIN CIRCUMSTANCES AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 15-5-425, IDAHO CODE, TO PROVIDE FOR CONSERVATOR DISTRIBUTIVE DUTIES AND POWERS IN CERTAIN CIRCUMSTANCES AND TO MAKE TECHNICAL CORRECTIONS.

**S 1323**

**BY JUDICIARY AND RULES COMMITTEE  
AN ACT**

RELATING TO TRUSTS; AMENDING SECTION 15-2-511, IDAHO CODE, TO REFERENCE TRUSTS EXECUTED CONCURRENTLY WITH A WILL; AND AMENDING CHAPTER 7, TITLE 15, IDAHO CODE, BY THE ADDITION OF A NEW PART 7, CHAPTER 7, TITLE 15, IDAHO CODE, TO SET FORTH PROVISIONS APPLICABLE TO DRY TRUSTS.

**S 1324**

**BY JUDICIARY AND RULES COMMITTEE  
AN ACT**

RELATING TO TRUSTEE POWERS; AMENDING SECTION 15-7-402, IDAHO CODE, TO INCREASE THE COLLECTIVE VALUE OF TRUST ASSETS ALLOWABLE FOR PURPOSES OF TERMINATION AND TO MAKE A TECHNICAL CORRECTION.

**S 1325**

**BY JUDICIARY AND RULES COMMITTEE  
AN ACT**

RELATING TO THE UNIFORM PROBATE CODE; AMENDING SECTION 15-1-201, IDAHO CODE, TO REVISE THE DEFINITION FOR "INTERESTED PERSON" AND TO MAKE A TECHNICAL CORRECTION.

**S 1326**

**BY JUDICIARY AND RULES COMMITTEE  
AN ACT**

RELATING TO GUARDIANSHIPS AND CONSERVATORSHIPS; AMENDING SECTION 15-5-211, IDAHO CODE, TO REVISE VENUE PROVISIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 15-5-313, IDAHO CODE, TO REVISE VENUE PROVISIONS; AMENDING SECTION 15-5-430, IDAHO CODE, TO PROVIDE CODE REFERENCES APPLICABLE TO TERMINATION OF PROCEEDINGS; AMENDING SECTION 15-5-431, IDAHO CODE, TO PROVIDE CODE REFERENCES APPLICABLE TO THE PAYMENT OF DEBT AND DELIVERY OF PROPERTY IN CERTAIN FOREIGN CONSERVATOR CASES; REPEALING SECTION 15-5-432, IDAHO CODE, RELATING TO POWERS OF FOREIGN CONSERVATORS; AMENDING TITLE 15, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 9, TITLE 15, IDAHO CODE, TO SET FORTH PROVISIONS APPLICABLE TO FOREIGN GUARDIANSHIPS, TO PROVIDE FOR JURISDICTION, TO REQUIRE PETITIONS, TO REQUIRE NOTICE, TO PROVIDE FOR HEARINGS, TO SET FORTH REQUIREMENTS FOR RECEIPT AND ACCEPTANCE OF FOREIGN GUARDIANSHIPS, TO

PROVIDE FOR REVIEW OF GUARDIANSHIPS, TO SET FORTH PROVISIONS APPLICABLE TO FOREIGN CONSERVATORSHIPS, TO PROVIDE FOR JURISDICTION, TO REQUIRE PETITIONS, TO REQUIRE NOTICE, TO PROVIDE FOR HEARINGS, TO SET FORTH REQUIREMENTS FOR RECEIPT AND ACCEPTANCE OF FOREIGN CONSERVATORSHIPS AND TO PROVIDE FOR REVIEW OF CONSERVATORSHIPS; AMENDING TITLE 15, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 10, TITLE 15, IDAHO CODE, TO SET FORTH PROVISIONS APPLICABLE TO TRANSFERS OF GUARDIANSHIPS TO FOREIGN JURISDICTIONS, TO PROVIDE FOR JURISDICTION, TO REQUIRE PETITIONS, TO REQUIRE NOTICE, TO PROVIDE FOR HEARINGS, TO SET FORTH REQUIREMENTS FOR TRANSFERS OF GUARDIANSHIPS TO FOREIGN JURISDICTIONS, TO SET FORTH PROVISIONS APPLICABLE TO TRANSFERS OF CONSERVATORSHIPS TO FOREIGN JURISDICTIONS, TO PROVIDE FOR JURISDICTION, TO REQUIRE PETITIONS, TO REQUIRE NOTICE, TO PROVIDE FOR HEARINGS AND TO SET FORTH REQUIREMENTS FOR TRANSFERS OF CONSERVATORSHIPS TO FOREIGN JURISDICTIONS; AND AMENDING TITLE 15, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 11, TITLE 15, IDAHO CODE, TO PROVIDE FOR JURISDICTION, TO REQUIRE PETITIONS AND NOTICE, TO SET FORTH REQUIREMENTS FOR THE TEMPORARY RECOGNITION OF A FOREIGN GUARDIANSHIP, TO PROVIDE FOR JURISDICTION, TO REQUIRE PETITIONS AND NOTICE AND TO SET FORTH REQUIREMENTS FOR THE TEMPORARY RECOGNITION OF A FOREIGN CONSERVATORSHIP.

**S 1327**

**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO CRIMINAL BACKGROUND CHECKS; AMENDING SECTION 56-1004A, IDAHO CODE, TO PROVIDE FOR CRIMINAL HISTORY AND BACKGROUND CHECKS FOR INDIVIDUALS WHO PROVIDE CARE OR SERVICES TO VULNERABLE ADULTS AND CHILDREN, TO PROVIDE AN ADDITIONAL SOURCE OF FINGERPRINT-BASED RECORDS, TO REQUIRE THE NOTARIZED APPLICATION AUTHORIZING THE DEPARTMENT OF HEALTH AND WELFARE TO OBTAIN AND RELEASE INFORMATION, TO REMOVE PROVISIONAL STATUS PROVISION, TO PERMIT EMPLOYERS TO ALLOW AN INDIVIDUAL TO PROVIDE CARE OR SERVICES PENDING COMPLETION OF THE CRIMINAL HISTORY AND BACKGROUND CHECK IF THE INDIVIDUAL HAS NOT DISCLOSED A DESIGNATED CRIME, TO REQUIRE THE DEPARTMENT TO PROMULGATE RULES, TO REMOVE CRIMINAL PENALTIES FOR A KNOWING FAILURE TO DISCLOSE, TO REQUIRE APPLICANTS TO BE RESPONSIBLE FOR THE COST OF THE BACKGROUND CHECK UNLESS OTHERWISE PROVIDED, TO PROVIDE IMMUNITY TO THE DEPARTMENT AND TO AUTHORIZE THE DEPARTMENT TO PARTICIPATE IN A FEDERAL PILOT PROJECT; AND REPEALING SECTION 2, CHAPTER 312, LAWS OF 2005.

**S 1328**

**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO GUARDIANSHIPS; AMENDING SECTION 15-5-202, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE TESTAMENTARY APPOINTMENT OF A GUARDIAN FOR A MINOR.

**S 1329**

**BY FINANCE COMMITTEE**

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED FOR FISCAL YEAR 2006; AND DECLARING AN EMERGENCY.

**S 1330**

**BY FINANCE COMMITTEE**

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF VETERANS SERVICES WITHIN THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR FISCAL YEAR 2006; REDUCING THE GENERAL FUND APPROPRIATION FOR THE DIVISION OF VETERANS SERVICES WITHIN THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR FISCAL YEAR 2006; AND DECLARING AN EMERGENCY.

**S 1318, S 1319, S 1320, S 1321, S 1322, S 1323, S 1324, S 1325, S 1326, S 1327, S 1328, S 1329, and S 1330** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

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

**Third Reading of Bills**

**H 409** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--Burkett. Total - 1.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the President declared **H 409** passed, title was approved, and the bill ordered returned to the House.

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

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12 noon until the hour of 11:30 a.m., Tuesday, January 31, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

**TWENTY-THIRD LEGISLATIVE DAY  
TUESDAY, JANUARY 31, 2006**

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Bunderson, Burkett, Cameron, Gannon, and Langhorst, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Jillian Marotz, 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 30, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

**Petitions, Resolutions, and Memorials**

Senators Bunderson and Gannon were recorded present at this order of business.

**SJR 105**

**BY RESOURCES AND ENVIRONMENT COMMITTEE  
A JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO ARTICLE I, OF THE CONSTITUTION OF THE STATE OF IDAHO, BY THE ADDITION OF A NEW SECTION 23, ARTICLE I, TO PROVIDE THAT ALL WILDLIFE WITHIN THE STATE OF IDAHO SHALL BE PRESERVED, PROTECTED,

PERPETUATED AND MANAGED TO PROVIDE CONTINUED SUPPLIES FOR THE CITIZENS OF IDAHO TO HARVEST BY HUNTING, FISHING AND TRAPPING FOR THE CONTINUED BENEFIT OF THE PEOPLE, TO PROVIDE THAT THE TAKING OF WILDLIFE, INCLUDING ALL WILD ANIMALS, BIRDS AND FISH, BY HUNTING, FISHING AND TRAPPING IS A VALUED PART OF OUR HERITAGE AND SHALL BE A RIGHT PRESERVED FOR THE PEOPLE, TO PROVIDE THAT THE EXERCISE OF THIS RIGHT BY THE PEOPLE SHALL NOT BE PROHIBITED, BUT SHALL BE SUBJECT TO THE LAWS, RULES, AND PROCLAMATIONS OF THE STATE, AND TO PROVIDE THAT THE RIGHTS SET FORTH DO NOT CREATE A RIGHT TO TRESPASS ON PRIVATE PROPERTY OR LEAD TO A DIMINUTION OF OTHER PRIVATE RIGHTS AND SHALL NOT BE CONSTRUED TO PROHIBIT OR IN ANY WAY AFFECT RIGHTS ESTABLISHED TO DIVERT, APPROPRIATE, AND USE WATER PURSUANT TO ARTICLE XV OF THE CONSTITUTION OF THE STATE OF IDAHO OR THE STATUTES AND RULES ENACTED PURSUANT THERETO, OR TO ESTABLISH ANY MINIMUM AMOUNT OF WATER IN ANY STREAM, RIVER, LAKE, RESERVOIR OR OTHER WATERCOURSE OR WATER BODY; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

**SJM 118**

**BY RESOURCES AND ENVIRONMENT COMMITTEE  
A JOINT MEMORIAL**

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

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

WHEREAS, arsenic is a widely distributed, naturally occurring element present in trace amounts in all living organisms and concentrations in drinking water come primarily from natural sources with higher levels being found more frequently in ground water than surface water and also being found more frequently in the West; and

WHEREAS, the Environmental Protection Agency (EPA) is charged with setting standards for contaminants in drinking water and adopted a maximum contaminant level for arsenic of 50 parts per billion (PPB) in 1975 based on a standard that was originally established in 1942 by the Public Health Service; and

WHEREAS, in 2001, the EPA set a new standard for arsenic, reducing the maximum contaminant level for arsenic in drinking water to 10 PPB based on its reliance on a Taiwanese study relating to an assessment of risks associated with dose response curves and since that time, the EPA's primary reliance on the study has been questioned and criticized; and

WHEREAS, the level of 10 PPB becomes enforceable on January 23, 2006, for public water systems, and such systems will be found in violation if they exceed an annual average of 10 PPB during any four quarters; and

WHEREAS, over 90 city and community water systems in Idaho, and similar systems throughout the nation, typically rely on wells for drinking water, and arsenic tends to occur in higher levels in those areas and all of these water systems are now burdened with constructing water facilities at costs in the millions of dollars to comply with the 10 PPB standard; and

WHEREAS, a number of ecological studies conducted in the United States and elsewhere have found no association between cancer and arsenic in drinking water at 10 to 50 PPB; and

WHEREAS, a recent study of cancer mortality and arsenic in drinking water conducted by Professor Emeritus Lynden Williams of Ohio University finds colon cancer mortality rates are inversely associated with arsenic levels; being highest in those counties where arsenic levels in drinking water are lowest and lowest in those counties where arsenic levels are highest, suggesting that removal of arsenic will increase colon cancer mortality rates.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the enforcement of the reduced maximum contaminant level for arsenic in drinking water be suspended until such time as definitive scientific evidence within the United States validates that consumption of water between 10 to 50 PPB of arsenic increases cancer mortality, or produces some other health problem, and that the health benefit of removing trace amounts of arsenic from drinking water is commensurate with the associated costs of compliance with the new standard.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to 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.

**SJR 105** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**SJM 118** 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

Senator Cameron was recorded present at this order of business.

January 31, 2006

The JUDICIARY AND RULES Committee reports that **S 1318, S 1319, S 1320, S 1321, S 1322, S 1323, S 1324, S 1325, S 1326, S 1327, S 1328, 1329, and S 1330** have been correctly printed.

DARRINGTON, Chairman

**S 1318, S 1319, S 1320, S 1321, S 1322, S 1323, S 1324, S 1325, S 1326, S 1327, and S 1328** were referred to the Judiciary and Rules Committee.

**S 1329 and S 1330** were referred to the Finance Committee.

January 31, 2006

The JUDICIARY AND RULES Committee reports out **S 1275, S 1296, S 1297, and S 1300** with the recommendation that they do pass.

DARRINGTON, Chairman

**S 1275, S 1296, S 1297, and S 1300** were filed for second reading.

January 31, 2006

The FINANCE Committee reports out **S 1329 and S 1330** with the recommendation that they do pass.

CAMERON, Chairman

**S 1329 and S 1330** were filed for second reading.

January 31, 2006

The EDUCATION Committee reports out **S 1308** with the recommendation that it do pass.

GOEDDE, Chairman

**S 1308** was filed for second reading.

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

#### Messages from the Governor

January 30, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that John V. Evans of Burley, Idaho, was appointed as a member of the Idaho Energy Resources Authority to serve a term commencing January 20, 2006, and expiring June 30, 2006.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the State Affairs Committee.

The Senate advanced to the Ninth Order of Business.

**Messages from the House**

Senators Burkett and Langhorst were recorded present at this order of business.

January 30, 2006

Mr. President:

I transmit herewith **H 405** and **H 406** which have passed the House.

JUKER, Chief Clerk

**H 405** and **H 406** were filed for first reading.

January 30, 2006

Mr. President:

I return herewith **S 1277**, **S 1278**, and **SJM 113** which have passed the House.

JUKER, Chief Clerk

**S 1277**, **S 1278**, and **SJM 113** were referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, 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 1331**

**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO PAROLE; AMENDING SECTION 20-223, IDAHO CODE, TO REFERENCE MENTAL HEALTH PROFESSIONALS DESIGNATED BY THE DEPARTMENT OF CORRECTION FOR PURPOSES OF EXAMINATION AND EVALUATION AND TO PROVIDE THAT NO PERSON MAKING AN EVALUATION SHALL BE HELD FINANCIALLY LIABLE FOR DENIAL OF PAROLE OR FOR FUTURE ACTS OF A PAROLEE; AND DECLARING AN EMERGENCY.

**S 1332**

**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT; AMENDING SECTION 7-1058, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 7-1001, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE DEFINITIONS; AMENDING SECTION 7-1002, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 7-1003, IDAHO CODE, TO

REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO REMEDIES; AMENDING SECTION 7-1004, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE DESCRIPTIVE LANGUAGE AND TO REVISE PROVISIONS APPLICABLE TO BASES FOR JURISDICTION OVER NONRESIDENTS; AMENDING SECTION 7-1005, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE DESCRIPTIVE LANGUAGE AND TO SET FORTH THE DURATION OF PERSONAL JURISDICTION; AMENDING SECTION 7-1006, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 7-1007, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE DESCRIPTIVE LANGUAGE AND TO REMOVE LANGUAGE REFERENCING A PETITION OR COMPARABLE PLEADING; AMENDING SECTION 7-1008, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE DESCRIPTIVE LANGUAGE AND TO REVISE PROVISIONS APPLICABLE TO JURISDICTION TO MODIFY CHILD SUPPORT ORDERS; AMENDING SECTION 7-1009, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE DESCRIPTIVE LANGUAGE AND TO REVISE PROVISIONS APPLICABLE TO JURISDICTION TO ENFORCE CHILD SUPPORT ORDERS; AMENDING SECTION 7-1010, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE DESCRIPTIVE LANGUAGE AND TO REVISE PROVISIONS APPLICABLE TO DETERMINING CONTROLLING CHILD SUPPORT ORDERS; AMENDING SECTION 7-1011, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REMOVE REFERENCES TO MULTIPLE REGISTRATIONS, PETITIONS OR ORDERS; AMENDING SECTION 7-1012, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO CREDIT FOR PAYMENTS; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1014, IDAHO CODE, TO PROVIDE FOR APPLICATION TO NONRESIDENTS SUBJECT TO PERSONAL JURISDICTION; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1015, IDAHO CODE, TO PROVIDE FOR JURISDICTION TO MODIFY SPOUSAL SUPPORT ORDERS; AMENDING SECTION 7-1013, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO PROCEEDINGS; AMENDING SECTION 7-1014, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE DESCRIPTIVE LANGUAGE; AMENDING SECTION 7-1015, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS RELATING TO APPLICATION OF LAW; AMENDING SECTION 7-1016, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO DUTIES OF INITIATING TRIBUNALS; AMENDING SECTION 7-1017, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO THE DUTIES AND POWERS OF RESPONDING TRIBUNALS; AMENDING SECTION 7-1018, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REFERENCE THE TRIBUNAL; AMENDING SECTION 7-1019, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO DUTIES OF SUPPORT ENFORCEMENT AGENCIES; AMENDING SECTION 7-1020, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE DUTIES OF THE ATTORNEY GENERAL; AMENDING SECTION 7-1021,

IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 7-1022, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE DUTIES OF THE STATE INFORMATION AGENCY; AMENDING SECTION 7-1023, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO PLEADINGS AND ACCOMPANYING DOCUMENTS; AMENDING SECTION 7-1024, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO THE NONDISCLOSURE OF CERTAIN INFORMATION; AMENDING SECTION 7-1025, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE CODE REFERENCES; AMENDING SECTION 7-1026, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO LIMITED IMMUNITY OF PETITIONERS; AMENDING SECTION 7-1027, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 7-1028, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO SPECIAL RULES OF EVIDENCE AND PROCEDURE; AMENDING SECTION 7-1029, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO COMMUNICATIONS BETWEEN TRIBUNALS; AMENDING SECTION 7-1030, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 7-1031, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO RECEIPT AND DISBURSEMENT OF PAYMENTS; AMENDING SECTION 7-1032, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO PETITIONS TO ESTABLISH SUPPORT ORDERS; AMENDING SECTION 7-1033, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO AN EMPLOYER'S RECEIPT OF AN INCOME-WITHHOLDING ORDER OF ANOTHER STATE; AMENDING SECTION 7-1034, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO AN EMPLOYER'S COMPLIANCE WITH AN INCOME-WITHHOLDING ORDER OF ANOTHER STATE; AMENDING SECTION 7-1035, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE DESCRIPTIVE LANGUAGE AND TO REVISE PROVISIONS APPLICABLE TO AN EMPLOYER'S COMPLIANCE WITH TWO OR MORE INCOME-WITHHOLDING ORDERS; AMENDING SECTION 7-1036, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO IMMUNITY FROM CIVIL LIABILITY; AMENDING SECTION 7-1037, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 7-1038, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO CONTESTS BY OBLIGORS; AMENDING SECTION 7-1039, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE A REFERENCE TO A SUPPORT ENFORCEMENT AGENCY; AMENDING SECTION 7-1040, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 7-1041, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO THE PROCEDURE TO REGISTER AN ORDER FOR ENFORCEMENT; AMENDING SECTION 7-1042, IDAHO CODE, TO

REDESIGNATE THE SECTION AND TO REVISE CODE REFERENCES; AMENDING SECTION 7-1043, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO CHOICE OF LAW; AMENDING SECTION 7-1044, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO NOTICE OF REGISTRATION OF ORDER; AMENDING SECTION 7-1045, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO THE PROCEDURE TO CONTEST THE VALIDITY OR ENFORCEMENT OF A REGISTERED ORDER; AMENDING SECTION 7-1046, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO CONTESTS OF REGISTRATION OR ENFORCEMENT; AMENDING SECTION 7-1047, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 7-1048, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE CODE REFERENCES AND TO MAKE A GRAMMATICAL CHANGE; AMENDING SECTION 7-1049, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE AND PROVIDE CODE REFERENCES; AMENDING SECTION 7-1050, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO THE MODIFICATION OF A CHILD SUPPORT ORDER OF ANOTHER STATE; AMENDING SECTION 7-1051, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO THE RECOGNITION OF AN ORDER MODIFIED IN ANOTHER STATE; AMENDING SECTION 7-1052, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO JURISDICTION TO MODIFY SUPPORT ORDERS IN CERTAIN CASES; AMENDING SECTION 7-1053, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO NOTICES OF MODIFICATION; AMENDING CHAPTER 10, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1057, IDAHO CODE, TO PROVIDE FOR JURISDICTION TO MODIFY A CHILD SUPPORT ORDER OF A FOREIGN COUNTRY OR POLITICAL SUBDIVISION; AMENDING SECTION 7-1054, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO PROCEEDINGS TO DETERMINE PARENTAGE; AMENDING SECTION 7-1055, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO GROUNDS FOR RENDITION; AMENDING SECTION 7-1056, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO CONDITIONS OF RENDITION; AMENDING SECTION 7-1057, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO UNIFORMITY OF APPLICATION AND CONSTRUCTION; AND AMENDING SECTION 7-1059, IDAHO CODE, TO REDESIGNATE THE SECTION.

**S 1333**

**BY EDUCATION COMMITTEE**

**AN ACT**

RELATING TO EDUCATIONAL STAFF ALLOWANCE EXPERIENCE AND EDUCATIONAL MULTIPLIER; AMENDING SECTION 33-1004A, IDAHO CODE, TO PROVIDE AN ADDITIONAL MULTIPLIER FOR INSTRUCTIONAL STAFF

WHO SPEND A MAJORITY OF THEIR TIME PROVIDING MATH OR SCIENCE INSTRUCTION, TO PROVIDE A CONDITION FOR ELIGIBILITY FOR INSTRUCTIONAL STAFF TEACHING AT THE SECONDARY LEVEL, TO PROVIDE FOR DISTRIBUTION OF MONEYS GENERATED BY APPLICATION OF THE ADDITIONAL MULTIPLIER AND TO MAKE TECHNICAL CHANGES.

S 1331, S 1332, and S 1333 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 405 and H 406, by Commerce and Human Resources Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

H 440, by Appropriations 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**

S 1255 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Davis and Kelly arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared S 1255 passed, title was approved, and the bill ordered transmitted to the House.

S 1256 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared S 1256 passed, title was approved, and the bill ordered transmitted to the House.

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

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 11:30 a.m., Wednesday, February 1, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

**TWENTY-FOURTH LEGISLATIVE DAY  
WEDNESDAY, FEBRUARY 1, 2006**

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Broadsword, Bunderson, Burkett, McGee, and Sweet, absent and formally excused by the Chair; and Senators Langhorst, Pearce, and Stennett, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Dana Nelson, 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 31, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

February 1, 2006

The JUDICIARY AND RULES Committee reports that S 1331, S 1332, S 1333, SJR 105, and SJM 118 have been correctly printed.

DARRINGTON, Chairman



**S 1331** and **S 1332** were referred to the Judiciary and Rules Committee.

**S 1333** was referred to the Education Committee.

**SJR 105** was referred to the Resources and Environment Committee.

On request by Senator Schroeder, granted by unanimous consent, **SJM 118** was referred to the Resources and Environment Committee.

January 31, 2006

The JUDICIARY AND RULES Committee reports that **S 1277**, **S 1278**, and **SJM 113** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1277**, **S 1278**, and **SJM 113** and ordered them transmitted to the House for the signature of the Speaker.

February 1, 2006

The TRANSPORTATION Committee reports out **S 1264** with the recommendation that it do pass.

BRANDT, Chairman

**S 1264** was filed for second reading.

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

#### Messages from the Governor

Senator Langhorst was recorded present at this order of business.

February 1, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Larry R. Vincent of CULDESAC, Idaho, was appointed as a member of the State Board of Health and Welfare to serve a term commencing January 11, 2006, and expiring January 7, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the Health and Welfare Committee.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

Senator Stennett was recorded present at this order of business.

January 31, 2006

Mr. President:

I transmit herewith Enrolled **H 404** and **H 409** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 404** and **H 409** and ordered them returned to the House.

On request by Senator Davis, 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 1334**

#### **BY COMMERCE AND HUMAN RESOURCES COMMITTEE**

##### AN ACT

RELATING TO PAID FIREMEN; AMENDING CHAPTER 211, LAWS OF 1990, BY THE ADDITION OF A NEW SECTION 8, CHAPTER 211, LAWS OF 1990, TO SET FORTH APPLICATION OF SPECIFIED PROVISIONS; AMENDING SECTION 8, CHAPTER 211, LAWS OF 1990, TO REDESIGNATE THE SECTION; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**S 1334** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

#### Second Reading of Bills

**S 1275**, **S 1296**, **S 1297**, and **S 1300**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

**S 1329** and **S 1330**, by Finance Committee, were read the second time at length and filed for third reading.

**S 1308**, by Education 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**

**H 440** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McKenzie, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 28.

NAYS--None.

Absent and excused--Broadsword, Bunderson, Burkett, Keough, McGee, Pearce, Sweet. Total - 7.

Total - 35.

Whereupon the President declared **H 440** passed, title was approved, and the bill ordered returned to the House.

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

**Miscellaneous Business**

Senator Pearce was recorded present at this order of business.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:50 a.m. until the hour of 11 a.m., Thursday, February 2, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

**TWENTY-FIFTH LEGISLATIVE DAY  
THURSDAY, FEBRUARY 2, 2006**

Senate Chamber

President Risch called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Brandt, Cameron, Coiner, Pearce, and Richardson, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Staniela Nikolova, 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 February 1, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

Senators Brandt and Coiner were recorded present at this order of business.

February 2, 2006

The JUDICIARY AND RULES Committee reports that **S 1334** has been correctly printed.

DARRINGTON, Chairman

**S 1334** was referred to the Commerce and Human Resources Committee.

February 2, 2006

The JUDICIARY AND RULES Committee reports out **S 1302**, **S 1303**, and **S 1311** with the recommendation that they do pass.

DARRINGTON, Chairman

**S 1302**, **S 1303**, and **S 1311** were filed for second reading.

February 1, 2006

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

Gary Blick to the Idaho Transportation Board, term to expire January 12, 2012.

BRANDT, 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.

February 1, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **S 1299** with the recommendation that it do pass.

SCHROEDER, Chairman

**S 1299** was filed for second reading.

February 2, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **S 1276** with the recommendation that it do pass.

BUNDERSON, Chairman

**S 1276** was filed for second reading.

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

#### Messages from the Governor

February 1, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jim Kempton of Boise, Idaho, was appointed as a member of the Northwest Power and Conservation Council to serve a term commencing January 15, 2006, and expiring January 12, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the Resources and Environment Committee.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

February 1, 2006

Mr. President:

I return herewith **S 1305**, **S 1306**, and **S 1307** which have passed the House.

JUKER, Chief Clerk

**S 1305**, **S 1306**, and **S 1307** were referred to the Judiciary and Rules Committee for enrolling.

February 1, 2006

Mr. President:

I return herewith Enrolled **S 1277**, **S 1278**, and **SJM 113** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1277** and **S 1278** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

**SJM 113** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

On request by Senator Davis, 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 1335**

##### BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE UNIFORM PROBATE CODE; AMENDING SECTION 15-1-201, IDAHO CODE, TO REVISE THE DEFINITION FOR "INTERESTED PERSON" AND TO MAKE A TECHNICAL CORRECTION.

**S 1336**

##### BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE IDAHO CRIMINAL GANG ENFORCEMENT ACT; AMENDING TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 85, TITLE 18, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR EXTENDED SENTENCES, TO PROHIBIT THE RECRUITMENT OF GANG MEMBERS, TO PROHIBIT SUPPLYING FIREARMS TO A CRIMINAL GANG AND TO PERMIT THE ADOPTION OF LOCAL ORDINANCES; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

**S 1337**

##### BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO CONTROLLED SUBSTANCES; AMENDING CHAPTER 27, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-2732D, IDAHO CODE, TO PROHIBIT SPECIFIED ACTS, TO PERMIT AN INFERENCE OF CONSUMPTION OF CONTROLLED SUBSTANCES, TO PROVIDE FOR THE CONSIDERATION OF DRUG TREATMENT OR DRUG COURT OPTIONS, TO LIMIT APPLICATION, TO DEFINE TERMS, TO PROVIDE PUNISHMENT AND TO LIMIT THE DUTY TO REPORT IN CERTAIN CASES.

**S 1338**

##### BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO CERTIFIED FAMILY HOMES; AMENDING SECTION 9-340B, IDAHO CODE, TO PROVIDE A PUBLIC RECORDS EXEMPTION FOR RECORDS AND INFORMATION IDENTIFYING A COMPLAINANT; AND AMENDING CHAPTER 35, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3556, IDAHO CODE, TO PROVIDE FOR FILING A COMPLAINT, INVESTIGATION AND INSPECTION.

**S 1339****BY HEALTH AND WELFARE COMMITTEE  
AN ACT**

RELATING TO PERSONAL CARE SERVICES; AMENDING SECTION 39-5603, IDAHO CODE, TO REMOVE THE STANDARD WHICH REQUIRED PERSONAL CARE SERVICES BE ORDERED BY A PHYSICIAN OR AUTHORIZED PROVIDER; AND AMENDING SECTION 39-5608, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE A TECHNICAL CORRECTION.

**S 1340****BY HEALTH AND WELFARE COMMITTEE  
AN ACT**

RELATING TO THE DEVELOPMENTALLY DISABLED; AMENDING SECTION 66-402, IDAHO CODE, TO PERMIT A MASTER LEVEL HEALTH PROFESSIONAL TO SERVE ON AN EVALUATION COMMITTEE, TO REQUIRE EACH COMMITTEE MEMBER TO BE SPECIALLY QUALIFIED AND TO MAKE A TECHNICAL CORRECTION.

**S 1341****BY HEALTH AND WELFARE COMMITTEE  
AN ACT**

RELATING TO EARLY CHILDHOOD AND EARLY INTERVENTION SERVICES; AMENDING THE HEADING FOR CHAPTER 1, TITLE 16, IDAHO CODE; AMENDING SECTION 16-101, IDAHO CODE, TO EXPAND LEGISLATIVE FINDINGS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 16-102, IDAHO CODE, TO EXPAND LEGISLATIVE POLICY OF THE STATE; AMENDING SECTION 16-103, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-104, IDAHO CODE, TO PROVIDE FOR AN EARLY CHILDHOOD AND EARLY INTERVENTION SYSTEM; AMENDING SECTION 16-105, IDAHO CODE, TO PROVIDE FOR AN EARLY CHILDHOOD COORDINATING COUNCIL, TO PROVIDE FOR THE ADMINISTRATION AND OVERSIGHT OF THE COUNCIL, TO PROVIDE THAT THE COUNCIL BE DESIGNATED BY THE GOVERNOR AND TO PROVIDE COUNCIL MEMBERSHIP CRITERIA; AMENDING SECTION 16-106, IDAHO CODE, TO PROVIDE DUTIES FOR THE EARLY CHILDHOOD COORDINATING COUNCIL AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-107, IDAHO CODE, TO PROVIDE RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND WELFARE AS THE EARLY INTERVENTION LEAD AGENCY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-108, IDAHO CODE, TO PROVIDE FOR REGIONAL EARLY CHILDHOOD COORDINATING COMMITTEES AND TO PROVIDE FOR MEMBERSHIP CRITERIA AND RESPONSIBILITIES FOR THE COMMITTEES; AMENDING SECTION 16-109, IDAHO CODE, TO REVISE REQUIREMENTS FOR THE INDIVIDUALIZED FAMILY SERVICE PLAN AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-110, IDAHO CODE, TO PROVIDE FOR EARLY INTERVENTION PROCEDURAL SAFEGUARDS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-111, IDAHO CODE, TO REVISE USES OF FUNDS, TO REMOVE A SPECIFIC REFERENCE TO FEDERAL LAW, TO MAKE A

TECHNICAL CORRECTION, TO SPECIFY FUNDING SOURCES AND TO CREATE THE EARLY CHILDHOOD COORDINATING COUNCIL FUND IN THE STATE TREASURY; AND AMENDING SECTION 16-113, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION.

**S 1342****BY HEALTH AND WELFARE COMMITTEE  
AN ACT**

RELATING TO EMERGENCY MEDICAL SERVICES; AMENDING SECTION 56-1012, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 56-1013, IDAHO CODE, TO PROVIDE FOR CORRECT TERMINOLOGY AND TO MODIFY RULEMAKING AUTHORITY; AMENDING CHAPTER 10, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-1013A, IDAHO CODE, TO CREATE AN IDAHO EMERGENCY MEDICAL SERVICES PHYSICIAN COMMISSION AND TO PROVIDE FOR THE GOVERNANCE OF THE COMMISSION; AMENDING SECTION 56-1016, IDAHO CODE, TO ELIMINATE GRANDFATHER RIGHTS FOR AMBULANCES AND TO PROVIDE FOR SUPERVISION OF THE MEDICAL SERVICES PROVIDED BY PERSONNEL AFFILIATED WITH LICENSED AMBULANCE OR NON-TRANSPORT SERVICE; AND AMENDING SECTION 56-1017, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY.

**S 1343****BY HEALTH AND WELFARE COMMITTEE  
AN ACT**

RELATING TO THE BOARD OF DENTISTRY; AMENDING SECTION 54-903, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTIONS 54-913 AND 54-919, IDAHO CODE, TO REMOVE REFERENCE TO ANNUAL LICENSING; REPEALING SECTION 54-920, IDAHO CODE; AMENDING CHAPTER 9, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-920, IDAHO CODE, TO PROVIDE FOR THE LICENSING OF CERTAIN PERSONS BY THE STATE BOARD OF DENTISTRY, TO PROVIDE FOR LICENSE FEES, TO PROVIDE PROCEDURES FOR THE RENEWAL OF LICENSES, TO PRESCRIBE PROCEDURES FOR THOSE WHO FAIL TO PROPERLY SUBMIT COMPLETED RENEWAL APPLICATIONS AND LICENSE FEES, TO PRESCRIBE FEES AND PROCEDURES FOR RETURN OF AN UNPAID CHECK OR OTHER PAYMENT, TO PROVIDE DEFINITIONS FOR LICENSE CLASSES, TO PROVIDE DISCRETION AND RULEMAKING AUTHORITY TO THE BOARD AND CONDITIONS FOR THE ISSUANCE OF LICENSE CLASSES, TO PROVIDE FOR THE CONVERSION OF CERTAIN LICENSES, TO REQUIRE NOTIFICATION TO THE BOARD OF CERTAIN CHANGES AND TO IMPOSE A TIME LIMIT FOR NOTIFICATION; AMENDING SECTION 54-921, IDAHO CODE, TO PROVIDE FOR THE REINSTATEMENT OF CERTAIN PERSONS WHOSE LICENSES HAVE EXPIRED FOR FAILURE TO COMPLY WITH LICENSE RENEWAL REQUIREMENTS; AMENDING SECTION 54-922, IDAHO CODE, TO REQUIRE DISPLAY OR IMMEDIATE PRODUCTION OF A LICENSE FOR THE TIME PERIOD OF PRACTICE; AND AMENDING SECTIONS 54-923, 54-924, 54-925 AND 54-932, IDAHO CODE, TO REMOVE REFERENCE TO ANNUAL LICENSING.

**S 1344**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO SCHOOL AGE; AMENDING SECTION 33-201, IDAHO CODE, TO PROVIDE THAT SCHOOL DISTRICTS MAY OFFER SERVICES TO CHILDREN UNDER THE MINIMUM SCHOOL AGE OF FIVE YEARS, TO SPECIFY CONDITIONS AND LIMITATIONS AND TO MAKE TECHNICAL CHANGES.

**S 1335, S 1336, S 1337, S 1338, S 1339, S 1340, S 1341, S 1342, S 1343, and S 1344** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**S 1264**, by Transportation 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 Lodge, granted by unanimous consent, **S 1300** was referred to the Fourteenth Order of Business, General Calendar.

**S 1275** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Cameron, Pearce, Richardson. Total - 3.

Total - 35.

Whereupon the President declared **S 1275** passed, title was approved, and the bill ordered transmitted to the House.

Senators Cameron, Pearce, and Richardson were recorded present at this order of business.

**S 1296** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1296** passed, title was approved, and the bill ordered transmitted to the House.

**S 1297** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1297** passed, title was approved, and the bill ordered transmitted to the House.

**S 1329** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1329** passed, title was approved, and the bill ordered transmitted to the House.

**S 1330** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1330** passed, title was approved, and the bill ordered transmitted to the House.

**S 1308** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1308** passed, title was approved, and the bill ordered transmitted to the House.

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

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:40 a.m. until the hour of 11 a.m., Friday, February 3, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

**TWENTY-SIXTH LEGISLATIVE DAY  
FRIDAY, FEBRUARY 3, 2006**

Senate Chamber

President Risch called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Brandt and Werk, absent and formally excused by the Chair; and Senators Cameron, Langhorst, Little, and Schroeder, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Mickenzie Stuart, 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 February 2, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

February 3, 2006

The JUDICIARY AND RULES Committee reports that **S 1335, S 1336, S 1337, S 1338, S 1339, S 1340, S 1341, S 1342, S 1343,** and **S 1344** have been correctly printed.

DARRINGTON, Chairman

**S 1335, S 1336,** and **S 1337** were referred to the Judiciary and Rules Committee.

**S 1338, S 1339, S 1340, S 1341, S 1342,** and **S 1343** were referred to the Health and Welfare Committee.

**S 1344** was referred to the Education Committee.

February 2, 2006

The JUDICIARY AND RULES Committee reports that **S 1305, S 1306,** and **S 1307** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1305, S 1306,** and **S 1307** and ordered them transmitted to the House for the signature of the Speaker.

February 2, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1277** and **S 1278** were delivered to the Office of the Governor at 2 p.m., February 2, 2006.

DARRINGTON, Chairman

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

February 2, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **SJM 113** was delivered to the Office of the Secretary of State at 2:06 p.m., February 2, 2006.

DARRINGTON, Chairman

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

February 3, 2006

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1314, S 1315, H 405,** and **H 406** with the recommendation that they do pass.

ANDREASON, Chairman

**S 1314, S 1315, H 405, and H 406** were filed for second reading.

February 2, 2006

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

Jeff Cilek to the Public Employees Retirement System of Idaho, term to expire July 1, 2010.

ANDREASON, 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.

February 3, 2006

The STATE AFFAIRS Committee reports out **S 1317** with the recommendation that it do pass.

BURTENSHAW, Chairman

**S 1317** was filed for second reading.

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

#### Messages from the Governor

Senator Cameron was recorded present at this order of business.

February 2, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jeffrey L. Bowen of Soda Springs, Idaho, was appointed as a member of the Idaho Bingo-Raffle Advisory Board to serve a term commencing January 7, 2005, and expiring January 7, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the State Affairs Committee.

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Robin Sandy of Boise, Idaho, was appointed as a member of the Commission on Pardons and Parole to serve a term commencing January 1, 2006, and expiring January 1, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

February 2, 2006

Mr. President:

I transmit herewith **H 462, H 464, and H 413** which have passed the House.

JUKER, Chief Clerk

**H 462, H 464, and H 413** were filed for first reading.

February 2, 2006

Mr. President:

I transmit herewith Enrolled **H 440** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 440** and ordered it returned to the House.

February 2, 2006

Mr. President:

I return herewith **SJM 114** which has passed the House.

JUKER, Chief Clerk

**SJM 114** was referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

### **Motions and Resolutions**

Senators Langhorst and Schroeder were recorded present at this order of business.

The President announced the Transportation Committee report relative to the Gubernatorial appointment of Gary Blick was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Gannon, seconded by Senator Marley, the Gubernatorial appointment of Gary Blick as a member of the Idaho Transportation Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

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

#### **S 1345**

#### **BY COMMERCE AND HUMAN RESOURCES COMMITTEE**

##### **AN ACT**

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1356, IDAHO CODE, TO PROVIDE THAT PERSI RETIREES WHO RETIRE WITHOUT EARLY RETIREMENT REDUCTIONS AND ARE REEMPLOYED AFTER BEING RETIRED FOR AT LEAST SIX MONTHS MAY ELECT TO CONTINUE RECEIVING RETIREMENT BENEFITS AND NOT ACCRUE ADDITIONAL SERVICE IF THEY ARE SUBSEQUENTLY ELECTED TO A PUBLIC OFFICE OTHER THAN AN OFFICE HELD PRIOR TO RETIREMENT.

#### **S 1346**

#### **BY TRANSPORTATION COMMITTEE**

##### **AN ACT**

RELATING TO DRIVER'S LICENSE INSTRUCTION PERMITS; AMENDING SECTION 49-110, IDAHO CODE, TO REVISE THE EXPIRATION DATE OF A CLASS D DRIVER'S TRAINING INSTRUCTION PERMIT, TO PROVIDE AN ALTERNATE EXPIRATION DATE FOR A CLASS D INSTRUCTION PERMIT IF APPLICABLE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTIONS 49-302 AND 49-303, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 49-305, IDAHO CODE, TO PROVIDE AN ALTERNATE EXPIRATION DATE FOR A CLASS D INSTRUCTION PERMIT UNDER SPECIFIED CONDITIONS; AND AMENDING SECTION 49-307, IDAHO CODE, TO REVISE THE FEE FOR A CLASS D DRIVER'S TRAINING INSTRUCTION PERMIT, TO PROVIDE THAT THE FEE SHALL BE PAID BY EVERY ENROLLEE OF A CLASS D DRIVER'S TRAINING COURSE, TO REVISE THE DISTRIBUTION OF FEES, TO DELETE THE DRIVER'S

TRAINING COURSE FEE CHARGED BY A COMMERCIAL BUSINESS AND DISTRIBUTION OF SUCH FEE, TO PROVIDE FOR EXPIRATION OF A CLASS D DRIVER'S TRAINING INSTRUCTION PERMIT, TO REQUIRE THE INSTRUCTOR OF THE COURSE TO HAVE THE DRIVER'S TRAINING INSTRUCTION PERMIT IN HIS IMMEDIATE POSSESSION DURING DRIVING INSTRUCTION, TO PROVIDE THAT A SUPERVISED INSTRUCTION PERMIT SHALL BECOME A CLASS D INSTRUCTION PERMIT IF THE PERMITTEE REACHES THE AGE OF SEVENTEEN WHILE OPERATING ON A CLASS D SUPERVISED INSTRUCTION PERMIT AND TO PROVIDE FOR EXPIRATION OF THE CLASS D INSTRUCTION PERMIT, TO CLARIFY THE REQUIREMENTS FOR OPERATING A CLASS D VEHICLE WITH A CLASS D SUPERVISED INSTRUCTION PERMIT AND TO PROVIDE CORRECT CODE REFERENCES.

#### **S 1347**

#### **BY TRANSPORTATION COMMITTEE**

##### **AN ACT**

RELATING TO COMMERCIAL DRIVER'S LICENSES; AMENDING SECTION 49-109, IDAHO CODE, TO REDEFINE "HAZARDOUS MATERIAL" AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-120, IDAHO CODE, TO REDEFINE "SERIOUS TRAFFIC VIOLATION"; AMENDING SECTION 49-240, IDAHO CODE, TO PROVIDE THAT ANY BOND FORFEITURE FOR A TRAFFIC OFFENSE SHALL BE TREATED AS A CONVICTION FOR PERSONS HOLDING A COMMERCIAL DRIVER'S LICENSE; AMENDING SECTION 49-301, IDAHO CODE, TO PROVIDE THAT NO PERSON SHALL OPERATE A COMMERCIAL MOTOR VEHICLE UNLESS SUCH PERSON COMPLIES WITH SPECIFIED CONDITIONS REGARDING A COMMERCIAL DRIVER'S LICENSE AND TO MAKE TECHNICAL CHANGES; AMENDING SECTION 49-315, IDAHO CODE, TO PROVIDE CORRECT REFERENCES TO FEDERAL REGULATIONS; AMENDING SECTION 49-321, IDAHO CODE, TO EXPAND THE DUTIES AND AUTHORITY OF THE IDAHO TRANSPORTATION DEPARTMENT IN FILING ACCIDENT REPORTS AND ABSTRACTS OF COURT RECORDS OF CONVICTION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-323, IDAHO CODE, TO REQUIRE THE IDAHO TRANSPORTATION DEPARTMENT TO FORWARD RECORDS OF IDAHO CONVICTIONS, SUSPENSIONS, DISQUALIFICATIONS AND REVOCATIONS OF NONRESIDENTS TO NONRESIDENTS' STATE OF RESIDENCY; AMENDING SECTION 49-335, IDAHO CODE, TO PROVIDE THAT A COMMERCIAL MOTOR VEHICLE DRIVER SHALL BE DISQUALIFIED FOR NOT LESS THAN ONE YEAR FOR USING ANY MOTOR VEHICLE IN THE COMMISSION OF A FELONY AND TO PROVIDE A CIVIL PENALTY FOR VIOLATION OF AN OUT-OF-SERVICE ORDER; AMENDING SECTION 49-337, IDAHO CODE, TO IMPOSE AN ADDITIONAL CIVIL PENALTY UPON ANY EMPLOYER CONVICTED OF KNOWINGLY ALLOWING A VIOLATION OF AN OUT-OF-SERVICE ORDER; AND AMENDING SECTION 49-1416, IDAHO CODE, TO PROVIDE THAT COURTS SHALL NOT ACT TO PREVENT A CONVICTION FROM APPEARING ON THE DRIVING RECORD OF ANY PERSON WHO HOLDS A COMMERCIAL DRIVER'S LICENSE.



**S 1348**  
**BY TRANSPORTATION COMMITTEE**  
AN ACT

RELATING TO HIGHWAY DISTRICTS; AMENDING SECTION 40-1304, IDAHO CODE, TO PROVIDE FOR DETERMINATION AND DECLARATION OF A VACANCY IN THE OFFICE OF HIGHWAY DISTRICT COMMISSIONER AND TO MAKE TECHNICAL CHANGES; AND AMENDING SECTION 40-1305C, IDAHO CODE, TO PROVIDE QUALIFICATIONS FOR THE OFFICE OF HIGHWAY DISTRICT COMMISSIONER AND TO MAKE A TECHNICAL CHANGE.

**S 1349**  
**BY TRANSPORTATION COMMITTEE**  
AN ACT

RELATING TO THE BASIC RULE AND MAXIMUM SPEED LIMITS; AMENDING SECTION 49-654, IDAHO CODE, TO DELETE THE MAXIMUM SPEED LIMIT ON INTERSTATE HIGHWAYS FOR VEHICLES WITH FIVE OR MORE AXLES OPERATING AT A GROSS WEIGHT OF MORE THAN TWENTY-SIX THOUSAND POUNDS.

**S 1350**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO COUNTY RECORDER'S FEES; AMENDING SECTION 31-3205, IDAHO CODE, TO PROVIDE A FEE FOR DUPLICATION OF RECORDED DOCUMENTS USING ELECTRONIC MEANS, TO PROVIDE A CHARGE FOR ADMINISTRATIVE OR LABOR COSTS, TO CLARIFY PAGE SPECIFICATIONS AND TO REFORMAT THE SECTION.

**S 1351**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO REGULATION OF ALCOHOL; AMENDING CHAPTER 6, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-616, IDAHO CODE, TO DEFINE TERMS, TO PROHIBIT ALCOHOL WITHOUT LIQUID DEVICE WITH EXCEPTIONS, TO PROVIDE RULES, TO PROVIDE PENALTIES AND TO PROVIDE THAT AN ALCOHOL WITHOUT LIQUID DEVICE THAT IS NOT AUTHORIZED IS DECLARED TO BE A PUBLIC NUISANCE AND SHALL BE REFERRED TO AS A LIQUOR NUISANCE.

**S 1345, S 1346, S 1347, S 1348, S 1349, S 1350, and S 1351** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 462** and **H 464**, by Transportation and Defense Committee, were introduced, read the first time at length, and referred to the Transportation Committee.

**H 413**, 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**

Senator Little was recorded present at this order of business.

**S 1302, S 1303, and S 1311**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

**S 1299**, by Resources and Environment Committee, was read the second time at length and filed for third reading.

**S 1276**, by Stennett, Marley, Malepeai, Werk, Kelly, Langhorst, and Burkett, 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**

**S 1264** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 32.

NAYS--None.

Absent and excused--Brandt, Pearce, Werk. Total - 3.

Total - 35.

Whereupon the President declared **S 1264** passed, title was approved, and the bill ordered transmitted to the House.

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

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:35 a.m. until the hour of 11 a.m., Monday, February 6, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

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**TWENTY-NINTH LEGISLATIVE DAY**  
**MONDAY, FEBRUARY 6, 2006**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Cameron, Goedde, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Anna Ward, 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 February 3, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

**Petitions, Resolutions, and Memorials**

**SCR 120**

**BY JUDICIARY AND RULES COMMITTEE**

**A CONCURRENT RESOLUTION**

**PROPOSING AN AMENDMENT TO JOINT RULE 18 OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.**

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

WHEREAS, the Senate and the House of Representatives deem it necessary and desirable to amend Joint Rule 18 of the Joint Rules of the Senate and the House of Representatives.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that Joint Rule 18 of the Joint Rules of the Senate and the House of Representatives be amended to read as follows:

**JOINT RULE 18**

Statement of Purpose and Fiscal Notes.--No bill shall be introduced in either house unless it shall have attached thereto a concise statement of purpose and fiscal note. The contact person for the statement of purpose and fiscal note shall be identified on the document. The statement of purpose and fiscal note applies only to a bill as introduced, and does not necessarily reflect any amendment to the bill that may be adopted. A statement of purpose or fiscal note is not a statement of legislative intent.

No bill making an appropriation, increasing or decreasing existing appropriations, or requiring a future appropriation, or increasing or decreasing revenues of the state or any unit of local government, or requiring a significant expenditure of funds by the state or a unit of local government, shall be introduced unless it shall have attached thereto a fiscal note. This note shall contain an estimate of the amount of such appropriation, expenditure, or change under the bill. The fiscal note shall identify a full fiscal year's impact of the legislation. Statements of purpose and fiscal notes may be combined in the same statement.

All statements of purpose and fiscal notes shall be reviewed for compliance with this rule by the committee to which the bill is assigned. A member may challenge the sufficiency of a statement of purpose or fiscal note at any time prior to passage, except upon introduction. Nothing in this rule shall prohibit a statement of purpose or fiscal note from being corrected or modified.

**SCR 120** 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**

February 6, 2006

The JUDICIARY AND RULES Committee reports that **S 1345, S 1346, S 1347, S 1348, S 1349, S 1350, and S 1351** been correctly printed.

DARRINGTON, Chairman

**S 1345** was referred to the Commerce and Human Resources Committee.

**S 1346, S 1347, S 1348, and S 1349** were referred to the Transportation Committee.

**S 1350 and S 1351** were referred to the State Affairs Committee.

Senator Werk was recorded present at this order of business.

February 3, 2006

The JUDICIARY AND RULES Committee reports that **SJM 114** has been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **SJM 114**, and ordered it transmitted to the House for the signature of the Speaker.

February 3, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **S 1258** with the recommendation that it do pass.

SCHROEDER, Chairman

**S 1258** was filed for second reading.

February 3, 2006

The JUDICIARY AND RULES Committee reports out **S 1304 and S 1301** with the recommendation that they do pass.

DARRINGTON, Chairman

**S 1304 and S 1301** were filed for second reading.

February 6, 2006

The STATE AFFAIRS Committee reports out **S 1246** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BURTENSHAW, Chairman

There being no objection, **S 1246** was referred to the Fourteenth Order of Business, General Calendar.

February 6, 2006

The STATE AFFAIRS Committee reports out **S 1247** with the recommendation that it do pass.

BURTENSHAW, Chairman

**S 1247** was filed for second reading.

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

#### **Motions and Resolutions**

The President Pro Tempore announced the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Jeff Cilek was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Coiner, seconded by Senator Malepeai, the Gubernatorial appointment of Jeff Cilek as a member of the Public Employee Retirement System of Idaho Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

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

Senator Cameron was recorded present at this order of business.

#### **S 1352**

##### **BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT**

RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-707A, IDAHO CODE, TO INCREASE THE MAXIMUM HANDLING CHARGES IRRIGATION DISTRICTS ARE AUTHORIZED TO CHARGE RELATING TO DRAFTS OR CHECKS THAT ARE REFUSED BY BANKS OR OTHER ENTITIES ON WHICH THE DRAFTS OR CHECKS ARE DRAWN.

#### **S 1353**

##### **BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT**

RELATING TO WATER; AMENDING SECTION 42-201, IDAHO CODE, TO PROVIDE FOR THE EXCLUSIVE AUTHORITY OF THE DEPARTMENT OF WATER RESOURCES RELATING TO THE APPROPRIATION OF PUBLIC SURFACE AND GROUND WATERS OF THE STATE, TO PROHIBIT OTHER INSTRUMENTALITIES OR POLITICAL SUBDIVISIONS OF THE STATE FROM TAKING ANY ACTION TO PROHIBIT, RESTRICT OR REGULATE THE APPROPRIATION OF PUBLIC SURFACE OR GROUND WATERS OF THE STATE AND TO PROVIDE THAT ANY SUCH PROHIBITION, RESTRICTION OR REGULATION SHALL BE NULL AND VOID.

#### **S 1354**

##### **BY JUDICIARY AND RULES COMMITTEE AN ACT**

RELATING TO WARRANTS; AMENDING SECTION 19-4408, IDAHO CODE, TO REMOVE LANGUAGE REQUIRING SEARCH WARRANTS TO BE SERVED WITH THE OFFICER PRESENT AND TO ALLOW FOR SERVICE OF WARRANTS BY SPECIFIED MEANS; AND DECLARING AN EMERGENCY.

#### **S 1355**

##### **BY STATE AFFAIRS COMMITTEE AN ACT**

RELATING TO THE STATE HISTORICAL SOCIETY; AMENDING CHAPTER 41, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4101, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT; AMENDING CHAPTER 41, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4102, IDAHO CODE, TO PROVIDE CERTAIN REQUIREMENTS FOR STATE AGENCIES AND OTHER ENTITIES OF STATE GOVERNMENT PREPARING TO REMOVE OR PERFORM CONSTRUCTION WORK ON STRUCTURES OWNED BY THE STATE; AND AMENDING CHAPTER 41, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4103, IDAHO CODE, TO PROVIDE FOR OPTIONAL PROJECT REVIEW BY THE STATE HISTORIC PRESERVATION OFFICE, TO PROVIDE CERTAIN REQUIREMENTS FOR STATE AGENCIES OR OTHER ENTITIES OF STATE GOVERNMENT PROPOSING A PROJECT THAT INVOLVES STATE-OWNED STRUCTURES, TO PROVIDE FOR RESPONSE TO PROJECT PROPOSALS BY THE STATE HISTORIC PRESERVATION OFFICE, TO PROVIDE THAT THE STATE AGENCY OR OTHER ENTITY OF STATE GOVERNMENT PROPOSING THE PROJECT SHALL HAVE THE DISCRETION TO ACT UPON THE RECOMMENDATIONS OF THE STATE HISTORIC PRESERVATION OFFICE AND TO PROVIDE FOR THE USE OF RECOMMENDATIONS OF THE STATE HISTORIC PRESERVATION OFFICE.

**S 1352, S 1353, S 1354, and S 1355** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

On request by Senator Stegner, granted by unanimous consent, **S 1314** was referred to the Fourteenth Order of Business, General Calendar.

**S 1315**, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

**H 405** and **H 406**, by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

**S 1317**, 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**

**S 1302** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Goedde. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1302** passed, title was approved, and the bill ordered transmitted to the House.

Senator Goedde was recorded present at this order of business.

**S 1303** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burkett. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1303** passed, title was approved, and the bill ordered transmitted to the House.

**S 1311** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Keough and Bunderson arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--Little. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1311** passed, title was approved, and the bill ordered transmitted to the House.

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

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 10:15 a.m., Tuesday, February 7, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

**THIRTIETH LEGISLATIVE DAY  
TUESDAY, FEBRUARY 7, 2006**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10:15 a.m.

Roll call showed all members present except Senators Darrington and Sweet, absent and formally excused by the Chair; and Senators Burkett, Pearce, and Stennett, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

February 6, 2006

The Pledge of Allegiance was led by Angela Andersen, Page.

The Senate advanced to the Third Order of Business.

#### Reading and Correction of the Journal

Senator Stennett was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 6, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

#### Reports of Standing Committees

February 7, 2006

The JUDICIARY AND RULES Committee reports that **S 1352, S 1353, S 1354, S 1355**, and **SCR 120** have been correctly printed.

DARRINGTON, Chairman

**S 1352** and **S 1353** were referred to the Resources and Environment Committee.

**S 1354** was referred to the Judiciary and Rules Committee.

**S 1355** was referred to the State Affairs Committee.

**SCR 120** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 6, 2006

The JUDICIARY AND RULES Committee reports out **S 1331** and **S 1327** with the recommendation that they do pass.

DARRINGTON, Chairman

**S 1331** and **S 1327** were filed for second reading.

February 6, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **S 1259** with the recommendation that it do pass.

SCHROEDER, Chairman

**S 1259** was filed for second reading.

The HEALTH AND WELFARE Committee reports out **S 1338, S 1339, S 1341, S 1342**, and **S 1343** with the recommendation that they do pass.

COMPTON, Chairman

**S 1338, S 1339, S 1341, S 1342**, and **S 1343** were filed for second reading.

February 6, 2006

The HEALTH AND WELFARE Committee reports out **S 1340** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

COMPTON, Chairman

There being no objection, **S 1340** was referred to the Fourteenth Order of Business, General Calendar.

February 6, 2006

The EDUCATION Committee reports out **S 1333** with the recommendation that it do pass.

GOEDDE, Chairman

**S 1333** was filed for second reading.

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

#### Messages from the House

February 6, 2006

Mr. President:

I transmit herewith **HJR 2** which has passed the House.

JUKER, Chief Clerk

**HJR 2** was filed for first reading.

February 6, 2006

Mr. President:

I return herewith Enrolled **S 1305, S 1306**, and **S 1307** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1305, S 1306**, and **S 1307** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, 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 1356**

**BY JUDICIARY AND RULES COMMITTEE  
AN ACT**

RELATING TO DOMESTIC VIOLENCE CRIME PREVENTION; AMENDING SECTION 39-6306, IDAHO CODE, TO INCREASE THE MAXIMUM EFFECTIVE PERIOD FOR PROTECTION ORDERS IN CERTAIN CASES, TO REVISE THE LIMITATIONS A COURT MAY IMPOSE IN A PROTECTION ORDER AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

**S 1357**

**BY JUDICIARY AND RULES COMMITTEE  
AN ACT**

RELATING TO ATTORNEY'S FEES IN CIVIL ACTIONS; AMENDING SECTION 12-120, IDAHO CODE, TO INCREASE THE MAXIMUM DOLLAR AMOUNT PLEADED OR CLAIMED FOR PURPOSES OF ALLOWED COSTS.

**S 1356** and **S 1357** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**HJR 2**, 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 1258**, by Resources and Environment Committee, was read the second time at length and filed for third reading.

**S 1304** and **S 1301**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

**S 1247**, by Brandt, was read the second time at length and filed for third reading.

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

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 10:30 a.m. until the hour of 11 a.m., Wednesday, February 8, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

**THIRTY-FIRST LEGISLATIVE DAY  
WEDNESDAY, FEBRUARY 8, 2006**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 11 a.m.

Roll call showed all members present except Senator Brandt, absent and formally excused by the Chair; and Senators Cameron, Hill, Keough, Lodge, Marley, McGee, Pearce, Richardson, Schroeder, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Brady Anderson, 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 February 7, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

Senators Marley, McGee, Richardson, Schroeder, and Werk were recorded present at this order of business.

February 8, 2006

The JUDICIARY AND RULES Committee reports that **S 1356** and **S 1357** have been correctly printed.

DARRINGTON, Chairman

**S 1356** and **S 1357** were referred to the Judiciary and Rules Committee.

February 7, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1305**, **S 1306**, and **S 1307** were delivered to the Office of the Governor at 2:30 p.m., February 7, 2006.

DARRINGTON, Chairman

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

February 7, 2006

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

Vaughn Heinrich to the Idaho Endowment Fund Investment Board, term to expire April 11, 2008;

John Michael Brassey to the Idaho Personnel Commission, term to expire July 1, 2011.

ANDREASON, 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.

February 7, 2006

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:

Daniel Fuchs to the State Board of Health and Welfare, term to expire January 1, 2009;

Larry R. Vincent to the State Board of Health and Welfare, term to expire January 7, 2009.

COMPTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

#### Messages from the Governor

February 8, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Richard Rush of Boise, Idaho, was appointed as a member of the Idaho Soil Conservation Commission to serve a term commencing February 3, 2006, and expiring July 1, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the Agricultural Affairs Committee.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

February 7, 2006

Mr. President:

I return herewith Enrolled **SJM 114** which has been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **SJM 114** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

On request by Senator Davis, 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

Senators Hill and Lodge were recorded present at this order of business.

#### S 1358

#### BY AGRICULTURAL AFFAIRS COMMITTEE

#### AN ACT

RELATING TO DOMESTIC CERVIDAE; AMENDING SECTION 25-3701, IDAHO CODE, TO REVISE THE DEFINITION OF DOMESTIC CERVIDAE; AND AMENDING SECTION 36-711, IDAHO CODE, TO CLARIFY THE POWERS AND DUTIES OF THE FISH AND GAME COMMISSION AND THE DEPARTMENT OF FISH AND GAME RELATING TO NONDOMESTIC CERVIDAE AND TO REVISE THE DEFINITION OF DOMESTIC CERVIDAE.

#### S 1359

#### BY AGRICULTURAL AFFAIRS COMMITTEE

#### AN ACT

RELATING TO DOMESTIC CERVIDAE; AMENDING SECTION 25-1910, IDAHO CODE, TO PROVIDE FOR CIVIL DAMAGES RELATING TO DOMESTIC CERVIDAE AND TO PROVIDE THAT ANY PERSON COMMITTING CERTAIN ACTS RELATING TO DOMESTIC CERVIDAE SHALL BE GUILTY OF A FELONY; AMENDING SECTION 25-3702, IDAHO CODE, TO PROVIDE FOR THE MUTUAL ADDRESS OF REASONABLE CONCERNS BETWEEN THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF FISH AND GAME RELATING TO THE DOMESTIC FARMING OF CERVIDAE; AMENDING SECTION 25-3703A, IDAHO CODE, TO REVISE IDENTIFICATION PROVISIONS; AMENDING SECTION 25-3705, IDAHO CODE, TO PROVIDE FOR THE AUTHORITY OF THE DIVISION OF ANIMAL INDUSTRIES OF THE

DEPARTMENT OF AGRICULTURE RELATING TO THE INSPECTION OF CERVIDAE FARMS; AND AMENDING SECTION 25-3705A, IDAHO CODE, TO PROVIDE THAT SPECIFIED PROVISIONS OF LAW ALSO APPLY TO ESCAPED DOMESTIC CERVIDAE.

**S 1360**

**BY COMMERCE AND HUMAN RESOURCES  
COMMITTEE**

AN ACT

RELATING TO IDAHO REAL ESTATE LICENSE LAW; AMENDING SECTION 54-2004, IDAHO CODE, TO DEFINE TERMS AND REMOVE A DEFINITION FOR "RECIPROCAL LICENSE"; AMENDING SECTION 54-2014, IDAHO CODE, TO REVISE LICENSE EXAM REQUIREMENTS; AMENDING SECTION 54-2015, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-2018, IDAHO CODE, TO REVISE LANGUAGE APPLICABLE TO LICENSE EXPIRATION AND REQUESTS FOR LICENSURE OR LICENSE CHANGES; AMENDING SECTION 54-2023, IDAHO CODE, TO REVISE CONTINUING EDUCATION REQUIREMENTS; AMENDING SECTION 54-2027, IDAHO CODE, TO REQUIRE LICENSE NUMBERS FOR LICENSED STUDENTS COMPLETING COURSES OF INSTRUCTION; AMENDING SECTION 54-2033, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO INSTRUCTOR QUALIFICATIONS; AMENDING SECTION 54-2034, IDAHO CODE, TO CHANGE TERMINOLOGY; AND AMENDING SECTION 54-2036, IDAHO CODE, TO REFERENCE REQUIRED FEES, TO REVISE EXAM RETAKE POLICY PROVISIONS AND TO REFERENCE WAIVERS OR MODIFICATIONS OF PRELICENSE REQUIREMENTS.

**S 1361**

**BY COMMERCE AND HUMAN RESOURCES  
COMMITTEE**

AN ACT

RELATING TO GENETIC TESTING PRIVACY; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 83, TITLE 39, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO SET FORTH RESTRICTIONS REGARDING GENETIC TESTING INFORMATION APPLICABLE TO EMPLOYERS AND INSURERS, TO PROVIDE FOR A PRIVATE RIGHT OF ACTION AND TO PROVIDE FOR ENFORCEMENT.

**S 1362**

**BY COMMERCE AND HUMAN RESOURCES  
COMMITTEE**

AN ACT

RELATING TO PERSONS IN THE MILITARY; AMENDING SECTION 46-225, IDAHO CODE, TO CLARIFY THAT PERSONS DEPLOYED IN THE MILITARY WHO SHALL ALSO BE OFFICERS OR EMPLOYEES OF THE STATE SHALL BE ENTITLED TO THEIR EXISTING MEDICAL BENEFITS FROM THE STATE FOR THE FIRST THIRTY DAYS OF A DEPLOYMENT AND THIS SHALL NOT DECREASE ANY EXISTING LEAVE BALANCES; AND DECLARING AN EMERGENCY.

**S 1363**

**BY COMMERCE AND HUMAN RESOURCES  
COMMITTEE**

AN ACT

RELATING TO THE STATE PERSONNEL SYSTEM AND NONCLASSIFIED STATE OFFICERS AND EMPLOYEES; AMENDING SECTION 33-2101A, IDAHO CODE, TO DELETE A CODE REFERENCE; AMENDING SECTION 33-2109A, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 59-1603, IDAHO CODE, TO DELETE A CODE REFERENCE, TO PROVIDE CORRECT TERMINOLOGY, TO INCREASE THE MAXIMUM AWARD THAT MAY BE GRANTED TO CERTAIN NONCLASSIFIED OFFICERS AND EMPLOYEES FOR MERITORIOUS SERVICE AND FOR SUGGESTIONS RESULTING IN TAXPAYER SAVINGS, TO PROVIDE EXCEPTIONS TO THE MAXIMUM AWARD UNDER EXTRAORDINARY CIRCUMSTANCES, TO REQUIRE REPORTING OF ALL AWARDS GRANTED IN THE PRECEDING FISCAL YEAR AND REPORTING OF CHANGES MADE PURSUANT TO AN EMPLOYEE'S SUGGESTION AND RESULTING SAVINGS, TO PROVIDE FOR RECRUITMENT AND RETENTION AWARDS TO CERTAIN NONCLASSIFIED OFFICERS AND EMPLOYEES AND TO REQUIRE REPORTING OF SUCH AWARDS GRANTED IN THE PRECEDING FISCAL YEAR, TO PROVIDE FOR OTHER PAY TO CERTAIN NONCLASSIFIED OFFICERS AND EMPLOYEES AND TO REQUIRE REPORTING OF SUCH AWARDS GRANTED IN THE PRECEDING FISCAL YEAR, TO PROVIDE FOR NONMERIT PAY AND TO REQUIRE REPORTING OF SUCH AWARDS GRANTED IN THE PRECEDING FISCAL YEAR, TO PROVIDE CRITERIA FOR REIMBURSEMENT OF MOVING EXPENSES, TO REQUIRE REPORTING OF ALL MOVING REIMBURSEMENTS GRANTED IN THE PRECEDING FISCAL YEAR AND TO PROVIDE THAT THE STATE CONTROLLER'S OFFICE IS RESPONSIBLE FOR THE ESTABLISHMENT AND MAINTENANCE OF SPECIFIC PAY CODES; AMENDING SECTION 59-1606, IDAHO CODE, TO DELETE AN INCORRECT CODE REFERENCE; AMENDING SECTION 59-1607, IDAHO CODE, TO PROVIDE PROPER TERMINOLOGY AND TO CLARIFY COMPENSATORY TIME FOR CLASSIFIED AND NONCLASSIFIED EMPLOYEES WHO ARE DESIGNATED AS EXECUTIVE; AMENDING SECTION 67-3511, IDAHO CODE, TO PROVIDE AN EXCEPTION TO THE LIMITATION ON USE OF APPROPRIATIONS MADE FOR EXPENSES OTHER THAN PERSONNEL COSTS, TO PROVIDE FOR LIMITATIONS ON THE AMOUNT OF LEGISLATIVE APPROPRIATIONS FOR PERSONNEL COSTS WHICH CAN BE TRANSFERRED TO OTHER OBJECT CODES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-5302, IDAHO CODE, TO PROVIDE CORRECT REFERENCES, TO REFORMAT THE SECTION AND TO EXPAND THE DEFINITION OF "HOLIDAY" TO DISTINGUISH NONEXECUTIVE EMPLOYEES FROM EMPLOYEES CLASSIFIED AS EXECUTIVE EXEMPT; AMENDING SECTION 67-5309, IDAHO CODE, TO CLARIFY RULEMAKING AUTHORITY OF THE DIVISION OF HUMAN RESOURCES REGARDING RULES FOR DISCIPLINARY DISMISSAL, DEMOTION, SUSPENSION OR OTHER DISCIPLINE FOR CAUSE AND FOR SHIFT DIFFERENTIAL



PAY AND TO SPECIFY ADDITIONAL RULEMAKING AUTHORITY; REPEALING SECTION 67-5309A, IDAHO CODE, RELATING TO PERSONNEL BENEFITS; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5309A, IDAHO CODE, TO PROVIDE A STATE EMPLOYEE COMPENSATION PHILOSOPHY; REPEALING SECTION 67-5309B, IDAHO CODE, RELATING TO ESTABLISHING SALARIES; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5309B, IDAHO CODE, TO ESTABLISH THE IDAHO COMPENSATION PLAN; REPEALING SECTION 67-5309C, IDAHO CODE, RELATING TO PAY GRADES AND MERIT INCREASES; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5309C, IDAHO CODE, TO PROVIDE FOR SPECIFIED ANNUAL SURVEYS, REPORTS AND RECOMMENDATIONS; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5309D, IDAHO CODE, TO PROVIDE OTHER PAY DELIVERY OPTIONS; REPEALING SECTION 67-5326, IDAHO CODE, RELATING TO OVERTIME AND HOURS OF WORK; AMENDING SECTIONS 67-5328, 67-5329, 67-5330 AND 67-5331, IDAHO CODE, TO PROVIDE STATE OVERTIME POLICY, TO CLARIFY PROVISIONS RELATING TO CASH COMPENSATION AND COMPENSATORY TIME, TO REFORMAT SECTION 67-5328, IDAHO CODE, TO REDESIGNATE SECTIONS 67-5329, 67-5330 AND 67-5331, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTIONS 67-5333 AND 67-5339, IDAHO CODE, TO REFORMAT SECTION 67-5333, IDAHO CODE, TO REDESIGNATE SECTION 67-5339, IDAHO CODE, AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTIONS 67-5334, 67-5335 AND 67-5337, IDAHO CODE, TO CLARIFY COMPUTATION OF VACATION TIME FOR CLASSIFIED OFFICERS AND EMPLOYEES ACCORDING TO THEIR DEFINITIONS UNDER THE FEDERAL FAIR LABOR STANDARDS ACT, TO MAKE TECHNICAL CORRECTIONS, TO REFORMAT SECTION 67-5334, IDAHO CODE, AND TO REDESIGNATE SECTIONS 67-5335 AND 67-5337, IDAHO CODE; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5337, IDAHO CODE, TO PROVIDE FOR MOVING EXPENSE REIMBURSEMENT; AMENDING SECTION 67-5342, IDAHO CODE, TO REDEFINE "SEVERANCE PAY"; AND DECLARING AN EMERGENCY.

**S 1364**  
**BY TRANSPORTATION COMMITTEE**  
**AN ACT**

RELATING TO MOTOR FUELS; AMENDING CHAPTER 2, TITLE 71, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 71-241A, IDAHO CODE, TO PROVIDE FOR RENEWABLE FUEL STANDARD, TO DEFINE A TERM, TO PROVIDE AN ETHANOL BLENDED FUEL STANDARD, TO PROVIDE AN EXEMPTION TO THE ETHANOL BLENDED FUEL STANDARD AND TO PROVIDE APPLICATION TO FEDERALLY REGULATED STORAGE TANKS IN CERTAIN COUNTIES FOR A CERTAIN PERIOD.

**S 1358, S 1359, S 1360, S 1361, S 1362, S 1363, and S 1364** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

Senator Keough was recorded present at this order of business.

**S 1331** and **S 1327**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

**S 1259**, by Resources and Environment Committee, was read the second time at length and filed for third reading.

**S 1338, S 1339, S 1341, S 1342, and S 1343**, by Health and Welfare Committee, were read the second time at length and filed for third reading.

**S 1333**, by Education 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 Little, granted by unanimous consent, **S 1299** retained its place on the Third Reading Calendar for one legislative day.

Senators Cameron and Pearce were recorded present at this order of business.

**S 1276** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Stennett and Corder arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Goedde, Hill, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Schroeder, Stegner, Stennett, Werk. Total - 26.

NAYS--Broadsword, Burtenshaw, Geddes, Jorgenson, Pearce, Richardson, Sweet, Williams. Total - 8.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1276** passed, title was approved, and the bill ordered transmitted to the House.

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

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 11:15 a.m., Thursday, February 9, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

**THIRTY-SECOND LEGISLATIVE DAY  
THURSDAY, FEBRUARY 9, 2006**

Senate Chamber

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

Roll call showed all members present except Senators Cameron, Hill, Keough, Lodge, Marley, Pearce, Richardson, Stegner, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Saige Harrington, 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 February 8, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

**Petitions, Resolutions, and Memorials**

**SJR 106**

**BY RESOURCES AND ENVIRONMENT COMMITTEE**

**A JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO ARTICLE I, OF THE CONSTITUTION OF THE STATE OF IDAHO, BY THE ADDITION OF A NEW SECTION 23, ARTICLE I, TO PROVIDE THAT ALL WILDLIFE WITHIN THE STATE OF IDAHO SHALL BE PRESERVED, PROTECTED, PERPETUATED AND MANAGED TO PROVIDE CONTINUED SUPPLIES FOR THE CITIZENS OF IDAHO TO HARVEST BY HUNTING, FISHING AND TRAPPING FOR THE CONTINUED BENEFIT OF THE PEOPLE, TO PROVIDE THAT THE TAKING OF WILDLIFE, INCLUDING ALL WILD ANIMALS, BIRDS AND FISH, BY HUNTING, FISHING AND TRAPPING IS A VALUED PART OF OUR HERITAGE AND SHALL BE A RIGHT PRESERVED FOR THE PEOPLE, TO PROVIDE THAT THE EXERCISE OF THIS RIGHT BY THE PEOPLE SHALL NOT BE PROHIBITED, BUT SHALL BE SUBJECT TO THE LAWS, RULES, AND PROCLAMATIONS OF THE STATE, AND TO PROVIDE THAT THE RIGHTS SET FORTH DO NOT CREATE A RIGHT TO TRESPASS ON PRIVATE PROPERTY OR LEAD TO A DIMINUTION OF OTHER PRIVATE RIGHTS AND SHALL NOT BE CONSTRUED TO PROHIBIT OR IN

ANY WAY AFFECT RIGHTS ESTABLISHED TO DIVERT, APPROPRIATE, AND USE WATER PURSUANT TO ARTICLE XV OF THE CONSTITUTION OF THE STATE OF IDAHO OR THE STATUTES AND RULES ENACTED PURSUANT THERETO, OR TO ESTABLISH EXPRESSLY OR BY IMPLICATION ANY MINIMUM AMOUNT OF WATER IN ANY STREAM, RIVER, LAKE, RESERVOIR OR OTHER WATERCOURSE OR WATER BODY; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

**SJR 106** was introduced, read the first time 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**

February 9, 2006

The JUDICIARY AND RULES Committee reports that **S 1358, S 1359, S 1360, S 1361, S 1362, S 1363,** and **S 1364** have been correctly printed.

DARRINGTON, Chairman

**S 1358** and **S 1359** were referred to the Agricultural Affairs Committee.

**S 1360, S 1361, S 1362,** and **S 1363** were referred to the Commerce and Human Resources Committee.

**S 1364** was referred to the Transportation Committee.

February 8, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **SJM 114** was delivered to the Office of the Secretary of State at 1:51 p.m., February 8, 2006.

DARRINGTON, Chairman

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

February 8, 2006

The STATE AFFAIRS Committee reports out **S 1351** and **H 413** with the recommendation that they do pass.

BURTENSHAW, Chairman

**S 1351** and **H 413** were filed for second reading.

February 8, 2006

The JUDICIARY AND RULES Committee reports out **S 1318, S 1319, S 1320, S 1321, S 1322, S 1323, S 1324, S 1326,** and **S 1328,** and **S 1335** with the recommendation that they do pass.

DARRINGTON, Chairman

**S 1318, S 1319, S 1320, S 1321, S 1322, S 1323, S 1324, S 1326, S 1328, and S 1335** were filed for second reading.

February 9, 2006

The TRANSPORTATION Committee reports out **S 1364** with the recommendation that it do pass.

BRANDT, Chairman

**S 1364** was filed for second reading.

February 8, 2006

The EDUCATION Committee reports out **S 1316** with the recommendation that it do pass.

GOEDDE, Chairman

**S 1316** was filed for second reading.

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

#### Messages from the Governor

Senator Stegner was recorded present at this order of business.

February 8, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1277 and S 1278**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

February 8, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Janet Penfold of Driggs, Idaho, was appointed as a member of the State Board of Health

and Welfare to serve a term commencing January 1, 2005, and expiring January 1, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the Health and Welfare Committee.

February 8, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Blanche M. Weber of Lewiston, Idaho, was appointed as a member of the Idaho Bingo-Raffle Advisory Board to serve a term commencing January 7, 2005, and expiring January 7, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the State Affairs Committee.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

February 8, 2006

Mr. President:

I transmit herewith **H 451, HJM 10, HJM 11, H 435, and H 436** which have passed the House.

JUKER, Chief Clerk

**H 451, HJM 10, HJM 11, H 435, and H 436** were filed for first reading.

February 8, 2006

Mr. President:

I return herewith **S 1329** and **S 1330** which have passed the House.

JUKER, Chief Clerk

**S 1329** and **S 1330** were referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

Senators Cameron, Hill, Keough, Lodge, Marley, Pearce, Richardson, and Werk were recorded present at this order of business.

The President Pro Tempore announced that **SCR 120** was before the Senate for final consideration.

Moved by Senator Davis, seconded by Senator Stennett, that **SCR 120** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--Burkett. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President Pro Tempore declared **SCR 120** adopted, title was approved, and the resolution ordered transmitted to the House.

The President Pro Tempore announced the Commerce and Human Resources Committee report relative to the Gubernatorial appointments of Vaughn Heinrich and John Michael Brassey was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator McGee, seconded by Senator Malepeai, the Gubernatorial appointment of Vaughn Heinrich as a member of the Idaho Endowment Fund Investment Board was confirmed by voice vote.

On motion by Senator Cameron, seconded by Senator Malepeai, the Gubernatorial appointment of John Michael Brassey as a member of the Idaho Personnel Commission was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced the Health and Welfare Committee report relative to the Gubernatorial appointments of Daniel Fuchs and Larry R. Vincent was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Coiner, seconded by Senator Werk, the Gubernatorial appointment of Daniel Fuchs as a member of the State Board of Health and Welfare was confirmed by voice vote.

On motion by Senator Stegner, seconded by Senator Werk, the Gubernatorial appointment of Larry R. Vincent as a member of the State Board of Health and Welfare was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

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

#### S 1365

#### BY STATE AFFAIRS COMMITTEE

#### AN ACT

RELATING TO LOBBYISTS; AMENDING SECTION 67-6602, IDAHO CODE, TO FURTHER DEFINE "LOBBY" OR "LOBBYING" AND "PUBLIC OFFICE"; AND AMENDING SECTION 67-6619, IDAHO CODE, TO REVISE INFORMATION THAT MUST BE SUBMITTED BY LOBBYISTS IN REPORTS.

**S 1365** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 451**, by Commerce and Human Resources Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**HJM 10** and **HJM 11**, by Resources and Conservation Committee, were introduced, read at length, and referred to the Resources and Environment Committee.

**H 435**, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**H 436**, by State Affairs Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

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

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:15 p.m. until the hour of 11 a.m., Friday, February 10, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

—————

**THIRTY-THIRD LEGISLATIVE DAY  
FRIDAY, FEBRUARY 10, 2006**

Senate Chamber

President Risch called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Cameron, Hill, Keough, Lodge, Marley, McGee, Pearce, Richardson, Stegner, Sweet, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Kylie Barrus, 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 February 9, 2006, was read and approved as corrected.

DARRINGTON, Chairman

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

The Senate advanced to the Fourth Order of Business.

**Reading of Communications**

December 19, 2005

The Honorable Robert L. Geddes  
President Pro Tempore  
Idaho Legislature

Dear President Pro Tempore:

On behalf of the Board of Commissioners of the Idaho State Bar, I am pleased to inform you that the Commission voted to appoint Kenneth B. Howard of Coeur d'Alene to a six-year term on the Idaho Judicial Council. The six-year term began on July 1, 2005, and will expire June 30, 2011. Mr. Howard succeeds Dennis Davis whose term expired June 30, 2005. Pursuant to *Idaho Code* Section 1-2101, the appointment requires the consent of the Idaho State Senate.

Attached is a copy of the letter to Governor Dirk Kempthorne reporting the appointment of Kenneth B. Howard.

If you have any questions, or need additional information, please let me know.

Sincerely,  
/s/ Diane K. Minnich  
Executive Director

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

The Board of Commissioners of the Idaho State Bar appointment was referred to the Judiciary and Rules Committee.

January 11, 2006

The Honorable Jim Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

Pursuant to Section 67-6622, *Idaho Code*, I submit from the records of this office the enclosed listing of the names of the lobbyists registered under the law.

If we may be of assistance to you in regards to this listing, do not hesitate to contact this office.

Sincerely,  
/s/ Ben Ysursa  
Secretary of State

The correspondence and listing were ordered filed in the office of the Secretary of the Senate.

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

**Reports of Standing Committees**

Senators Hill, Keough, McGee, and Sweet were recorded present at this order of business.

February 10, 2006

The JUDICIARY AND RULES Committee reports that **S 1365** and **SJR 106** have been correctly printed.

DARRINGTON, Chairman

**S 1365** was referred to the State Affairs Committee.

**SJR 106** was referred to the Resources and Environment Committee.

February 9, 2006

The JUDICIARY AND RULES Committee reports that **S 1329** and **S 1330** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1329** and **S 1330** and ordered them transmitted to the House for the signature of the Speaker.

February 9, 2006

The TRANSPORTATION Committee reports out **S 1266** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BRANDT, Chairman

There being no objection, **S 1266** was referred to the Fourteenth Order of Business, General Calendar.

February 9, 2006

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1268, S 1269, S 1270, S 1271, S 1272, S 1334, and S 1345** with the recommendation that they do pass.

ANDREASON, Chairman

**S 1268, S 1269, S 1270, S 1271, S 1272, S 1334, and S 1345** were filed for second reading.

February 9, 2006

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

Clarisse Maxwell to the Idaho Personnel Commission, term to expire July 1, 2011.

ANDREASON, 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 Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

**Messages from the Governor**

February 9, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Candice Allphin of Boise, Idaho, was appointed as a member of the Idaho State Building Authority to serve a term commencing January 26, 2006, and expiring January 1, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the State Affairs Committee.

The Senate advanced to the Ninth Order of Business.

**Messages from the House**

February 9, 2006

Mr. President:

I transmit herewith **H 517, H 453, H 434, H 488, and H 477** which have passed the House.

JUKER, Chief Clerk

**H 517, H 453, H 434, H 488, and H 477** were filed for first reading.

On request by Senator Davis, 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**

Senators Lodge, Marley, Pearce, Richardson, Stegner, and Werk were recorded present at this order of business.

**S 1366**

**BY TRANSPORTATION COMMITTEE**

AN ACT

RELATING TO MOTOR VEHICLE LICENSE PLATES; AMENDING SECTION 49-443, IDAHO CODE, TO PROVIDE A REFERENCE TO AN EXCEPTION TO THE STANDARD ISSUE OF LICENSE PLATES; AND AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-443A, IDAHO CODE, TO PROVIDE AN ALTERNATIVE TO THE STANDARD ISSUE OF LICENSE PLATES, WHICH MAY BE CONFIGURED ACCORDING TO SPECIFIED OPTIONS AND TO PROVIDE AN EFFECTIVE DATE.

**S 1367**

**BY TRANSPORTATION COMMITTEE**

AN ACT

RELATING TO TRAFFIC-CONTROL SIGNAL LEGEND; AMENDING SECTION 49-802, IDAHO CODE, TO PROVIDE A CONDITION UNDER WHICH THE DRIVER OF A MOTORCYCLE MAY PROCEED THROUGH A STEADY RED TRAFFIC-CONTROL SIGNAL AFTER COMING TO A FULL AND COMPLETE STOP AT THE INTERSECTION, TO SPECIFY WHEN SUCH ACTION IS NOT A DEFENSE TO A VIOLATION OF THE LAW AND TO MAKE TECHNICAL CORRECTIONS.

**S 1368**

**BY TRANSPORTATION COMMITTEE**

AN ACT

RELATING TO OPERATION OF RAILROADS; AMENDING SECTION 62-412, IDAHO CODE, TO PROVIDE REQUIRED SIGNALING BY LOCOMOTIVES FOR PRESCRIBED TIMES AND DISTANCES BEFORE CROSSINGS.

**S 1369****BY TRANSPORTATION COMMITTEE**

## AN ACT

RELATING TO THE OPERATION OF RAILROADS; AMENDING CHAPTER 4, TITLE 62, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 62-425, IDAHO CODE, TO PROVIDE A MINIMUM DISTANCE FOR TRAINS STANDING NEAR CROSSINGS WITH TWO OR MORE ADJACENT TRACKS AND TO PROVIDE A PENALTY FOR EACH SUCH VIOLATION.

**S 1370****BY HEALTH AND WELFARE COMMITTEE**

## AN ACT

RELATING TO MEDICAID REIMBURSEMENT; AMENDING THE HEADING FOR PART E, CHAPTER 1, TITLE 56, IDAHO CODE; AMENDING SECTION 56-136, IDAHO CODE, TO REMOVE A FISCAL YEAR BEGINNING DATE, TO ADD DENTISTS TO THE RATE OF REIMBURSEMENT FOR MEDICAID COVERED SERVICES, TO PROVIDE THAT ACTUAL PAYMENTS TO A DENTIST SHALL NOT EXCEED USUAL AND CUSTOMARY CHARGES AND TO DEFINE "DENTIST."

**S 1371****BY COMMERCE AND HUMAN RESOURCES COMMITTEE**

## AN ACT

RELATING TO WORKER'S COMPENSATION; AMENDING SECTION 72-410, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THOSE PERSONS DEEMED AS DEPENDENTS AND ENTITLED TO CERTAIN INCOME BENEFITS; AND AMENDING SECTION 72-412, IDAHO CODE, TO CLARIFY THE APPLICATION OF CERTAIN PROVISIONS RELATING TO INCOME BENEFITS FOR DEATH, TO PROVIDE THAT INCOME BENEFITS FOR DEATH SHALL BE PAYABLE TO CERTAIN CHILDREN ENROLLED AS STUDENTS IN ACCREDITED EDUCATIONAL INSTITUTIONS OR ACCREDITED VOCATIONAL TRAINING PROGRAMS, TO PROVIDE A RESTRICTION ON A SPECIFIED EXTENSION OF BENEFITS AND TO MAKE A TECHNICAL CORRECTION.

**S 1372****BY COMMERCE AND HUMAN RESOURCES COMMITTEE**

## AN ACT

RELATING TO LIENS FOR MEDICAL CARE; AMENDING SECTION 45-704B, IDAHO CODE, TO PROVIDE THAT CHIROPRACTIC PHYSICIANS SHALL BE ENTITLED TO LIENS FOR REASONABLE CHARGES FOR MEDICAL CARE AND TREATMENT IN CERTAIN CIRCUMSTANCES.

**S 1373****BY COMMERCE AND HUMAN RESOURCES COMMITTEE**

## AN ACT

RELATING TO LEAVES OF ABSENCE FOR ORGAN DONATIONS; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5343, IDAHO CODE, TO PROVIDE A LEAVE OF ABSENCE FOR ORGAN DONATION BY A FULL-TIME STATE EMPLOYEE,

TO PROVIDE LIMITATIONS AND TO PROVIDE PROCEDURES; AND AMENDING CHAPTER 16, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1608, IDAHO CODE, TO PROVIDE A LEAVE OF ABSENCE FOR ORGAN DONATION BY A FULL-TIME NONCLASSIFIED OFFICER OR NONCLASSIFIED EMPLOYEE, TO PROVIDE LIMITATIONS AND TO PROVIDE PROCEDURES.

**S 1374****BY COMMERCE AND HUMAN RESOURCES COMMITTEE**

## AN ACT

RELATING TO PERSONAL AND FINANCIAL INFORMATION ON COMPUTERIZED DATABASES; AMENDING PART 1, CHAPTER 51, TITLE 28, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 28-51-104, 28-51-105, 28-51-106 AND 28-51-107, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR DISCLOSURE OF BREACH OF SECURITY OF COMPUTERIZED PERSONAL INFORMATION BY AN AGENCY, INDIVIDUAL OR A COMMERCIAL ENTITY, TO PROVIDE PROCEDURES DEEMED IN COMPLIANCE WITH SECURITY BREACH REQUIREMENTS AND TO PROVIDE PENALTIES FOR VIOLATIONS.

**S 1375****BY COMMERCE AND HUMAN RESOURCES COMMITTEE**

## AN ACT

RELATING TO LEAVE OF ABSENCE BY STATE EMPLOYEES AND OFFICERS FOR MILITARY DUTY; AMENDING SECTION 46-216, IDAHO CODE, TO PROVIDE THAT ALL OFFICERS AND EMPLOYEES OF THE STATE OF IDAHO WHO SHALL BE MEMBERS OF THE NATIONAL GUARD OR WHO SHALL BE RESERVISTS IN THE ARMED FORCES OF THE UNITED STATES, SHALL BE ENTITLED EACH CALENDAR YEAR TO FIFTEEN DAYS OF MILITARY LEAVE OF ABSENCE FROM THEIR RESPECTIVE DUTIES WITHOUT LOSS OF PAY, TIME, OR EFFICIENCY RATING DURING WHICH THEY SHALL BE ENGAGED IN MILITARY DUTY ORDERED OR AUTHORIZED UNDER THE PROVISIONS OF LAW.

**S 1376****BY COMMERCE AND HUMAN RESOURCES COMMITTEE**

## AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1305, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE DEFENSE AND INDEMNIFICATION OF RETIREMENT BOARD MEMBERS, SYSTEM STAFF AND SYSTEM MORTGAGE AND INVESTMENT COMMITTEE MEMBERS; AND AMENDING SECTION 59-1308, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE DEFENSE AND INDEMNIFICATION OF RETIREMENT BOARD MEMBERS AND SYSTEM STAFF.

**S 1377**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO THE EDUCATION SUPPORT PROGRAM; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1002H, IDAHO CODE, TO PROVIDE A NEW SCHOOL FACILITY SUPPORT FACTOR OR AN ADDITION TO AN EXISTING SCHOOL FACILITY SUPPORT FACTOR, TO SPECIFY THE METHOD OF CALCULATION OF THE SUPPORT FACTOR AND TO ALLOW FOR APPROPRIATION OF MONEYS.

**S 1378**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5203, IDAHO CODE, TO PROVIDE FOR THE NUMBER OF PUBLIC CHARTER SCHOOLS THAT MAY BEGIN EDUCATIONAL INSTRUCTION IN ANY SCHOOL YEAR, TO PROVIDE FOR THE NUMBER OF SUCH SCHOOLS THAT MAY BE APPROVED BY LOCAL BOARDS OF SCHOOL DISTRICT TRUSTEES AND BY THE PUBLIC SCHOOL CHARTER COMMISSION IN ONE SCHOOL YEAR AND TO MAKE TECHNICAL CORRECTIONS.

**S 1379**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO THE SCHOOL LUNCH PROGRAM; AMENDING SECTION 33-1015, IDAHO CODE, TO REMOVE THE REQUIREMENT THAT EMPLOYER PAID CONTRIBUTIONS TO THE IDAHO PUBLIC EMPLOYEE RETIREMENT SYSTEM FOR SCHOOL LUNCH PERSONNEL BE PAID FROM FUNDS RECEIVED BY SCHOOL DISTRICTS FROM GENERAL ACCOUNT APPROPRIATIONS

**S 1380**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO SECONDARY PUBLIC SCHOOLS; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 56, TITLE 33, IDAHO CODE, TO PROVIDE FOR A SHORT TITLE, TO STATE LEGISLATIVE FINDINGS, TO ESTABLISH A PROGRAM IN THE STATE BOARD OF EDUCATION TO REASSESS THE PUBLIC SECONDARY SCHOOL CURRICULUM, TO PROVIDE FOR GOALS, TO PROVIDE FOR RULE MAKING AUTHORITY, TO REQUIRE SCHOOL DISTRICTS TO REPORT TO THE BOARD AS TO THE COST OF THE PROGRAM, TO PROVIDE A TIME FRAME FOR REPORTING, TO REQUIRE THE BOARD TO REPORT TO THE LEGISLATURE, TO PROVIDE A TIME FRAME FOR SCHOOLS TO IMPLEMENT THE PROGRAM AND TO AUTHORIZE THE BOARD TO COLLECT INFORMATION AND REPORT TO THE LEGISLATURE REGARDING THE PERFORMANCE OF THE PROGRAM.

**S 1381**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO PREKINDERGARTEN; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 13, TITLE 33, IDAHO CODE, TO PROVIDE A TITLE, TO STATE LEGISLATIVE FINDINGS, TO PROVIDE FOR DEFINITIONS, TO PERMIT SCHOOL DISTRICTS TO OFFER

PREKINDERGARTEN EDUCATION PROGRAMS, TO CREATE A PREKINDERGARTEN EDUCATION PROGRAM IN THE DEPARTMENT OF EDUCATION, TO PERMIT SCHOOL DISTRICTS TO ESTABLISH PREKINDERGARTEN EDUCATION COUNCILS, TO PROVIDE FOR THE APPOINTMENT AND MEMBERSHIP OF THE COUNCILS, TO PROVIDE FOR COUNCIL RESPONSIBILITIES, TO PERMIT CONTRACTING BY SCHOOL DISTRICTS IN THE PREKINDERGARTEN EDUCATION PLAN PREPARED BY THE COUNCIL, TO REQUIRE APPROVAL OF THE PLAN BY THE BOARD OF TRUSTEES OF THE SCHOOL DISTRICT, TO PROVIDE FOR SUBMISSION OF THE PLAN TO THE DEPARTMENT, TO PROVIDE FOR CRITERIA IDENTIFIED BY THE STATE BOARD OF EDUCATION BY WHICH THE DEPARTMENT MAY EVALUATE AND PRIORITIZE THE PREKINDERGARTEN PLANS, TO PROVIDE FOR FUNDING CRITERIA AND LIMITATIONS, TO PROVIDE FOR THE ADOPTION OF RULES BY THE STATE BOARD, TO CREATE A PREKINDERGARTEN EDUCATION FUND, AND TO REQUIRE COORDINATION; AND AMENDING SECTION 63-2520, IDAHO CODE, TO PROVIDE FOR MONEYS FROM THE CIGARETTE AND TOBACCO PRODUCTS TAXES TO BE DISTRIBUTED TO THE PREKINDERGARTEN EDUCATION FUND AFTER CAPITOL RESTORATION IS ADEQUATELY FUNDED.

**S 1382**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO THE OFFICE OF THE STATE BOARD OF EDUCATION; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 56, TITLE 33, IDAHO CODE, TO PROVIDE FOR A SHORT TITLE, TO SET FORTH PURPOSES, TO PROVIDE DEFINITIONS, TO PROVIDE FOR ELIGIBILITY FOR IDAHO MATHEMATICS, SCIENCE AND ENGINEERING SCHOLARSHIPS, TO PROVIDE DUTIES AND RESPONSIBILITIES FOR THE OFFICE OF THE STATE BOARD OF EDUCATION AND TO CREATE THE IDAHO MATHEMATICS, SCIENCE AND ENGINEERING SCHOLARSHIP FUND.

**S 1383**  
**BY LOCAL GOVERNMENT AND TAXATION**  
**COMMITTEE**  
AN ACT

RELATING TO WATER AND SEWER DISTRICTS; AMENDING SECTION 42-3218, IDAHO CODE, TO DELETE CERTAIN PROVISIONS REQUIRING FILINGS WITH THE DISTRICT COURT REGARDING INCLUSIONS OF LAND WITHIN A DISTRICT AND TO MAKE TECHNICAL CORRECTIONS.

**S 1384**  
**BY LOCAL GOVERNMENT AND TAXATION**  
**COMMITTEE**  
AN ACT

RELATING TO LIQUOR LICENSES; AMENDING SECTION 23-940, IDAHO CODE, TO CREATE AN ALCOHOL BEVERAGE CONTROL FUND AND TO PROVIDE FOR THE USE OF THE FUND MONEYS; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-957, IDAHO CODE, TO PROVIDE FOR A FULL



SERVICE RESTAURANT LIQUOR LICENSE, TO PROVIDE THAT A COUNTY LICENSE IS NOT REQUIRED FOR A LICENSED PREMISES LOCATED IN AN INCORPORATED CITY, TO PROVIDE FOR A LICENSE FEE, TO ALLOW COUNTIES AND CITIES TO LIMIT THE NUMBER OF SUCH LICENSES, TO PROVIDE THAT SUCH LICENSES ARE NONTRANSFERABLE AND TO PROVIDE DEFINITIONS; AND AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-958, IDAHO CODE, TO PROVIDE FOR A HOTEL LIQUOR LICENSE, TO PROVIDE FOR REQUIREMENTS FOR SUCH LICENSE, TO PROVIDE THAT A COUNTY LICENSE IS NOT REQUIRED FOR A LICENSED PREMISES LOCATED IN AN INCORPORATED CITY, TO PROVIDE FOR A LICENSE FEE, TO ALLOW COUNTIES AND CITIES TO LIMIT THE NUMBER OF SUCH LICENSES AND TO PROVIDE THAT SUCH LICENSES ARE NONTRANSFERABLE.

**S 1366, S 1367, S 1368, S 1369, S 1370, S 1371, S 1372, S 1373, S 1374, S 1375, S 1376, S 1377, S 1378, S 1379, S 1380, S 1381, S 1382, S 1383, and S 1384** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 517**, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

**H 453**, by State Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

**H 434, H 488, and H 477**, by State Affairs Committee, were 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

Senator Cameron was recorded present at this order of business.

**S 1351**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 413**, by State Affairs Committee, was read the second time at length and filed for third reading.

**S 1318, S 1319, S 1320, S 1321, S 1322, S 1323, S 1324, S 1326, S 1328, and S 1335**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

**S 1364**, by Transportation Committee, was read the second time at length and filed for third reading.

**S 1316**, by Education 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

**S 1299**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Fulcher, Gannon, Goedde, Hill, Jorgenson, Keough, Langhorst, Little, Lodge, Marley, McGee, Pearce, Richardson, Schroeder, Stegner, Sweet, Williams. Total - 27.

NAYS--Burkett, Davis, Geddes, Kelly, Malepeai, McKenzie, Stennett, Werk. Total - 8.

Total - 35.

Whereupon the President declared **S 1299** passed, title was approved, and the bill ordered transmitted to the House.

**S 1315** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--McKenzie. Total - 1.

Total - 35.

Whereupon the President declared **S 1315** passed, title was approved, and the bill ordered transmitted to the House.

**H 405** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--McKenzie. Total - 1.

Total - 35.

Whereupon the President declared **H 405** passed, title was approved, and the bill ordered returned to the House.

**H 406** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--McKenzie. Total - 1.

Total - 35.

Whereupon the President declared **H 406** passed, title was approved, and the bill ordered returned to the House.

**S 1317** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--McKenzie. Total - 1.

Total - 35.

Whereupon the President declared **S 1317** passed, title was approved, and the bill ordered transmitted to the House.

**S 1258** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--McKenzie. Total - 1.

Total - 35.

Whereupon the President declared **S 1258** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar.

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

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Burkett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 11 a.m., Monday, February 13, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

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**THIRTY-SIXTH LEGISLATIVE DAY  
MONDAY, FEBRUARY 13, 2006**

Senate Chamber

President Risch called the Senate to order at 11 a.m.

Roll call showed all members present except Senator Gannon, absent and formally excused by the Chair; and Senators Burkett, Cameron, Malepeai, Marley, and Stennett, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Chris MacMillan, 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 February 10, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

**Petitions, Resolutions and Memorials**

Senator Marley was recorded present at this order of business.

**SR 107**

**BY STATE AFFAIRS COMMITTEE**

A SENATE RESOLUTION

DESIGNATING APRIL 6 OF EACH YEAR AS "IDAHO TARTAN DAY" IN RECOGNITION OF THE CONTRIBUTIONS OF THOSE CITIZENS OF SCOTTISH DESCENT.

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

WHEREAS, April 6 has a special significance for all Americans, and especially those Americans of Scottish descent, because the Declaration of Arbroath, the Scottish Declaration of Independence, was signed on April 6, 1320, and the American Declaration of Independence was modeled after that inspirational document; and

WHEREAS, we honor the major role that Scottish Americans played in the founding of this nation, such as the fact that many of the signers of the Declaration of Independence were of Scottish descent, the governors in nine of the original thirteen states were of Scottish ancestry, and Scottish Americans successfully helped shape this country in its formative years and guide this nation through its most troubled times; and

WHEREAS, we recognize the monumental achievements and invaluable contributions made by Scottish Americans such as Neil Armstrong, Alexander Graham Bell, Andrew Carnegie, Thomas Alva Edison, William Faulkner, Malcolm Forbes, Billy Graham, Alexander Hamilton, Washington Irving, John Paul Jones, John Marshall, Andrew Mellon, Samuel F.B. Morse, James Naismith, Edgar Allen Poe, Gilbert Stuart, Elizabeth Taylor, General Douglas MacArthur, and Arnold Palmer, to name but a few; and

WHEREAS, we recognize the many great Idahoans of Scottish-American descent, including, but certainly not limited to, Senator John McMillan, Colin McLeod, Thomas McMillan and Andy Little; and

WHEREAS, we commend the more than two hundred thousand organizations throughout the United States that honor Scottish heritage, tradition, and culture and that represent the hundreds of thousands of Americans of Scottish descent, residing in every state, including Idaho; and

WHEREAS, these numerous individuals, clans, societies, clubs, and fraternal organizations do not let the great contributions of the Scottish people go unnoticed.

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled in the Second Regular Session of the Fifty-eighth Idaho Legislature, that the Idaho Senate recognizes April 6 of each year as "Idaho Tartan Day."

**SCR 121**

**BY STATE AFFAIRS COMMITTEE**

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING AND HONORING THE IDAHO ATHLETES PARTICIPATING IN THE WINTER OLYMPIC GAMES IN TORINO, ITALY.

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

WHEREAS, the XX Winter Olympics will be held in February in Torino, Italy; and

WHEREAS, the Winter Olympics bring together the finest athletes in the world in their respective sports; and

WHEREAS, the Winter Olympics bring out, to the fullest extent, the drama of human athletic competition with "the thrill of victory and the agony of defeat" with the resultant display of good sportsmanship by the competitors; and

WHEREAS, there are six Idahoans at the 2006 Winter Olympics and they are Jeret Peterson, 2000 Timberline High School graduate in freestyle skiing, Kristine Holzer, 1992 Centennial High School graduate who also attended the University of Idaho, in long track speedskating (3000 meters), Nate Holland, 1997 Sandpoint High School graduate, in snowboardcross, Lars Flora, 1996 Wood River High School graduate, in cross country skiing, Courtney Yamada, born in Idaho Falls and a resident of Boise, in the skeleton, and Werner Hoeger, Boise State kinesiology professor and Boise resident, in the luge representing Venezuela; and

WHEREAS, we wish Jeret soft sweet landings, Kristine's blades to run true, Nate's line to be sweet and fast, Lars to ski speedily 'cross the frozen snow, Courtney's sled to speed like a bullet down the track, and Werner's experience to propel him to the front of the pack and that we wish that all Idaho Olympians achieve their potential during the games without injury; and

WHEREAS, all Idahoans in the Winter Olympic Games are to be especially commended for being the best athletes in the world in their particular sport.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the members of the Legislature take this opportunity to recognize and honor the Idaho athletes participating in the Winter Olympic Games and wish them the best of luck in their respective athletic competitions.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is directed to forward a copy of this resolution to Jeret Peterson, Kristine Holzer, Nate Holland, Lars Flora, Courtney Yamada and Werner Hoeger.

**SR 107** and **SCR 121** were 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**

Senators Cameron, Malepeai, and Stennett were recorded present at this order of business.

February 13, 2006

The JUDICIARY AND RULES Committee reports that **S 1366, S 1367, S 1368, S 1369, S 1370, S 1371, S 1372, S 1373, S 1374, S 1375, S 1376, S 1377, S 1378, S 1379, S 1380, S 1381, S 1382, S 1383, and S 1384** have been correctly printed.

DARRINGTON, Chairman

**S 1366, S 1367, S 1368, and S 1369** were referred to the Transportation Committee.

S 1370 was referred to the Health and Welfare Committee.

S 1371, S 1372, S 1373, S 1374, S 1375, and S 1376 were referred to the Commerce and Human Resources Committee.

S 1377, S 1378, S 1379, S 1380, S 1381, and S 1382 were referred to the Education Committee.

S 1383 was referred to the Local Government and Taxation Committee.

S 1384 was referred to the State Affairs Committee.

February 13, 2006

The JUDICIARY AND RULES Committee reports out S 1336 and S 1312 with the recommendation that they do pass.

DARRINGTON, Chairman

S 1336 and S 1312 were filed for second reading.

February 10, 2006

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

Sherry Krulitz to the Idaho Judicial Council, term to expire July 1, 2022.

DARRINGTON, 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.

February 10, 2006

The JUDICIARY AND RULES Committee reports it has had under consideration the Board of Commissioners of the Idaho State Bar appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Kenneth B. Howard to the Idaho Judicial Council, term to expire June 30, 2011.

DARRINGTON, Chairman

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

February 13, 2006

The STATE AFFAIRS Committee reports out S 1355, S 1365, H 434, and H 435 with the recommendation that they do pass.

BURTENSHAW, Chairman

S 1355, S 1365, H 434, and H 435 were filed for second reading.

February 13, 2006

The STATE AFFAIRS Committee reports out HJR 2 with the recommendation it they do pass.

BURTENSHAW, Chairman

HJR 2 was filed for second reading.

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

Messages from the Governor

Senator Burkett was recorded present at this order of business.

February 10, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Ruthie Johnson of Hayden Lake, Idaho, was appointed as a member of the Idaho Commission on Human Rights to serve a term commencing July 1, 2005, and expiring July 1, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the State Affairs Committee.

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

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, the Senate went at ease and resolved itself into the Committee for the Lincoln Day Service. The President called Senators Jorgenson and Coiner, Co-Chairmen, to the Chair to preside over the Lincoln Day Service.

The Lincoln Day Service was presented to the members of the Senate with Senator Jorgenson officiating. He presented a Commemoration to President Lincoln that included a recitation and portrayal of General Ulysses S. Grant by Steve Guerber, Executive Director of the Idaho Historical Society. Civil War soldiers were depicted by Steven Fields and J. E. Aydelotte, Idaho Civil War Volunteers. Props were provided by Jeremy Chase. Event Coordinator was Jane A. Wittmeyer.

Closing remarks were offered by Senator Coiner.

Following the Lincoln Day Service, Senators Jorgenson and Coiner declared the Committee dissolved and the President called the Senate to order.

The President announced the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Clarisse Maxwell was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Kelly, seconded by Senator Stegner, the Gubernatorial appointment of Clarisse Maxwell as a member of the Idaho Personnel Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

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

**S 1385**

**BY RESOURCES AND ENVIRONMENT COMMITTEE  
AN ACT**

RELATING TO FISH AND GAME; AMENDING SECTION 36-406, IDAHO CODE, TO REVISE PROVISIONS RELATING TO LICENSES FOR DISABLED PERSONS, TO PROVIDE FOR PERSONS CERTIFIED AS PERMANENTLY DISABLED BY PHYSICIANS, TO REQUIRE THE DEPARTMENT OF FISH AND GAME TO MAINTAIN CERTAIN DISABILITY DETERMINATIONS ON FILE AND TO PROVIDE A CORRECT CODE REFERENCE.

**S 1386**

**BY RESOURCES AND ENVIRONMENT COMMITTEE  
AN ACT**

RELATING TO STATUTE OF LIMITATIONS FOR FISH AND GAME VIOLATION; AMENDING SECTION 36-1406, IDAHO CODE, TO PROVIDE THAT A PROSECUTION FOR MISDEMEANORS UNDER THE PROVISIONS OF THE FISH AND GAME CODE MUST BE COMMENCED BY THE ISSUANCE OF A CITATION OR FILING OF A COMPLAINT WITHIN FIVE YEARS AFTER ITS COMMISSION FOR UNLAWFULLY PURCHASING, POSSESSING OR USING ANY LICENSE, TAG OR PERMIT BY ANY PERSON WHO DOES NOT RESIDE IN THE STATE OF IDAHO AT THE TIME OF PURCHASE.

**S 1387**

**BY RESOURCES AND ENVIRONMENT COMMITTEE  
AN ACT**

RELATING TO STATUTE OF LIMITATIONS FOR FISH AND GAME VIOLATION; AMENDING SECTION 36-1406, IDAHO CODE, TO PROVIDE THAT A PROSECUTION FOR MISDEMEANORS UNDER THE PROVISIONS OF THE FISH AND GAME CODE MUST BE COMMENCED BY THE ISSUANCE OF A CITATION OR FILING OF A COMPLAINT

WITHIN FIVE YEARS AFTER ITS COMMISSION FOR UNLAWFULLY TAKING OR POSSESSING ANY BIG GAME ANIMAL, CARIBOU OR GRIZZLY BEAR.

**S 1388**

**BY STATE AFFAIRS COMMITTEE  
AN ACT**

RELATING TO THE STATE LIQUOR ACCOUNT; AMENDING SECTION 23-404, IDAHO CODE, TO REALLOCATE THE TRANSFER AND APPROPRIATION OF MONEYS IN THE LIQUOR ACCOUNT, TO MAKE TECHNICAL CORRECTIONS AND TO PROVIDE CORRECT TERMINOLOGY; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

**S 1385, S 1386, S 1387, and S 1388** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**S 1268, S 1269, S 1270, S 1271, S 1272, S 1334, and S 1345,** by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

**S 1304** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **S 1304** passed, title was approved, and the bill ordered transmitted to the House.

**S 1301** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Darrington and Jorgenson arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **S 1301** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Fifth Order of Business, Petitions, Resolutions and Memorials.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:15 p.m. until the hour of 4:30 p.m. of this day.

**RECESS  
AFTERNOON SESSION**

The Senate reconvened at 4:30 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senator Gannon, absent and formally excused by the Chair; and Senators Brandt, Goedde, Little, Schroeder, and Sweet, absent and excused.

Prior to recess the Senate was at the Fifth Order of Business.

**Petitions, Resolutions, and Memorials**

**SCR 122**

**BY RESOURCES AND ENVIRONMENT COMMITTEE  
A CONCURRENT RESOLUTION**

STATING THE FINDINGS OF THE LEGISLATURE URGING AND ENCOURAGING THE DEPARTMENT OF LANDS TO PROTECT THE IRREPLACEABLE ANCIENT CEDAR GROVE, AND ESSENTIAL SURROUNDING HABITAT BUFFER, LOCATED ON A 296 ACRE PARCEL OF STATE ENDOWMENT PROPERTY ON MOSCOW MOUNTAIN IN LATAH COUNTY, IDAHO, FROM HARVEST, PRESERVING THE GROVE FOR FUTURE GENERATIONS OF IDAHOANS.

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

WHEREAS, located on about 60 acres within a 296 acre parcel of state endowment property situated on Moscow Mountain in Latah County, is an ancient cedar grove; and

WHEREAS, some of the trees within the cedar grove are estimated to be almost 1,000 years old; and

WHEREAS, Idahoans throughout time have benefitted from the beauty, magnificence and history of this cedar grove; and

WHEREAS, the cedar grove affords the public a scenic nonmotorized recreation area for the general welfare, use, and enjoyment of the public, opportunities for education relating to old growth forests, and opportunities for scientific research relating to old growth forests; and

WHEREAS, for the past decade, the Nature Conservancy has leased the 296 acres upon which the cedar grove is located and has protected the cedars, as well as their essential surrounding habitat buffer, for both ecological and recreational purposes; this lease, however, will expire in December of 2006; and

WHEREAS, many have expressed interest in the development of a state park for the area to be known as the Moscow Mountain State Park and Cathedral Cedar Grove; and

WHEREAS, the value of the standing cedar grove is far more intrinsic than any value that could be achieved through harvesting of the trees.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge and encourage the Department of Lands to protect the irreplaceable ancient cedar grove, and essential surrounding habitat buffer, located on a 296 acre parcel of state endowment property on Moscow Mountain in Latah County, Idaho, from harvest, preserving the grove for future generations of Idahoans.

**SCR 122** was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, 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**

Senators Little and Schroeder were recorded present at this order of business.

**S 1389**

**BY HEALTH AND WELFARE COMMITTEE  
AN ACT**

RELATING TO REGIONAL MENTAL HEALTH SERVICES; AMENDING SECTION 39-3124, IDAHO CODE, TO PROVIDE FOR STATE MENTAL HEALTH AUTHORITY RESPONSIBILITIES; AMENDING SECTION 39-3125, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE FOR STATE MENTAL HEALTH AUTHORITY RESPONSIBILITIES; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3125, IDAHO CODE, TO ESTABLISH A STATE PLANNING COUNCIL, TO PROVIDE FOR COUNCIL RESPONSIBILITIES, TO PROVIDE FOR APPOINTMENT AUTHORITY AND MEMBERSHIP, TO PROVIDE FOR MEMBERSHIP TERMS AND TO PERMIT THE ESTABLISHMENT OF SUBCOMMITTEES; AMENDING SECTION 39-3126, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 39-3127, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE ADDITIONAL REGIONAL COMPREHENSIVE MENTAL HEALTH CENTER SERVICES; REPEALING SECTION 39-3128, IDAHO CODE, RELATING TO ESTABLISHMENT OF SERVICES IN EACH REGION; AMENDING SECTION 39-3129, IDAHO CODE, TO PROVIDE THAT PETITIONS TO THE STATE MENTAL HEALTH AUTHORITY BE MADE THROUGH THE REGIONAL MENTAL HEALTH BOARD; AMENDING SECTION 39-3132, IDAHO CODE, TO REVISE THE POWERS AND DUTIES OF THE REGIONAL MENTAL HEALTH BOARD; AMENDING SECTION 39-3133, IDAHO

CODE, TO REVISE DESCRIPTIVE LANGUAGE; AND AMENDING SECTION 39-3134A, IDAHO CODE, TO PERMIT ADDITIONAL STATE FUNDING TO REGIONAL MENTAL HEALTH BOARDS FOR SPECIFIED SERVICES AND TO PERMIT FUNDING FROM PRIVATE AND OTHER PUBLIC SERVICES.

**S 1390**

**BY HEALTH AND WELFARE COMMITTEE**  
AN ACT

RELATING TO MEDICAID; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-234, IDAHO CODE, TO STATE LEGISLATIVE FINDINGS AND TO REQUIRE THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE TO ESTABLISH A MEDICAID BENEFIT FOR CAREGIVERS AND A CAREGIVER BENEFIT SCALE.

**S 1391**

**BY RESOURCES AND ENVIRONMENT COMMITTEE**  
AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-401, IDAHO CODE, TO PROVIDE THAT CERTAIN CHILDREN WITH LIFE THREATENING MEDICAL CONDITIONS PARTICIPATING IN A SPECIFIED HUNT ARE NOT REQUIRED TO BE LICENSED; AND AMENDING SECTION 36-408, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF FREE PERMITS OR TAGS FOR USE BY MINOR CHILDREN WHO HAVE LIFE THREATENING MEDICAL CONDITIONS, TO AUTHORIZE RULEMAKING RELATING TO THE ISSUANCE OF THE FREE PERMITS AND TAGS AND TO DEFINE A TERM.

**S 1392**

**BY RESOURCES AND ENVIRONMENT COMMITTEE**  
AN ACT

RELATING TO STATE PARKS; AMENDING CHAPTER 42, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4250, IDAHO CODE, TO PROVIDE FOR THE CREATION AND LOCATION OF MOSCOW MOUNTAIN STATE PARK, TO PROVIDE FOR CONTROL, ADMINISTRATION AND MANAGEMENT AND TO PROVIDE FOR A CITIZENS ADVISORY GROUP.

**S 1393**

**BY RESOURCES AND ENVIRONMENT COMMITTEE**  
AN ACT

RELATING TO MOTOR FUELS; AMENDING CHAPTER 2, TITLE 71, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 71-241B, IDAHO CODE, TO PROVIDE A BIODEGRADABLE FUEL STANDARD, TO PROVIDE AN EFFECTIVE DATE, TO DEFINE "BIODIESEL FUEL," TO PROVIDE FOR DISCLOSURE OF BIODIESEL CONTENT AND TO PROVIDE AN EXCEPTION.

**S 1394**

**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO NONCERTIFICATED PERSONNEL EMPLOYED BY A SCHOOL DISTRICT; AMENDING SECTION 33-517, IDAHO CODE, TO PROVIDE FOR AN EVALUATION OF EACH NONCERTIFICATED EMPLOYEE

BEFORE JANUARY 15 OF EACH SCHOOL YEAR, TO PROVIDE A PROBATIONARY PERIOD FOR AN EMPLOYEE WITH AT LEAST ONE HUNDRED EIGHTY DAYS OF EMPLOYMENT WHOSE JOB PERFORMANCE IS FOUND TO BE UNSATISFACTORY, TO PROVIDE FOR SUPERVISORY ASSISTANCE DURING THE PROBATIONARY PERIOD, TO REVISE THE GRIEVANCE PROCEDURE TO INCLUDE AN INFORMAL REVIEW BEFORE THE BOARD UPON REQUEST OF AN EMPLOYEE, TO PROVIDE FOR WRITTEN NOTICE BY MAY 15 OF EACH YEAR OF EMPLOYMENT STATUS FOR THE FOLLOWING SCHOOL YEAR, TO REQUIRE EACH BOARD OF TRUSTEES TO ESTABLISH A PROCESS FOR MEETING AND CONFERRING ON TERMS AND CONDITIONS OF EMPLOYMENT UPON REQUEST OF A MAJORITY OF NONCERTIFICATED EMPLOYEES, TO PROVIDE PROPER TERMINOLOGY, TO REFORMAT THE SECTION AND TO MAKE TECHNICAL CORRECTIONS.

**S 1395**

**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO THE EXPERIENCE FACTOR FOR PUBLIC SCHOOL TEACHERS; AMENDING SECTION 33-1004A, IDAHO CODE, TO PROVIDE THAT ACTUAL YEARS OF TEACHING OR ADMINISTRATIVE SERVICE IN AN ACCREDITED COLLEGE OR UNIVERSITY SHALL COUNT IN DETERMINING THE EXPERIENCE FACTOR FOR PUBLIC SCHOOL TEACHERS.

**S 1389, S 1390, S 1391, S 1392, S 1393, S 1394, and S 1395** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

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

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 4:45 p.m. until the hour of 10:30 a.m., Tuesday, February 14, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

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**THIRTY-SEVENTH LEGISLATIVE DAY**  
**TUESDAY, FEBRUARY 14, 2006**

Senate Chamber

President Risch called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senator Burkett, absent and formally excused by the Chair; President Pro Tempore Geddes and Senators Cameron, Little, Pearce, and Stegner, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Jillian Marotz, 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 February 13, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

#### Petitions, Resolutions, and Memorials

Senator Stegner was recorded present at this order of business.

#### SJR 107

#### BY JUDICIARY AND RULES COMMITTEE

#### A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE VII OF THE CONSTITUTION OF THE STATE OF IDAHO, BY THE ADDITION OF A NEW SECTION 18, ARTICLE VII, OF THE CONSTITUTION OF THE STATE OF IDAHO, TO CREATE AN IDAHO MILLENNIUM PERMANENT ENDOWMENT FUND, TO PROVIDE THAT THE FUND SHALL CONSIST OF EIGHTY PERCENT OF THE MONEYS RECEIVED EACH YEAR BY THE STATE OF IDAHO ON AND AFTER JANUARY 1, 2007, PURSUANT TO THE MASTER SETTLEMENT AGREEMENT ENTERED INTO BETWEEN TOBACCO PRODUCT MANUFACTURERS AND THE STATE OF IDAHO, AND ANY OTHER MONEYS THAT MAY BE APPROPRIATED OR OTHERWISE DIRECTED TO THE FUND BY THE LEGISLATURE, INCLUDING OTHER MONEYS OR ASSETS THAT THE FUND RECEIVES BY BEQUEST OR PRIVATE DONATION, TO PROVIDE THAT SUCH MONEYS SHALL REMAIN INVIOLEATE AND INTACT EXCEPT THAT EACH YEAR THE STATE TREASURER SHALL DISTRIBUTE FIVE PERCENT OF THE PERMANENT ENDOWMENT FUND'S AVERAGE MONTHLY FAIR MARKET VALUE FOR THE FIRST TWELVE MONTHS OF THE PRECEDING TWENTY-FOUR MONTHS TO THE IDAHO MILLENNIUM INCOME FUND, TO PROVIDE THAT SUCH DISTRIBUTION SHALL NOT EXCEED THE PERMANENT ENDOWMENT FUND'S FAIR MARKET VALUE ON THE FIRST BUSINESS DAY OF JULY, TO CREATE AN IDAHO MILLENNIUM INCOME FUND SUBJECT TO APPROPRIATION AS PROVIDED BY LAW, TO PROVIDE THAT THE INCOME FUND SHALL CONSIST OF THE DISTRIBUTION FROM THE IDAHO MILLENNIUM PERMANENT ENDOWMENT FUND AND OTHER MONEYS THAT MAY BE APPROPRIATED OR OTHERWISE DIRECTED TO THE FUND AS PROVIDED BY LAW, TO PROVIDE THAT THE REMAINING TWENTY PERCENT OF

THE MONEYS RECEIVED BY THE STATE OF IDAHO ON AND AFTER JANUARY 1, 2007, PURSUANT TO THE MASTER SETTLEMENT AGREEMENT ENTERED INTO BETWEEN TOBACCO PRODUCT MANUFACTURERS AND THE STATE OF IDAHO AND THE EARNINGS THEREON, SHALL BE DEPOSITED TO THE IDAHO MILLENNIUM FUND, TO PROVIDE THAT THE MILLENNIUM FUND MAY CONSIST OF ANY OTHER MONEYS THAT MAY BE APPROPRIATED OR OTHERWISE DIRECTED TO THE FUND BY THE LEGISLATURE, INCLUDING OTHER MONEYS OR ASSETS THAT THE FUND RECEIVES BY BEQUEST OR PRIVATE DONATION, TO PROVIDE THAT MONEYS IN THE MILLENNIUM FUND SHALL BE ALLOWED TO ACCUMULATE, BUT SHALL NOT EXCEED A MAXIMUM LIMIT AS DETERMINED BY LAW, TO PROVIDE THAT ANY AMOUNTS SO ACCUMULATING IN THE IDAHO MILLENNIUM FUND WHICH EXCEED THE MAXIMUM LIMIT, SHALL BE TRANSFERRED, NO LESS THAN ONCE A YEAR, TO THE IDAHO MILLENNIUM PERMANENT ENDOWMENT FUND AND TO PROVIDE THAT SUCH MONEYS AND EARNINGS SO TRANSFERRED TO THE PERMANENT ENDOWMENT FUND SHALL ALSO REMAIN INVIOLEATE AND INTACT; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

**SJR 107** was introduced, read the first time 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

President Pro Tempore Geddes and Senator Cameron were recorded present at this order of business.

February 14, 2006

The JUDICIARY AND RULES Committee reports that **S 1385, S 1386, S 1387, S 1388, S 1389, S 1390, S 1391, S 1392, S 1393, S 1394, S 1395, SCR 121, SCR 122, and SR 107** have been correctly printed.

DARRINGTON, Chairman

**S 1385, S 1386, S 1387, S 1391, S 1392, and S 1393** were referred to the Resources and Environment Committee.

**S 1388** was referred to the State Affairs Committee.

**S 1389 and S 1390** were referred to the Health and Welfare Committee.

**S 1394 and S 1395** were referred to the Education Committee.

On request by Senator Schroeder, granted by unanimous consent, **SCR 122** was referred to the Resources and Environment Committee.



**SCR 121** and **SR 107** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 13, 2006

The JUDICIARY AND RULES Committee reports out **S 1354** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **S 1354** was referred to the Fourteenth Order of Business, General Calendar.

February 14, 2006

The AGRICULTURAL 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:

Richard Rush to the State Soil and Conservation Commission, term to expire July 1, 2009.

WILLIAMS, 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 Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

#### Messages from the Governor

February 13, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1305, S 1306, and S 1307**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

Senators Little and Pearce were recorded present at this order of business.

February 13, 2006

Mr. President:

I return herewith Enrolled **S 1329** and **S 1330** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1329** and **S 1330** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

The President announced the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Sherry Krulitz was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Darrington, seconded by Senator Kelly, the Gubernatorial appointment of Sherry Krulitz as a member of the Idaho Judicial Council was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

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

**S 1396**

#### BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO ANIMAL CRUELTY; AMENDING SECTION 25-3501, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO CLARIFY THE AUTHORITY OF CERTAIN AGENCIES OR ENTITIES; AMENDING CHAPTER 35, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3501A, IDAHO CODE, TO PROVIDE FOR ENFORCEMENT BY LAW ENFORCEMENT AGENCIES AND ANIMAL CARE AND CONTROL AGENCIES AND TO PROVIDE ENFORCEMENT RESTRICTIONS; AMENDING SECTION 25-3502, IDAHO CODE, TO DEFINE ADDITIONAL TERMS; AMENDING SECTION 25-3504, IDAHO CODE, TO PROVIDE FOR THE POSSESSION AND CARE OF CRUELLY TREATED ANIMALS BY LAW ENFORCEMENT OFFICERS AND ANIMAL CARE AND CONTROL OFFICERS; AMENDING SECTION 25-3505, IDAHO CODE, TO REVISE DUTIES FOR OFFICERS RELATING TO ANIMALS CARRIED IN A CRUEL MANNER AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 25-3511, IDAHO CODE, TO PROVIDE THAT LAW ENFORCEMENT OFFICERS AND ANIMAL CARE AND CONTROL OFFICERS SHALL HAVE SPECIFIED DUTIES RELATING TO ABANDONED AND NEGLECTED ANIMALS AND THE

HUMANE DESTRUCTION OF ABANDONED ANIMALS, TO PROVIDE THAT LAW ENFORCEMENT OFFICERS AND ANIMAL CARE AND CONTROL OFFICERS ARE AUTHORIZED TO TAKE CERTAIN ACTIONS RELATING TO OTHER CRUELLY TREATED ANIMALS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 25-3520A, IDAHO CODE, TO PROVIDE FOR THE TERMINATION OF VIOLATORS' RIGHTS TO ANIMALS, TO PROVIDE FOR THE AWARD OF SUCH ANIMALS TO CERTAIN ORGANIZATIONS OR AGENCIES AND TO PROVIDE FOR THE AUTHORITY OF RECIPIENTS OF SUCH ANIMALS; AND AMENDING CHAPTER 35, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3520B, IDAHO CODE, TO PROVIDE FOR THE SEIZURE OF CERTAIN ANIMALS, TO PROVIDE THAT THE OWNERS OR KEEPERS OF SEIZED ANIMALS SHALL BE LIABLE FOR REASONABLE COSTS, TO PROVIDE A FORFEITURE PROCESS, TO PROVIDE FOR SECURITY DEPOSITS AND BONDS, TO PROVIDE FOR THE DISPOSITION OF SEIZED ANIMALS, TO PROVIDE FOR LIABILITY OF CERTAIN UNPAID COSTS, TO PROVIDE THAT CERTAIN ANIMALS MAY BE EUTHANIZED AND TO PROVIDE PROCEDURAL GUIDELINES.

**S 1397****BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING SUBSTANCES; AMENDING SECTION 18-8002, IDAHO CODE, TO INCREASE PENALTIES AND TO INCREASE THE PERIOD OF TIME APPLICABLE TO REPEAT REFUSALS TO EVIDENTIARY TESTING; AMENDING SECTION 18-8002A, IDAHO CODE, TO REVISE INFORMATION TO BE GIVEN TO PERSONS SUBJECT TO EVIDENTIARY TESTING; AMENDING SECTION 18-8005, IDAHO CODE, TO PROVIDE CLARIFYING LANGUAGE, TO INCREASE THE PERIOD OF TIME APPLICABLE TO REPEAT VIOLATIONS AND TO INCREASE PENALTIES; AND AMENDING SECTION 18-8006, IDAHO CODE, TO INCREASE A PENALTY.

**S 1398****BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO THE AUTHORITY TO ESTABLISH ROADBLOCKS; AMENDING SECTION 19-621, IDAHO CODE, TO AUTHORIZE LAW ENFORCEMENT OFFICERS TO ESTABLISH ROADBLOCKS TO DETECT DRIVERS THAT MAY BE UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR ANY OTHER INTOXICATING SUBSTANCES, IN VIOLATION OF SECTION 18-8004, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS.

**S 1399****BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO HOMESTEADS; AMENDING SECTION 55-1003, IDAHO CODE, TO INCREASE THE MAXIMUM PERMITTED HOMESTEAD EXEMPTION AMOUNT; AND DECLARING AN EMERGENCY.

**S 1400****BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO THE MAGISTRATE DIVISION OF THE DISTRICT COURT AND TO THE SMALL CLAIMS DEPARTMENT OF THE MAGISTRATE DIVISION; AMENDING SECTION 1-2208, IDAHO CODE, TO INCREASE THE ALLOWABLE CLAIM LIMIT TO FIVE THOUSAND DOLLARS FOR SPECIFIED CIVIL PROCEEDINGS ASSIGNED TO MAGISTRATES; AMENDING SECTION 1-2210, IDAHO CODE, TO INCREASE THE ALLOWABLE CLAIM LIMIT TO FIVE THOUSAND DOLLARS FOR CERTAIN CIVIL ACTIONS ASSIGNED TO NON-ATTORNEY MAGISTRATES; AMENDING SECTION 1-2301, IDAHO CODE, TO INCREASE THE ALLOWABLE CLAIM TO FIVE THOUSAND DOLLARS IN CASES UNDER JURISDICTION OF THE SMALL CLAIMS DEPARTMENT; AMENDING SECTION 1-2310, IDAHO CODE, TO PROVIDE FOR COLLECTION OF ATTORNEY'S FEES AND COSTS BY A PREVAILING PLAINTIFF AFTER A TIME CERTAIN; AMENDING SECTION 1-2311, IDAHO CODE, TO PROVIDE THAT THE ATTORNEY'S FEE AWARDED TO THE PREVAILING PARTY SHALL BE A REASONABLE AMOUNT AS DETERMINED BY THE COURT; AND AMENDING SECTION 39-6316, IDAHO CODE, TO INCREASE THE ALLOWABLE LIMIT REFERRED TO IN SMALL CLAIMS COURT TO FIVE THOUSAND DOLLARS.

**S 1401****BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO EMERGENCY POWERS; AMENDING SECTION 46-1008, IDAHO CODE, TO REMOVE A REFERENCE TO FIREARMS AND TO PROVIDE THAT NO RESTRICTIONS SHALL BE IMPOSED ON LAWFUL USES OF FIREARMS OR AMMUNITION DURING A DISASTER EMERGENCY.

**S 1402****BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO CONCEALED WEAPONS; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3301A, IDAHO CODE, TO PROVIDE A PENALTY FOR THE UNPERMITTED CARRYING OF A CONCEALED DEADLY WEAPON IN CERTAIN CIRCUMSTANCES; AMENDING SECTION 18-3302, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE ISSUANCE OF A LICENSE TO CARRY CONCEALED WEAPONS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 18-3302H, IDAHO CODE, TO REVISE A CODE REFERENCE.

**S 1403****BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO ANATOMICAL GIFTS AND MINORS; AMENDING SECTION 39-3403, IDAHO CODE, TO ALLOW PERSONS SIXTEEN YEARS OF AGE OR OLDER BUT LESS THAN EIGHTEEN YEARS OF AGE TO MAKE ANATOMICAL GIFTS WITH PARENTAL OR ADULT GUARDIAN CONSENT AND TO PROVIDE PROCEDURES; AMENDING SECTION

39-3404, IDAHO CODE, TO ALLOW A PARENT OR ADULT GUARDIAN OF A PERSON SIXTEEN YEARS OF AGE OR OLDER BUT LESS THAN EIGHTEEN YEARS OF AGE TO MAKE AN UNREVOKED REFUSAL TO MAKE THE ANATOMICAL GIFT; AMENDING SECTION 39-3413, IDAHO CODE, TO PROVIDE THAT A DOCUMENT EXECUTED BY A PERSON SIXTEEN YEARS OF AGE OR OLDER BUT LESS THAN EIGHTEEN YEARS OF AGE FOR PURPOSES OF MAKING AN ANATOMICAL GIFT SHALL REMAIN IN EFFECT WHEN THE PERSON ATTAINS EIGHTEEN YEARS OF AGE UNLESS THE PERSON MODIFIES IT; AMENDING SECTION 49-315, IDAHO CODE, TO PROVIDE THAT PERSONS SIXTEEN YEARS OF AGE OR OLDER BUT LESS THAN EIGHTEEN YEARS OF AGE WHO DESIRE TO MAKE ANATOMICAL GIFTS MAY HAVE THIS FACT PLACED ON THEIR DRIVER'S LICENSE; AND AMENDING SECTION 49-2444, IDAHO CODE, TO PROVIDE THAT PERSONS SIXTEEN YEARS OF AGE OR OLDER BUT LESS THAN EIGHTEEN YEARS OF AGE WHO DESIRE TO MAKE ANATOMICAL GIFTS MAY HAVE THIS FACT PLACED ON THEIR IDENTIFICATION CARD.

**S 1396, S 1397, S 1398, S 1399, S 1400, S 1401, S 1402, and S 1403** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

#### Second Reading of Bills

**S 1336** and **S 1312**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

**S 1355** and **S 1365**, by State Affairs Committee, were read the second time at length and filed for third reading.

**H 434, H 435, and HJR 2**, by State Affairs Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

#### Third Reading of Bills

**S 1247** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Call of the Senate was requested by Senators Darrington, Davis, and Stennett.

Whereupon the President ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

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

On request by Senator Darrington, granted by unanimous consent, the Call was lifted.

The question being, "Shall **S 1247** pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burkett. Total - 1.

Total - 35.

Whereupon the President declared **S 1247** passed, title was approved, and the bill ordered transmitted to the House.

**S 1331** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burkett. Total - 1.

Total - 35.

Whereupon the President declared **S 1331** passed, title was approved, and the bill ordered transmitted to the House.

Senator Burkett was recorded present at this order of business.

**S 1327** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Darrington, Fulcher, Gannon, Geddes, Goedde, Hill, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet. Total - 23.

NAYS--Burtenshaw, Corder, Davis, Jorgenson, Kelly, Keough, Langhorst, Malepeai, Marley, Stennett, Werk, Williams. Total - 12.

Total - 35.

Whereupon the President declared **S 1327** passed, title was approved, and the bill ordered transmitted to the House.

The President called President Pro Tempore Geddes to the Chair.

**S 1259** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Williams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1259** passed, title was approved, and the bill ordered transmitted to the House.

**S 1338** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--Stegner. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1338** passed, title was approved, and the bill ordered transmitted to the House.

**S 1339** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1339** passed, title was approved, and the bill ordered transmitted to the House.

**S 1341** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Andreason arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1341** passed, title was approved, and the bill ordered transmitted to the House.

**S 1342** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1342** passed, title was approved, and the bill ordered transmitted to the House.

**S 1343** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1343** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Stegner, granted by unanimous consent, **S 1333** retained its place on the Third Reading Calendar for one legislative day.

The President returned to the Chair.

**S 1351** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1351** passed, title was approved, and the bill ordered transmitted to the House.

**S 1318** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1318** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, **HJR 2** was placed at the head of the Third Reading Calendar, followed by all Senate bills, followed by House bills.

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

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 10:30 a.m., Wednesday, February 15, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

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### THIRTY-EIGHTH LEGISLATIVE DAY WEDNESDAY, FEBRUARY 15, 2006

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Cameron, Goedde, Hill, Keough, Lodge, McGee, Pearce, Richardson, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Dana Nelson, 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 February 14, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

#### Reports of Standing Committees

Senator Goedde was recorded present at this order of business.

February 15, 2006

The JUDICIARY AND RULES Committee reports that **S 1396, S 1397, S 1398, S 1399, S 1400, S 1401, S 1402, S 1403**, and **SJR 107** have been correctly printed.

DARRINGTON, Chairman

**S 1396** was referred to the Agricultural Affairs Committee.

**S 1397, S 1398, S 1399, S 1400, S 1402**, and **S 1403** were referred to the Judiciary and Rules Committee.

**S 1401** was referred to the State Affairs Committee.

**SJR 107** was referred to the Finance Committee.

February 14, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1329** and **S 1330** were delivered to the Office of the Governor at 2:25 p.m., February 14, 2006.

DARRINGTON, Chairman

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

The President assumed the Chair.

February 14, 2006

The HEALTH AND WELFARE Committee reports out **S 1370** with the recommendation that it do pass.

COMPTON, Chairman

**S 1370** was filed for second reading.

February 14, 2006

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1363, S 1295, S 1360,** and **H 451** with the recommendation that they do pass.

ANDREASON, Chairman

**S 1363, S 1295, S 1360,** and **H 451** were filed for second reading.

February 14, 2006

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

Tom Kealey to the Idaho Endowment Fund Investment Board, term to expire April 11, 2009.

ANDREASON, 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.

February 14, 2006

The TRANSPORTATION Committee reports out **S 1348** with the recommendation that it do pass.

BRANDT, Chairman

**S 1348** was filed for second reading.

February 15, 2006

The STATE AFFAIRS Committee reports out **S 1350** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BURTENSHAW, Chairman

There being no objection, **S 1350** was referred to the Fourteenth Order of Business, General Calendar.

February 15, 2006

The STATE AFFAIRS Committee reports out **H 477** and **H 488** with the recommendation that they do pass.

BURTENSHAW, Chairman

**H 477** and **H 488** were filed for second reading.

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

**Messages from the House**

February 14, 2006

Mr. President:

I return herewith **H 414, H 556,** and **H 577** which have passed the House.

JUKER, Chief Clerk

**H 414, H 556,** and **H 577** were filed for first reading.

February 14, 2006

Mr. President:

I transmit herewith Enrolled **H 405** and **H 406** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 405** and **H 406** and ordered them returned to the House.

On request by Senator Davis, 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 1404**

**BY STATE AFFAIRS COMMITTEE**

**AN ACT**

RELATING TO SCHOOL BONDS; AMENDING SECTION 33-1103, IDAHO CODE, TO PROVIDE THAT ALL PROPERTY EXEMPT FROM TAXATION PURSUANT TO SECTION 63-602G, IDAHO CODE, BE INCLUDED WITHIN THE DEFINITION OF "MARKET VALUE FOR ASSESSMENT PURPOSES"; AND DECLARING AN EMERGENCY.

**S 1404** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 414** and **H 556**, by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

**H 577**, by Commerce and Human Resources Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

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

### Third Reading of Bills

Senators Cameron, Hill, Keough, Lodge, McGee, Pearce, Richardson, and Sweet were recorded present at this order of business.

**HJR 2** was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes arose as sponsor of the resolution and opened the debate. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Sweet, Williams. Total - 26.

NAYS--Burkett, Coiner, Kelly, Langhorst, Malepeai, Schroeder, Stegner, Stennett, Werk. Total - 9.

Total - 35.

More than two-thirds having voted in the affirmative the President declared **HJR 2** adopted, title was approved, and the resolution ordered returned to the House.

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

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:50 p.m. until the hour of 10:30 a.m., Thursday, February 16, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

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### THIRTY-NINTH LEGISLATIVE DAY THURSDAY, FEBRUARY 16, 2006

Senate Chamber

President Risch called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Davis and Little, absent and formally excused by the Chair; and Senator Cameron, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Staniela Nikolova, 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 February 15, 2006, was read and approved as corrected.

DARRINGTON, 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 Stegner, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

### Petitions, Resolutions, and Memorials

#### SCR 123

#### BY JUDICIARY AND RULES COMMITTEE

#### A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING AND HONORING THE IDAHO ATHLETES PARTICIPATING IN THE WINTER OLYMPIC GAMES IN TURIN, ITALY.

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

WHEREAS, the XX Winter Olympics will be held in February in Turin, Italy; and

WHEREAS, the Winter Olympics bring together the finest athletes in the world in their respective sports; and

WHEREAS, the Winter Olympics bring out, to the fullest extent, the drama of human athletic competition with "the thrill of victory and the agony of defeat" with the resultant display of good sportsmanship by the competitors; and

WHEREAS, there are seven Idahoans at the 2006 Winter Olympics and they are Jeret Peterson, 2000 Timberline High School graduate in freestyle skiing, Kristine Holzer, 1992 Centennial High School graduate who also attended the University of Idaho, in long track speedskating (3000 meters), Nate Holland, 1997 Sandpoint High School graduate, in snowboardcross, Graham Watanabe, 2000 Wood River High School graduate, in snowboardcross, Lars Flora, 1996 Wood River High School graduate, in cross country skiing, Courtney Yamada, born in Idaho Falls and a resident of Boise, in the skeleton, and Werner Hoeger, Boise State University kinesiology professor and Boise resident, in the luge representing Venezuela; and

WHEREAS, we wish Jeret soft sweet landings, Kristine's blades to run true, Nate's line to be sweet and fast, Lars and Graham to ski speedily 'cross the frozen snow, Courtney's sled to speed like a bullet down the track, and Werner's experience to propel him to the front of the pack and that we wish that all Idaho Olympians achieve their potential during the games without injury; and

WHEREAS, all Idahoans in the Winter Olympic Games are to be especially commended for being the best athletes in the world in their particular sport.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the members of the Legislature take this opportunity to recognize and honor the Idaho athletes participating in the Winter Olympic Games and wish them the best of luck in their respective athletic competitions.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is directed to forward a copy of this resolution to Jeret Peterson, Kristine Holzer, Nate Holland, Graham Watanabe, Lars Flora, Courtney Yamada and Werner Hoeger.

SCR 123 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**

February 16, 2006

The JUDICIARY AND RULES Committee reports that S 1404 has been correctly printed.

DARRINGTON, Chairman

S 1404 was referred to the Education Committee.

February 15, 2006

The RESOURCES AND ENVIRONMENT Committee reports out SJM 118 with the recommendation that it do pass.

SCHROEDER, Chairman

SJM 118 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 15, 2006

The JUDICIARY AND RULES Committee reports out S 1337 with the recommendation that it do pass.

DARRINGTON, Chairman

S 1337 was filed for second reading.

February 15, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out H 436 with the recommendation that it do pass.

BUNDERSON, Chairman

H 436 was filed for second reading.

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

**Messages from the Governor**

February 15, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1329 and S 1330**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

February 15, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Hyong K. Pak of Twin Falls, Idaho, was appointed as a member of the Idaho Commission on Human Rights to serve a term commencing July 1, 2005, and expiring July 1, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the State Affairs Committee.

The Senate advanced to the Ninth Order of Business.

**Messages from the House**

February 15, 2006

Mr. President:

I transmit herewith H 415, H 476, H 454, HCR 34, H 601, H 446, H 447, H 448, and H 533 which have passed the House.

JUKER, Chief Clerk

H 415, H 476, H 454, HCR 34, H 601, H 446, H 447, H 448, and H 533 were filed for first reading.

The Senate advanced to the Tenth Order of Business.

**Motions and Resolutions**

Senator Cameron was recorded present at this order of business.



The President announced the Judiciary and Rules Committee report relative to the Idaho State Bar appointment of Kenneth B. Howard was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Jorgenson, seconded by Senator Langhorst, the Board of Commissioners of the Idaho State Bar appointment of Kenneth B. Howard as a member of the Idaho Judicial Council was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Idaho State Bar appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Board of Commissioners of the Idaho State Bar informing them of the action of the Senate.

The President announced the Agricultural Affairs Committee report relative to the Gubernatorial appointment of Richard Rush was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Kelly, seconded by Senator Williams, the Gubernatorial appointment of Richard Rush as a member of the State Soil Conservation Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Tom Kealey was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Kelly, seconded by Senator Andreason, the Gubernatorial appointment of Tom Kealey as a member of the Idaho Endowment Fund Investment Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Stegner, granted by unanimous consent, **SR 107** retained its place on the calendar for March 7, 2006.

On request by Senator Stegner, 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 1405**

**BY JUDICIARY AND RULES COMMITTEE  
AN ACT**

RELATING TO MOTOR VEHICLE ACCIDENT REPORTS;  
AMENDING SECTION 49-1306, IDAHO CODE, TO PROVIDE

THAT WRITTEN REPORTS OF ACCIDENTS REQUIRED TO BE FORWARDED TO THE IDAHO TRANSPORTATION DEPARTMENT BY LAW ENFORCEMENT OFFICERS SHALL NOT CONTAIN PERSONAL INFORMATION ON PERSONS INVOLVED IN THE ACCIDENT BUT SHALL IDENTIFY THE CUSTODIAN OF THE ORIGINAL UNEDITED WRITTEN REPORT.

**S 1405** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 415, H 476, and H 454**, by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

**HCR 34**, by Health and Welfare Committee, was introduced, read at length, and referred to the Health and Welfare Committee.

**H 601**, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

**H 446, H 447, and H 448**, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 533**, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**S 1370**, by Health and Welfare Committee, was read the second time at length and filed for third reading.

**S 1363**, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

**S 1295**, by State Affairs Committee, was read the second time at length and filed for third reading.

**S 1360**, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

**H 451**, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

**S 1348**, by Transportation Committee, was read the second time at length and filed for third reading.

**H 477 and H 488**, by State Affairs Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

**S 1333**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Compton, Fulcher, Gannon, Geddes, Goedde, Lodge, McKenzie, Pearce, Sweet, Williams. Total - 13.

NAYS--Andreason, Burkett, Burtenshaw, Cameron, Coiner, Corder, Darrington, Davis, Hill, Jorgenson, Kelly, Keough, Langhorst, Malepeai, Marley, McGee, Richardson, Schroeder, Stegner, Stennett, Werk. Total - 21.

Absent and excused--Little. Total - 1.

Paired and voting included in roll call:

AYE - Brandt                      NAY - Davis

Total - 35.

Whereupon the President declared that **S 1333** had failed to pass the Senate and ordered the bill filed in the office of the Secretary of the Senate.

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

**Miscellaneous Business**

On motion by Senator Stegner, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 10 a.m., Friday, February 17, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

**FORTIETH LEGISLATIVE DAY  
FRIDAY, FEBRUARY 17, 2006**

Senate Chamber

President Risch called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Fulcher, Jorgenson, and Little, absent and formally excused by the Chair; and Senators Darrington and Malepeai, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Mickenzie Stuart, Page.

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

**Reports of Standing Committees**

Senator Darrington was recorded present at this order of business.

February 17, 2006

The JUDICIARY AND RULES Committee reports that **S 1405** and **SCR 123** have been correctly printed.

DARRINGTON, Chairman

**S 1405** was referred to the Transportation Committee.

**SCR 123** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 16, 2006

The AGRICULTURAL AFFAIRS Committee reports out **H 453** with the recommendation that it do pass.

WILLIAMS, Chairman

**H 453** was filed for second reading.

February 16, 2006

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1371**, **S 1362**, and **S 1375** with the recommendation that they do pass.

ANDREASON, Chairman

**S 1371**, **S 1362**, and **S 1375** were filed for second reading.

February 16, 2006

The TRANSPORTATION Committee reports out **S 1347**, **H 462**, and **H 464** with the recommendation that they do pass.

BRANDT, Chairman

**S 1347**, **H 462**, and **H 464** were filed for second reading.

February 16, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **S 1383** with the recommendation that it do pass.

BUNDERSON, Chairman

**S 1383** was filed for second reading.

February 16, 2006

The HEALTH AND WELFARE Committee reports out **S 1389** with the recommendation that it do pass.

COMPTON, Chairman

**S 1389** was filed for second reading.

February 16, 2006

The HEALTH AND WELFARE Committee reports out **S 1390** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

COMPTON, Chairman

There being no objection, **S 1390** was referred to the Fourteenth Order of Business, General Calendar.

February 16, 2006

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

Janet Penfold to the State Board of Health and Welfare, term to expire January 1, 2009.

COMPTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

#### Messages from the Governor

February 16, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Scott Farr of Challis, Idaho, was appointed as a member of the Idaho Outfitters and Guides Licensing Board to serve a term commencing January 31, 2006, and expiring April 20, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the Resources and Environment Committee.

February 16, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Dwight Horsch of Aberdeen, Idaho, was appointed as a member of the State Soil Conservation Commission to serve a term commencing February 3, 2006, and expiring July 1, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the Agricultural Affairs Committee.

February 16, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Richelle Sugiyama of Boise, Idaho, was appointed as a member of the Idaho Endowment Fund Investment Board to serve a term commencing February 8, 2006, and expiring April 11, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

The Senate advanced to the Ninth Order of Business

**Messages from the House**

February 16, 2006

Mr. President:

I transmit herewith **H 535**, **H 536**, and **H 534**, as amended, which have passed the House.

JUKER, Chief Clerk

**H 535**, **H 536**, and **H 534**, as amended, were filed for first reading.

The Senate advanced to the Tenth Order of Business.

**Motions and Resolutions**

Senators Little and Malepeai were recorded present at this order of business.

On request by Senator Werk, granted by unanimous consent, **SCR 121** was referred to the State Affairs Committee.

The President announced that **SJM 118** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Gannon, seconded by Senator Stennett, **SJM 118** was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

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

**H 535**, **H 536**, and **H 534**, as amended, by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**S 1337**, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

**H 436**, 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**

**S 1319** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Fulcher, Jorgenson. Total - 2.

Total - 35.

Whereupon the President declared **S 1319** passed, title was approved, and the bill ordered transmitted to the House.

**S 1320** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Hill, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 29.

NAYS--Burkett, Keough, Stennett. Total - 3.

Absent and excused--Fulcher, Goedde, Jorgenson. Total - 3.

Total - 35.

Whereupon the President declared **S 1320** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, **S 1321** retained its place on the Third Reading Calendar for one legislative day.

**S 1322** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Fulcher, Jorgenson. Total - 2.

Total - 35.

Whereupon the President declared **S 1322** passed, title was approved, and the bill ordered transmitted to the House.

**S 1323** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Fulcher, Jorgenson. Total - 2.

Total - 35.

Whereupon the President declared **S 1323** passed, title was approved, and the bill ordered transmitted to the House.

**S 1324** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Fulcher, Jorgenson. Total - 2.

Total - 35.

Whereupon the President declared **S 1324** passed, title was approved, and the bill ordered transmitted to the House.

**S 1326** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Fulcher, Jorgenson. Total - 2.

Total - 35.

Whereupon the President declared **S 1326** passed, title was approved, and the bill ordered transmitted to the House.

**S 1328** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Fulcher, Jorgenson. Total - 2.

Total - 35.

Whereupon the President declared **S 1328** passed, title was approved, and the bill ordered transmitted to the House.

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

On request by Senator Davis, 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 Stegner 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 Stegner, Chairman of the Committee of the Whole, reported out **S 1300**, **S 1314**, **S 1340**, and **S 1354**, without recommendation, amended as follows:

### SENATE AMENDMENT TO S 1300

#### AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 22, following "tion" insert: "including any violation of the duty to register as provided in this chapter and offenders who are recidivists as defined in this chapter".

**SENATE AMENDMENT TO S 1314  
AMENDMENT TO SECTION 1**

On page 1 of the printed bill, in line 11, delete "five" and insert: "five six".

**SENATE AMENDMENT TO S 1340  
AMENDMENT TO SECTION 1**

On page 2 of the printed bill, in line 1, delete "master level health professional" and insert: "individual who has a master's degree in psychology".

**CORRECTIONS TO TITLE**

On page 1, in line 3, delete "A MASTER LEVEL HEALTH PROFESSIONAL" and insert: "AN INDIVIDUAL WITH A MASTER'S DEGREE IN PSYCHOLOGY".

**SENATE AMENDMENT TO S 1354  
AMENDMENTS TO SECTION 1**

On page 1 of the printed bill, in line 13, delete "facsimile, or electronically" and insert: "facsimile transmission, or by electronic mail".

The Committee also has **S 1246, S 1266, S 1350, and S 1390** under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Burkett, the report was adopted by voice vote.

**S 1300**, as amended, **S 1314**, as amended, **S 1340**, as amended, and **S 1354**, 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.

The Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Burkett, by voice vote the Senate adjourned at 12 noon until the hour of 11 a.m., Monday, February 20, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

**FORTY-THIRD LEGISLATIVE DAY  
MONDAY, FEBRUARY 20, 2006**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Cameron, Hill, Keough, Lodge, McGee, Pearce, Richardson, Sweet, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Ashley Burke, 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 Journals of the proceedings of February 16, 2006, and February 17, 2006, were read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

**Petitions, Resolutions, and Memorials**

Senators Lodge, Richardson, and Sweet were recorded present at this order of business.

**SCR 124**

**BY JUDICIARY AND RULES COMMITTEE**

**A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THE DEPARTMENT OF HEALTH AND WELFARE TO DEVELOP AN INFORMAL DISPUTE RESOLUTION PROCESS WHICH IS PARTIALLY INDEPENDENT FROM THE DEPARTMENT FOR INTERMEDIATE CARE FACILITIES.

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

WHEREAS, intermediate care facilities for the mentally retarded are subject to inspections by the Department of Health and Welfare, Bureau of Facility Standards; and

WHEREAS, other providers, including skilled nursing facilities have informal dispute resolution processes which are partially independent from the Department of Health and Welfare, in order to dispute inspection findings made by the department; and

WHEREAS, intermediate care facilities for the mentally retarded do not have an informal dispute resolution process available to them which is partially independent from the department; and

WHEREAS, an informal dispute resolution process which is partially independent from the department is beneficial to providers, as it provides an avenue to discuss disputed findings; and

WHEREAS, an informal dispute resolution process, which is partially independent from the department, is beneficial to the department as it provides a check and balance to the department.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Department of Health and Welfare is requested to develop an informal dispute resolution process, which is partially independent from the Department, for intermediate care facilities.

The Department of Health and Welfare should work with representatives of such facilities to develop the specific guidelines for this resolution process and its implementation including:

- (1) Ethics and guiding principles;
- (2) How the process will be partially independent from the department, who will serve on the panel and how decisions will be made; and
- (3) Timing of the process, including: frequency of hearings, how a facility will apply for an informal dispute hearing and when decisions will be communicated to the facility.

**SCR 124** 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

February 17, 2006

The JUDICIARY AND RULES Committee reports that **S 1300**, as amended, **S 1314**, as amended, **S 1340**, as amended, and **S 1354**, as amended, have been correctly engrossed.

DARRINGTON, Chairman

**S 1300**, as amended, **S 1314**, as amended, **S 1340**, as amended, and **S 1354**, as amended, were filed for first reading.

February 17, 2006

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1300**, **S 1314**, **S 1340**, and **S 1354** have been correctly printed.

DARRINGTON, Chairman

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

Senators Cameron, Keough, McGee, Pearce, and Werk were recorded present at this order of business.

February 17, 2006

The STATE AFFAIRS Committee reports out **S 1388** with the recommendation that it do pass.

BURTENSHAW, Chairman

**S 1388** was filed for second reading.

February 17, 2006

The JUDICIARY AND RULES Committee reports out **S 1400** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **S 1400** was referred to the Fourteenth Order of Business, General Calendar.

February 17, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **HJM 10** and **HJM 11** with the recommendation that they do pass.

SCHROEDER, Chairman

**HJM 10** and **HJM 11** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 17, 2006

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

Robin Sandy to the Commission of Pardons and Parole, term to expire January 1, 2009.

DARRINGTON, 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.

January 20, 2006

The STATE AFFAIRS Committee reports out **H 414**, **H 454**, and **H 556** with the recommendation that they do pass.

BURTENSHAW, Chairman

**H 414**, **H 454**, and **H 556** were filed for second reading.

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

### Messages from the House

Senator Hill was recorded present at this order of business.

February 17, 2006

Mr. President:

I transmit herewith **H 422**, **H 421**, **H 676**, **H 508**, **H 680**, **H 678**, **H 679**, and **H 480**, as amended, which have passed the House.

JUKER, Chief Clerk

**H 422**, **H 421**, **H 676**, **H 508**, **H 680**, **H 678**, **H 679**, and **H 480**, as amended, were filed for first reading.

February 17, 2006

Mr. President:

I transmit herewith Enrolled **HJR 2** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **HJR 2** and ordered it returned to the House.

On request by Senator Davis, 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**

On request by Senator Davis, granted by unanimous consent, the Senate went at ease and resolved itself into the Committee for the Memorial Service.

**MEMORIAL SERVICE**

The Service was conducted by Memorial Service Committee Chairmen, Senator Corder and Senator Kelly. The Invocation was delivered by Senator Corder and remarks were presented by Senator Langhorst. Musical selections *Alma Redemptoris Mater*, by Composer Giovanni Pierluigi Da Palestrina, and *In My Life*, by John Lennon and Paul McCartney, were performed by the Mad Jazz Choir, East Junior High School, Boise, Heather Prinzing, Director. The Program cover for the Memorial Service was designed by Jillian Marotz, Senate Page, and the Service was coordinated by June Keithly, Secretary.

**IN THE SENATE  
A SENATE MEMORIAL**

WHEREAS, the late Senator RICHARD DAVE ESKELIN passed on since the close of the First Regular Session of the Fifty-eighth Legislature - to wit, August 3, 2005.

WHEREAS, the late Senator RICHARD DAVE ESKELIN served the Senate in the interest of Ada County during the Forty-second Legislature of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED THAT the Senate of the Second Regular Session of the Fifty-eighth Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator RICHARD DAVE ESKELIN; and

BE IT FURTHER RESOLVED, that the Senate of the Second Regular Session of the Fifty-eighth Legislature extends to the bereaved family the heartfelt sympathy of this entire body, and

BE IT FURTHER RESOLVED, that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the RICHARD DAVE ESKELIN family.

On motion by Senator Davis, seconded by Senator Stennett, the Memorial to the late Senator Eskelin was adopted by voice vote.

Lieutenant Governor James E. Risch was invited to join the members of the Senate in the Chamber and presented his tribute to his colleague, the late Senator Eskelin.

**IN THE SENATE  
A SENATE MEMORIAL**

WHEREAS, the late Senator REX FURNESS passed on since the close of the First Regular Session of the Fifty-eighth Legislature - to wit, April 24, 2005;

WHEREAS, the late Senator REX FURNESS served in the interest of Clark, Custer, Jefferson, and Lemhi, Counties during the Fiftieth through the Fifty-third Legislatures of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Second Regular Session of the Fifty-eighth Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator REX FURNESS; and

BE IT FURTHER RESOLVED that the Senate of the Second Regular Session of the Fifty-eighth Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the REX FURNESS family.

On motion by Senator Burtenshaw, seconded by Senator Stennett, the Memorial to the late Senator Furness was adopted by voice vote.

**IN THE SENATE  
A SENATE MEMORIAL**

WHEREAS, the late Senator LESTER A. HARTVIGSEN passed on since the close of the First Regular Session of the Fifty-eighth Legislature - to wit, January 7, 2006;

WHEREAS, the late Senator LESTER A. HARTVIGSEN served in the interest of Pocatello, South Bannock and Oneida Counties during the Forty-third through the Forty-fifth Legislatures of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Second Regular Session of the Fifty-eighth Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator LESTER A. HARTVIGSEN; and

BE IT FURTHER RESOLVED that the Senate of the Second Regular Session of the Fifty-eighth Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the LESTER A. HARTVIGSEN family.

On motion by Senator Marley, seconded by Senator Darrington, the Memorial to the late Senator Hartvigsen was adopted by voice vote.



**IN THE SENATE  
A SENATE MEMORIAL**

WHEREAS, the late Senator RALPH LACY passed on since the close of the First Regular Session of the Fifty-eighth Legislature - to wit, May 23, 2005;

WHEREAS, the late Senator RALPH LACY served in the interest of Bannock County during the Forty-Seventh through the Fiftieth Legislatures of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Second Regular Session of the Fifty-eighth Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator RALPH LACY; and

BE IT FURTHER RESOLVED that the Senate of the Second Regular Session of the Fifty-eighth Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the RALPH LACY family.

On motion by Senator Marley, seconded by Senator Darrington, the Memorial to the late Senator Lacy was adopted by voice vote.

Former Senator Bert W. Marley was invited to join the members of the Senate in the Chamber and presented his tribute to his colleague, the late Senator Lacy.

**IN THE SENATE  
A SENATE MEMORIAL**

WHEREAS, the late Senator ALLAN F. LARSEN passed on during the First Regular Session of the Fifty-eighth Legislature - to wit, March 9, 2005;

WHEREAS, the late Senator ALLAN F. LARSEN served in the interest of Bingham County during the Fifty-first Legislature of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Second Regular Session of the Fifty-eighth Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator ALLAN F. LARSEN; and

BE IT FURTHER RESOLVED that the Senate of the Second Regular Session of the Fifty-eighth Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the ALLAN F. LARSEN family.

On motion by Senator Williams, seconded by Senator Stennett, the Memorial to the late Senator Larsen was adopted by voice vote.

**IN THE SENATE  
A SENATE MEMORIAL**

WHEREAS, the late Senator PATRICIA L. McDERMOTT passed on during the First Regular Session of the Fifty-eighth Legislature - to wit, April 5, 2005;

WHEREAS, the late Senator PATRICIA L. McDERMOTT served in the interest of Bannock County during the Fifty-first Legislature of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Second Regular Session of the Fifty-eighth Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator PATRICIA L. McDERMOTT; and

BE IT FURTHER RESOLVED that the Senate of the Second Regular Session of the Fifty-eighth Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the PATRICIA L. McDERMOTT family.

On motion by Senator Malepeai, seconded by Senator Little, the Memorial to the late Senator McDermott was adopted by voice vote.

Former Senator Chick Bilyeu was invited to join the members of the Senate in the Chamber and presented his tribute to his colleague, the late Senator McDermott.

**IN THE SENATE  
A SENATE MEMORIAL**

WHEREAS, the late Senator JERROLD LEWIS THORNE passed on during the Second Regular Session of the Fifty-eighth Legislature - to wit, January 18, 2006;

WHEREAS, the late Senator JERROLD LEWIS THORNE served in the interest of Canyon County during the Forty-eighth through the Fifty-sixth Legislatures of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Second Regular Session of the Fifty-eighth Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator JERROLD LEWIS THORNE; and

BE IT FURTHER RESOLVED that the Senate of the Second Regular Session of the Fifty-eighth Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the JERROLD LEWIS THORNE family.

On motion by Senator Lodge, seconded by Senator Stennett, the Memorial to the late Senator Thorne was adopted by voice vote.

The Benediction was offered by Chaplain Hardenbrook.

Senator Kelly declared the committee for the Memorial Service dissolved. Following the Memorial Service, President Pro Tempore Geddes called the Senate to order.

Prior to the Memorial Service, The Senate was at the Eleventh Order of Business, Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials.

**S 1406**

**BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO MEMBERSHIP ON THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-102, IDAHO CODE, TO PROVIDE FOR AN EX OFFICIO NONVOTING MEMBER OF THE STATE BOARD OF EDUCATION TO BE A STUDENT OF A STATE SUPPORTED COLLEGE OR UNIVERSITY, TO PROVIDE ELIGIBILITY CRITERIA FOR THE STUDENT AND TO PROVIDE WHEN THE GOVERNOR SHALL APPOINT THE STUDENT MEMBER.

**S 1407**

**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO JUDICIAL DISTRICTS; AMENDING SECTION 1-802, IDAHO CODE, TO INCREASE THE NUMBER OF DISTRICT JUDGES AND RESIDENT CHAMBERS IN THE FIRST DISTRICT; AND AMENDING SECTION 1-804, IDAHO CODE, TO INCREASE THE NUMBER OF DISTRICT JUDGES AND RESIDENT CHAMBERS IN THE THIRD DISTRICT.

**S 1408**

**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO JUDGES' RETIREMENT AND COMPENSATION; AMENDING SECTION 1-2003, IDAHO CODE, TO INCREASE FEES IN CIVIL ACTIONS AND APPEALS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 1-2004, IDAHO CODE, TO INCREASE THE PERCENTAGES OF SALARY DEDUCTIONS AND FUND CONTRIBUTIONS AND TO MAKE TECHNICAL CORRECTIONS.

**S 1409**

**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO COURTS; AMENDING CHAPTER 22, TITLE 1, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 1-2224, IDAHO CODE, TO ESTABLISH THE SENIOR MAGISTRATE JUDGES FUND TO ENABLE THE IDAHO SUPREME COURT TO PURCHASE MEMBERSHIP SERVICE IN THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO FOR CERTAIN RETIRING MAGISTRATE JUDGES, TO AUTHORIZE THE IDAHO SUPREME COURT TO ADOPT RULES AND TO PROVIDE FOR THE ACCUMULATION AND INVESTMENT OF MONEYS IN THE FUND; AMENDING SECTION 31-3201A, IDAHO CODE, TO INCREASE COURT FEES AND TO PROVIDE FOR THE DEPOSIT OF FEES; PROVIDING AN EFFECTIVE DATE AND PROVIDING APPLICATION.

**S 1410**

**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO EXEMPTION FROM WORKER'S COMPENSATION COVERAGE; AMENDING SECTION 72-212, IDAHO CODE, TO EXEMPT OFFICIALS OF ATHLETIC CONTESTS INVOLVING MUNICIPAL RECREATION PROGRAMS.

**S 1411**

**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1305, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE DEFENSE AND INDEMNIFICATION OF RETIREMENT BOARD MEMBERS, SYSTEM STAFF AND SYSTEM MORTGAGE AND INVESTMENT COMMITTEE MEMBERS; AND AMENDING SECTION 59-1308, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE DEFENSE AND INDEMNIFICATION OF RETIREMENT BOARD MEMBERS AND SYSTEM STAFF.

**S 1412**

**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO PHARMACISTS; AMENDING SECTION 54-1705, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1733, IDAHO CODE, TO PERMIT ELECTRONIC SIGNATURES AND TRANSMISSION OF PRESCRIPTION DRUG ORDERS, TO PERMIT PRESCRIPTION DRUG ORDERS TO BE SENT BY FACSIMILE TRANSMISSION FROM A HEALTH CARE FACILITY TO THE PRESCRIPTION DEPARTMENT OF A PHARMACY, TO PERMIT PRESCRIPTION DRUG ORDERS TO BE RECEIVED BY A PHARMACIST VERBALLY OR BY FACSIMILE; AMENDING SECTIONS 37-3201, 54-4702 AND 54-5110, IDAHO CODE, TO PROVIDE FOR CORRECT CODE CITATIONS; AND DECLARING AN EMERGENCY.

**S 1413**

**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO HONORARIUMS AND EXPENSES; AMENDING SECTION 59-509, IDAHO CODE, TO PROVIDE FOR SPECIFIED PER DIEM HONORARIUM AND FOR ACTUAL AND NECESSARY EXPENSES OF MEMBERS OF PART-TIME BOARDS, COMMISSIONS OR COUNCILS.

**S 1406, S 1407, S 1408, S 1409, S 1410, S 1411, S 1412, and S 1413** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**S 1300**, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

**S 1314**, as amended, by Commerce and Human Resources Committee, was read the first time at length and filed for second reading.

**S 1340**, as amended, by Health and Welfare Committee, was read the first time at length and filed for second reading.

**S 1354**, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

**H 422, H 421, H 676, H 508, H 680, H 678, H 679,** and **H 480**, as amended, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

#### Second Reading of Bills

**H 453**, by State Affairs Committee, was read the second time at length and filed for third reading.

**S 1371, S 1362,** and **S 1375**, by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

**S 1347**, by Transportation Committee, was read the second time at length and filed for third reading.

**H 462** and **H 464**, by Transportation and Defense Committee, were read the second time at length and filed for third reading.

**S 1383**, by Local Government and Taxation Committee, was read the second time at length and filed for third reading.

**S 1389**, by Health and Welfare Committee, was read the second time at length and filed for third reading.

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

#### Miscellaneous Business

On motion by Senator Little, seconded by Senator Stennett, by voice vote the Senate adjourned at 1:05 p.m. until the hour of 10:30 a.m., Tuesday, February 21, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

**FORTY-FOURTH LEGISLATIVE DAY  
TUESDAY, FEBRUARY 21, 2006**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Brandt, Bunderson, Burkett, Cameron, Hill, Keough, Lodge, Marley, McGee, Pearce, Richardson, Sweet, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Denise Evans, 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 February 20, 2006, was read and approved as corrected.

DARRINGTON, 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 Stegner, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

#### Reports of Standing Committees

February 21, 2006

The JUDICIARY AND RULES Committee reports that **S 1406, S 1407, S 1408, S 1409, S 1410, S 1411, S 1412, S 1413,** and **SCR 124** have been correctly printed.

DARRINGTON, Chairman

**S 1406** was referred to the State Affairs Committee.

**S 1407, S 1408,** and **S 1409** were referred to the Judiciary and Rules Committee.

**S 1410** and **S 1411** were referred to the Commerce and Human Resources Committee.

**S 1412** and **S 1413** were referred to the Health and Welfare Committee.

**SCR 124** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 20, 2006

The JUDICIARY AND RULES Committee reports out **S 1399** with the recommendation that it do pass.

DARRINGTON, Chairman

**S 1399** was filed for second reading.

February 20, 2006

The JUDICIARY AND RULES Committee reports out **H 533** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **H 533** was referred to the Fourteenth Order of Business, General Calendar.

February 20, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **S 1352** and **S 1353** with the recommendation that they do pass.

SCHROEDER, Chairman

**S 1352** and **S 1353** were filed for second reading.

February 20, 2006

The HEALTH AND WELFARE Committee reports out **HCR 34** with the recommendation that it do pass.

COMPTON, Chairman

**HCR 34** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 20, 2006

The EDUCATION Committee reports out **S 1382** with the recommendation that it do pass.

GOEDDE, Chairman

**S 1382** was filed for second reading.

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

**Messages from the Governor**

February 17, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature  
Boise, Idaho

Dear Mr. President:

I have the honor to inform you that I have appointed Dennis Harper of Orofino, Idaho, to be Acting State Senator for Legislative District 8, Clearwater, Idaho, Lewis, and Valley Counties, State of Idaho. This appointment will be effective Wednesday, February 22, 2006, and will continue until such time as Senator R. Skip Brandt is able to resume his duties.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

THE OFFICE OF THE GOVERNOR  
EXECUTIVE DEPARTMENT  
BOISE, IDAHO  
**CERTIFICATE OF APPOINTMENT**

KNOW ALL MEN, by these Presents that pursuant to the provisions of Section 59-917, *Idaho Code*, R. Skip Brandt, State Senator, District 8, has nominated Dennis Harper of Orofino, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 8, Clearwater, Idaho, Lewis, and Valley Counties.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Dennis Harper to the office of State Senator, District 8, for a term commencing on February 22, 2006, and continuing until such time as Senator R. Skip Brandt is able to resume his duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this seventeenth day of February, in the year of our Lord Two thousand and six and of the Independence of the United States of America, the two hundred and thirtieth year.

/s/ BY THE GOVERNOR DIRK KEMPTHORNE  
/s/ SECRETARY OF STATE BEN YSURSA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

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

**Motions and Resolutions**

Senators Brandt, Bunderson, Burkett, Cameron, Hill, Keough, Lodge, McGee, Marley, Pearce, Richardson, Sweet, and Werk were recorded present at this order of business.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the following attaches were elected to fill the offices provided for by the *Constitution* of the State of Idaho and by statute:

- Pages:
- Ashley Burke, Sagle
  - Denise Evans, Blackfoot
  - Brigitte Harper, Rupert
  - Lana Infanger, Gooding
  - Kent Johnson, Idaho City
  - Lacey Keller, Idaho Falls
  - Emily Kuhl, Ashton
  - Jessie McLeod, Orofino
  - Kyle Raese, Garden City
  - Katie Twiggs, Blackfoot

Whereupon the President Pro Tempore instructed the Sergeant at Arms to escort the attaches to the Secretary's desk at which time the Oath of Office was administered to the elected attaches and they were escorted from the Chamber.

The President Pro Tempore announced that **SCR 123** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Werk, seconded by Senator Davis, **SCR 123** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President Pro Tempore announced that **HJM 10** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Brandt, seconded by Senator Langhorst, **HJM 10** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President Pro Tempore announced that **HJM 11** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Brandt, seconded by Senator Langhorst, **HJM 11** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Health and Welfare Committee report relative to the Gubernatorial appointment of Janet Penfold retained its place on the calendar.

The President Pro Tempore announced the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Robin Sandy was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lodge, seconded by Senator Burkett, the Gubernatorial appointment of Robin Sandy as a member of the Commission of Pardons and Parole was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

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

**S 1414  
BY JUDICIARY AND RULES COMMITTEE  
AN ACT**

RELATING TO CRIME VICTIMS COMPENSATION; AMENDING SECTION 72-1003, IDAHO CODE, TO DEFINE "EXTENUATING CIRCUMSTANCES" AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 72-1019, IDAHO CODE, TO PROVIDE THAT A VICTIM FOUND TO HAVE EXTENUATING CIRCUMSTANCES IS ELIGIBLE FOR A MAXIMUM BENEFIT OF TWENTY-FIVE THOUSAND DOLLARS AND TO PROVIDE FOR REEVALUATION OF QUALIFICATIONS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**S 1415  
BY JUDICIARY AND RULES COMMITTEE  
AN ACT**

RELATING TO STATEWIDE COMMUNICATIONS INTEROPERABILITY; AMENDING TITLE 46, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 12, TITLE 46, IDAHO CODE, TO DEFINE TERMS, TO CREATE THE IDAHO STATEWIDE INTEROPERABILITY EXECUTIVE COUNCIL IN THE IDAHO BUREAU OF HOMELAND SECURITY, TO PROVIDE FOR COUNCIL PURPOSE, TO PROVIDE FOR COUNCIL RESPONSIBILITIES, TO PROVIDE FOR RULES, TO ESTABLISH THE IDAHO STATEWIDE INTEROPERABILITY EXECUTIVE COUNCIL FUND, TO PROVIDE FOR ADMINISTRATION OF THE FUND, TO PROVIDE FOR COUNCIL MEETINGS, TO PROVIDE FOR APPOINTMENT OF THE COUNCIL CHAIR AND VICE-CHAIR, TO PROVIDE FOR THE APPOINTMENT OF SUBCOMMITTEES, TO PROVIDE FOR APPOINTMENT OF COUNCIL MEMBERS, TO PROVIDE FOR MEMBER TERMS AND TO PROVIDE FOR COMPENSATION FOR COUNCIL MEMBERS; AND PROVIDING A SUNSET DATE.

**S 1414** and **S 1415** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**S 1388**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 414**, **H 454**, and **H 556**, by State Affairs Committee, were read the second time at length and filed for third reading.

**S 1300**, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

**S 1314**, as amended, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

**S 1340**, as amended, by Health and Welfare Committee, was read the second time at length and filed for third reading.

**S 1354**, as amended, by Judiciary and Rules 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**

At this time Senator Davis arose on a point of personal privilege to announce that a distinguished visitor had arrived, and the President Pro Tempore appointed Senator Williams, Chairman, and Senators Pearce, Fulcher, and Werk to escort the Honorable Larry Craig, United States Senator, into the Senate Chamber where he addressed the members of the Senate.

The President Pro Tempore thanked Senator Craig for his remarks and Senators Williams, Pearce, Fulcher, and Werk escorted the Senator from the Chamber, and the committee was discharged.

**S 1321**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1321** passed, title was approved, and the bill ordered transmitted to the House.

The President Pro Tempore called Senator Cameron to the Chair.

**S 1335** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Davis, Fulcher, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--None.

Absent and excused--Darrington, Geddes, Little, Stegner. Total - 4.

Total - 35.

Whereupon the Acting President declared **S 1335** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, **S 1364** retained its place on the Third Reading Calendar for Thursday, February 23, 2006.

**S 1316** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1316** passed, title was approved, and the bill ordered transmitted to the House.

**S 1268** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1268** passed, title was approved, and the bill ordered transmitted to the House.

**S 1269** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1269** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, **S 1270** retained its place on the Third Reading Calendar for one legislative day.

**S 1271** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1271** passed, title was approved, and the bill ordered transmitted to the House.

**S 1272** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1272** passed, title was approved, and the bill ordered transmitted to the House.

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

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

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 9 a.m., Wednesday, February 22, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

#### FORTY-FIFTH LEGISLATIVE DAY WEDNESDAY, FEBRUARY 22, 2006

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9 a.m.

Roll call showed all members present except Senators Fulcher and Keough, absent and formally excused by the Chair; and Senator Burkett, absent and excused.

The President Pro Tempore announced that the Oath of Office had been administered previously to Acting Senator Dennis Harper.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Brigitte Harper, 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 February 21, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

#### Reports of Standing Committees

February 22, 2006

The JUDICIARY AND RULES Committee reports that **S 1414** and **S 1415** have been correctly printed.

DARRINGTON, Chairman

**S 1414** and **S 1415** were referred to the Judiciary and Rules Committee.

Senator Burkett was recorded present at this order of business.

February 21, 2006

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 577**, **H 446**, **H 448**, and **S 1374** with the recommendation that they do pass.

ANDREASON, Chairman

**H 577**, **H 446**, **H 448**, and **S 1374** were filed for second reading.

February 21, 2006

The EDUCATION Committee reports out **S 1379** with the recommendation that it do pass.

GOEDDE, Chairman

**S 1379** was filed for second reading.

February 22, 2006

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 447** with the recommendation it do pass and with the recommendation that the Statement of Purpose be revised.

ANDREASON, Chairman

**H 447** was filed for second reading.

February 22, 2006

The STATE AFFAIRS Committee reports out **H 415** and **H 476** with the recommendation that they do pass.

BURTENSHAW, Chairman

**H 415** and **H 476** were filed for second reading.

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

### Messages from the House

February 21, 2006

Mr. President:

I transmit herewith **H 452, H 574, H 547, H 579, H 580, H 530, H 520, H 521, H 585, H 586, H 578, H 648, H 649, H 443, H 471, H 457, H 463**, as amended, **H 559, HCR 39, H 561, H 603, H 604, H 560, H 491**, and **H 411** which have passed the House.

JUKER, Chief Clerk

**H 452, H 574, H 547, H 579, H 580, H 530, H 520, H 521, H 585, H 586, H 578, H 648, H 649, H 443, H 471, H 457, H 463**, as amended, **H 559, HCR 39, H 561, H 603, H 604, H 560, H 491**, and **H 411** were filed for first reading.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

At this time Senator Davis arose on a point of personal privilege to announce that a distinguished visitor had arrived, and the President Pro Tempore appointed Senator Richardson, Chairman, and Senators Cameron, Hill, and Stennett to escort the Honorable Mike Crapo, United States Senator, into the Senate Chamber where he addressed the members of the Senate.

The President Pro Tempore thanked Senator Crapo for his remarks and Senators Richardson, Cameron, Hill, and Stennett escorted the Senator from the Chamber, and the committee was discharged.

The President Pro Tempore called Senator Cameron to the Chair.

On request by Senator Darrington, granted by unanimous consent, **SCR 124** was referred to the Health and Welfare Committee.

The Acting President announced that **HCR 34** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator McGee, seconded by Senator Compton, **HCR 34** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Acting President announced the Health and Welfare Committee report relative to the Gubernatorial appointment of Janet Penfold was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Stennett, the Gubernatorial appointment of Janet Penfold as a member of the State Board of Health and Welfare was confirmed by voice vote.

The Acting President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

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

**H 452**, by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 574**, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**H 547**, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

**H 579, H 580**, and **H 530**, by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

**H 520, H 521, H 585**, and **H 586**, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 578, H 648**, and **H 649**, by Commerce and Human Resources Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 443, H 471**, and **H 457**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 463**, as amended, **H 561, H 603, H 604**, and **H 560**, by Transportation and Defense Committee, were introduced, read the first time at length, and referred to the Transportation Committee.

**H 559**, by Local Government Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**HCR 39**, by Transportation and Defense Committee, was introduced, read at length, and referred to the State Affairs Committee.

**H 491** and **H 411**, by Agricultural Affairs Committee, were introduced, read the first time at length, and referred to the Agricultural Affairs Committee.



The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

**S 1399**, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

**S 1352** and **S 1353**, by Resources and Environment Committee, were read the second time at length and filed for third reading.

**S 1382**, by Education 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 Richardson, granted by unanimous consent, **S 1354**, as amended, was referred to the Fourteenth Order of Business, General Calendar.

Senator Fulcher was recorded present at this order of business.

**S 1270**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Keough. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1270** passed, title was approved, and the bill ordered transmitted to the House.

**S 1334** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Keough. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1334** passed, title was approved, and the bill ordered transmitted to the House.

**S 1345** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--Little. Total - 1.

Absent and excused--Kelly, Keough. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1345** passed, title was approved, and the bill ordered transmitted to the House.

**S 1336** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Lodge, McGee, and Davis arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Keough. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1336** passed, title was approved, and the bill ordered transmitted to the House.

**S 1312** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Darrington, Goedde, Broadsword, and McGee arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Keough. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1312** passed, title was approved, and the bill ordered transmitted to the House.

**S 1355** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Keough. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1355** passed, title was approved, and the bill ordered transmitted to the House.

**S 1365** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Kelly, Davis, and Langhorst arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Keough. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1365** passed, title was approved, and the bill ordered transmitted to the House.

**S 1370** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Keough. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1370** passed, title was approved, and the bill ordered transmitted to the House.

**S 1363** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Andreason, Stegner, McGee, and Kelly arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Keough. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1363** passed, title was approved, and the bill ordered transmitted to the House.

**S 1295** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Keough. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1295** passed, title was approved, and the bill ordered transmitted to the House.

**S 1360** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Keough. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1360** passed, title was approved, and the bill ordered transmitted to the House.

**S 1348** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Keough. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1348** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Stegner, granted by unanimous consent, **S 1337** and **S 1371** retained their place on the Third Reading Calendar for one legislative day.

**S 1362** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Keough. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1362** passed, title was approved, and the bill ordered transmitted to the House.

**S 1375** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Keough. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1375** passed, title was approved, and the bill ordered transmitted to the House.

**S 1347** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Langhorst, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson. Total - 25.

NAYS--Burkett, Little, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 8.

Absent and excused--Keough, Lodge. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1347** passed, title was approved, and the bill ordered transmitted to the House.

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

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

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 9:15 a.m., Thursday, February 23, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

**FORTY-SIXTH LEGISLATIVE DAY  
THURSDAY, FEBRUARY 23, 2006**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9:15 a.m.

Roll call showed all members present except Senator Pearce, absent and formally excused by the Chair; and Senators Compton, Gannon, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Lana Infanger, 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 February 22, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

February 22, 2006

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

John V. Evans to the Idaho Energy Resources Authority, term to expire June 30, 2006;

Hyong K. Pak to the Idaho Commission on Human Rights, term to expire July 1, 2008.

BURTENSHAW, 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.

February 22, 2006

The AGRICULTURAL AFFAIRS Committee reports out S 1396 with the recommendation that it do pass.

WILLIAMS, Chairman

S 1396 was filed for second reading.

The President assumed the Chair.

February 22, 2006

The RESOURCES AND ENVIRONMENT Committee reports out S 1385 and S 1391 with the recommendation that they do pass.

SCHROEDER, Chairman

S 1385 and S 1391 were filed for second reading.

February 22, 2006

The JUDICIARY AND RULES Committee reports out S 1332 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, S 1332 was referred to the Fourteenth Order of Business, General Calendar.

February 22, 2006

The JUDICIARY AND RULES Committee reports out S 1403 and S 1397 with the recommendation that they do pass.

DARRINGTON, Chairman

S 1403 and S 1397 were filed for second reading.

February 22, 2006

The HEALTH AND WELFARE Committee reports out S 1412 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

COMPTON, Chairman

There being no objection, S 1412 was referred to the Fourteenth Order of Business, General Calendar.

February 22, 2006

The HEALTH AND WELFARE Committee reports out S 1413 with the recommendation that it do pass.

COMPTON, Chairman

**S 1413** was filed for second reading.

February 23, 2006

The EDUCATION Committee reports out **S 1395** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, **S 1395** was referred to the Fourteenth Order of Business, General Calendar.

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

#### Messages from the Governor

Senator Gannon was recorded present at this order of business.

February 22, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that William A. Swift of Boise, Idaho, was appointed as a member of the Idaho Commission on Human Rights to serve a term commencing July 1, 2005, and expiring July 1, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the State Affairs Committee.

February 22, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Susan K. Simmons of Boise, Idaho, was appointed as a member of the Idaho Endowment Fund Investment Board to serve a term commencing February 8, 2006, and expiring April 11, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

February 22, 2006

Mr. President:

I transmit herewith **HJM 16, H 465, H 514, H 466, HCR 31, H 497, H 483, H 484, H 571, H 591, H 592, H 549, H 550, H 554, H 524, H 525, H 526, H 527, H 528, H 529, H 639, H 582, H 430, H 431, and H 581** which have passed the House.

JUKER, Chief Clerk

**HJM 16, H 465, H 514, H 466, HCR 31, H 497, H 483, H 484, H 571, H 591, H 592, H 549, H 550, H 554, H 524, H 525, H 526, H 527, H 528, H 529, H 639, H 582, H 430, H 431, and H 581** were filed for first reading.

February 22, 2006

Mr. President:

I return herewith **S 1255** which has passed the House.

JUKER, Chief Clerk

**S 1255** was referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Stegner, 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

**HJM 16**, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

**H 465, H 514, and H 466**, by Agricultural Affairs Committee, were introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

**HCR 31**, by Health and Welfare Committee, was introduced, read at length, and referred to the Health and Welfare Committee.

**H 497, H 483, and H 484**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 571, H 591, and H 592**, by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

**H 549, H 550, and H 554**, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 524, H 525, H 526, H 527, H 528, H 529, and H 639**, by Resources and Conservation Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

**H 582, H 430, H 431, and H 581**, by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

Senators Compton and Sweet were recorded present at this order of business.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

**H 577**, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

**H 446 and H 448**, by Business Committee, were read the second time at length and filed for third reading.

**S 1374**, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

**S 1379**, by Education Committee, was read the second time at length and filed for third reading.

**H 447**, by Business Committee, was read the second time at length and filed for third reading.

**H 415 and H 476**, by State Affairs Committee, were 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 Schroeder, granted by unanimous consent, **S 1382** retained its place on the Third Reading Calendar for Tuesday, February 28, 2006.

**S 1364**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Williams, McKenzie, Langhorst, and McGee arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Geddes, Harper (Brandt), Hill, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Sweet, Werk, Williams. Total - 27.

NAYS--Broadsword, Compton, Davis, Goedde, Jorgenson, Kelly, Keough, Stegner. Total - 8.

Paired and voting included in roll call:

AYE - Pearce                      NAY - Davis

Total - 35.

Whereupon the President declared **S 1364** passed, title was approved, and the bill ordered transmitted to the House.

**S 1337**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Darrington, granted by unanimous consent, **S 1337** retained its place on the Third Reading Calendar for Tuesday, February 28, 2006.

**S 1371**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Pearce. Total - 1.

Total - 35.

Whereupon the President declared **S 1371** passed, title was approved, and the bill ordered transmitted to the House.

**S 1383** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Pearce. Total - 1.

Total - 35.

Whereupon the President declared **S 1383** passed, title was approved, and the bill ordered transmitted to the House.

**S 1389** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Pearce. Total - 1.

Total - 35.

Whereupon the President declared **S 1389** passed, title was approved, and the bill ordered transmitted to the House.

**S 1388** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Cameron, Stegner, Compton, and Corder arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Broadsword, Burkett, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Harper (Brandt), Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Schroeder, Stegner, Stennett, Sweet, Werk. Total - 25.

NAYS--Andreason, Bunderson, Hill, Jorgenson, Marley, Richardson, Williams. Total - 7.

Absent and excused--Coiner, Gannon, Pearce. Total - 3.

Total - 35.

Whereupon the President declared **S 1388** passed, title was approved, and the bill ordered transmitted to the House.

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

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

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:25 p.m. until the hour of 10:30 a.m., Friday, February 24, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

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### FORTY-SEVENTH LEGISLATIVE DAY FRIDAY, FEBRUARY 24, 2006

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Cameron, Keough, Langhorst, Lodge, Marley, McGee, Pearce, Stegner, Sweet, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Lacey Keller, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

Senators Keough, Pearce, and Sweet were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 23, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senator McGee was recorded present at this order of business.

February 23, 2006

The JUDICIARY AND RULES Committee reports that **S 1255** has been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1255** and ordered it transmitted to the House for the signature of the Speaker.

February 23, 2006

The FINANCE Committee reports out **SJR 107** with the recommendation that it do pass.

CAMERON, Chairman

**SJR 107** was filed for second reading.

February 23, 2006

The AGRICULTURAL 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:

Dwight Horsch to the State Soil Conservation Commission, term to expire July 1, 2008.

WILLIAMS, 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.

February 23, 2006

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1373** with the recommendation that it do pass.

ANDREASON, Chairman

**S 1373** was filed for second reading.

February 24, 2006

The STATE AFFAIRS Committee reports out **HJM 16**, **H 571**, and **H 574** with the recommendation that they do pass.

BURTENSHAW, Chairman

**HJM 16** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

**H 571** and **H 574** were filed for second reading.

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

**Messages from the House**

Senator Stegner was recorded present at this order of business.

February 23, 2006

Mr. President:

I transmit herewith **H 432, H 647, H 458, H 459, H 461, H 473, H 606, H 659, H 575, H 490, H 493, H 548, H 564, H 566, HCR 32, HCR 33, H 444**, as amended, **H 589**, as amended, **H 544**, and **H 576** which have passed the House.

JUKER, Chief Clerk

**H 432, H 647, H 458, H 459, H 461, H 473, H 606, H 659, H 575, H 490, H 493, H 548, H 564, H 566, HCR 32, HCR 33, H 444**, as amended, **H 589**, as amended, **H 544**, and **H 576** were filed for first reading.

February 23, 2006

Mr. President:

I transmit herewith Enrolled **HJM 10** and **HJM 11** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **HJM 10** and **HJM 11** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

**Motions and Resolutions**

Senators Cameron, Langhorst, Lodge, and Werk were recorded present at this order of business.

The President Pro Tempore announced the State Affairs Committee report relative to the Gubernatorial appointments of John V. Evans and Hyong K. Pak was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Stennett, seconded by Senator Davis, the Gubernatorial appointment of John V. Evans as a member of the Idaho Energy Resources Authority was confirmed by voice vote.

On motion by Senator Malepeai, seconded by Senator Little, the Gubernatorial appointment of Hyong K. Pak as a member of the Idaho Commission on Human Rights was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.



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

**S 1416**

**BY FINANCE COMMITTEE**

AN ACT

RELATING TO THE IDAHO MILLENNIUM FUND; AMENDING CHAPTER 18, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1801, IDAHO CODE, TO CREATE THE IDAHO MILLENNIUM PERMANENT ENDOWMENT FUND; AMENDING CHAPTER 18, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1802, IDAHO CODE, TO PROVIDE FOR AN ANNUAL DISTRIBUTION FROM THE IDAHO MILLENNIUM PERMANENT ENDOWMENT FUND TO THE IDAHO MILLENNIUM INCOME FUND; AMENDING SECTION 67-1801, IDAHO CODE, TO PROVIDE FOR DISTRIBUTION OF MONEYS TO THE IDAHO MILLENNIUM FUND, TO PROVIDE A CORRECT CODE REFERENCE AND TO REDESIGNATE THE SECTION; AMENDING SECTION 67-1803, IDAHO CODE, TO PROVIDE FOR AN ANNUAL DISTRIBUTION FROM THE IDAHO MILLENNIUM FUND AND TO REDESIGNATE THE SECTION; AMENDING CHAPTER 18, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1805, IDAHO CODE, TO PROVIDE A FUND BALANCE LIMIT IN THE IDAHO MILLENNIUM FUND AND TO PROVIDE FOR TRANSFER TO THE IDAHO MILLENNIUM PERMANENT ENDOWMENT FUND OF ANY AMOUNT EXCEEDING THE STATUTORY LIMIT; AMENDING SECTION 67-1802, IDAHO CODE, TO PROVIDE THAT THE IDAHO MILLENNIUM INCOME FUND SHALL CONSIST OF DISTRIBUTIONS FROM THE IDAHO MILLENNIUM PERMANENT ENDOWMENT FUND, TO REVISE THE USES OF THE FUND AND TO REDESIGNATE THE SECTION; AMENDING SECTIONS 67-1804, 67-1805 AND 67-1806, IDAHO CODE, TO REDESIGNATE THE SECTIONS; PROVIDING AN EFFECTIVE DATE; AND DIRECTING THE STATE TREASURER TO TRANSFER TEN MILLION DOLLARS OF THE IDAHO MILLENNIUM FUND BALANCE TO THE IDAHO MILLENNIUM PERMANENT ENDOWMENT FUND UPON ADOPTION OF SENATE JOINT RESOLUTION NO. 107 BY THE ELECTORATE OF THE STATE OF IDAHO.

**S 1417**

**BY FINANCE COMMITTEE**

AN ACT

RELATING TO MEDICAL ASSISTANCE; AMENDING SECTION 56-238, IDAHO CODE, TO PROVIDE CODE REFERENCES AND TO REVISE THE DEFINITION FOR "ELIGIBLE CHILD"; AMENDING SECTION 56-240, IDAHO CODE, TO REFERENCE ELIGIBLE CHILDREN FOR PURPOSES OF THE CHILDREN'S ACCESS CARD PROGRAM AND TO PROVIDE CODE REFERENCES; AND AMENDING SECTION 56-241, IDAHO CODE, TO PROVIDE CODE REFERENCES AND TO REVISE PROVISIONS APPLICABLE TO THE PARTICIPATION OF SMALL EMPLOYERS IN THE SMALL BUSINESS HEALTH INSURANCE PILOT PROGRAM.

**S 1418**

**BY FINANCE COMMITTEE**

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5202A, IDAHO CODE, TO DEFINE "PROFESSIONAL-TECHNICAL REGIONAL PUBLIC CHARTER SCHOOL"; AMENDING SECTION 33-5203, IDAHO CODE, TO PROVIDE THAT APPROVAL OF A PROFESSIONAL-TECHNICAL REGIONAL PUBLIC CHARTER SCHOOL ALSO REQUIRES APPROVAL OF THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 33-5208, IDAHO CODE, TO PROVIDE FUNDING FOR PROFESSIONAL-TECHNICAL REGIONAL PUBLIC CHARTER SCHOOLS AND TO PROVIDE A CORRECT CODE REFERENCE.

**S 1419**

**BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO THE WAIVER OF SOVEREIGN IMMUNITY OF THE STATE OF IDAHO; AMENDING CHAPTER 59, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5908A, IDAHO CODE, TO PROVIDE FOR A LIMITED WAIVER OF SOVEREIGN IMMUNITY FOR ANY PERSON, INCLUDING AN EMPLOYEE, FORMER EMPLOYEE OR PROSPECTIVE EMPLOYEE OF THE STATE, WHO IS AGGRIEVED BY ANY CONDUCT, ACTION OR INACTION OF THE STATE THAT WOULD CONSTITUTE A VIOLATION OF THE AMERICANS WITH DISABILITIES ACT AND TO DEFINE "STATE."

**S 1416, S 1417, S 1418, and S 1419** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 432**, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

**H 647**, by Commerce and Human Resources Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 458, H 459, H 461, and H 473**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 606 and H 659**, by Transportation and Defense Committee, were introduced, read the first time at length, and referred to the Transportation Committee.

**H 575**, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

**H 490 and H 493**, by Agricultural Affairs Committee, were introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

**H 548**, by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 564** and **H 566**, by Health and Welfare Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

**HCR 32** and **HCR 33**, by Education Committee, were introduced, read at length, and referred to the Education Committee.

**H 444**, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 589**, as amended, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

**H 544** and **H 576**, by Resources and Conservation Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

#### Second Reading of Bills

**S 1396**, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

**S 1385** and **S 1391**, by Resources and Environment Committee, were read the second time at length and filed for third reading.

**S 1403**, **S 1397**, and **S 1413**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

#### Third Reading of Bills

Senator Marley was recorded present at this order of business.

**S 1300**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1300**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

**S 1314**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration.

Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1314**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

**S 1340**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--Davis, Jorgenson. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1340**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

**S 1399** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Keough and Davis arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1399** passed, title was approved, and the bill ordered transmitted to the House.

**S 1352** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1352** passed, title was approved, and the bill ordered transmitted to the House.

**S 1353** 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--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1353** passed, title was approved, and the bill ordered transmitted to the House.

**S 1374** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1374** passed, title was approved, and the bill ordered transmitted to the House.

**S 1379** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Burkett, granted by unanimous consent, **S 1379** retained its place on the Third Reading Calendar for Tuesday, February 28, 2006.

**H 413** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 413** passed, title was approved, and the bill ordered returned to the House.

**H 434** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Harper (Brandt), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 434** passed, title was approved, and the bill ordered returned to the House.

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

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

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 10:30 a.m. Monday, February 27, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

**FIFTIETH LEGISLATIVE DAY  
MONDAY, FEBRUARY 27, 2006**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10:30 a.m.

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

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Emily Kuhl, 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 February 24, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

February 27, 2006

The JUDICIARY AND RULES Committee reports that **S 1416**, **S 1417**, **S 1418**, and **S 1419** have been correctly printed.

DARRINGTON, Chairman

**S 1416** was referred to the Finance Committee.

**S 1417** was referred to the Health and Welfare Committee.

**S 1418** was referred to the Education Committee.

**S 1419** was referred to the State Affairs Committee.

February 23, 2006

The TRANSPORTATION Committee reports out **H 601** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BRANDT, Chairman

There being no objection, **H 601** was referred to the Fourteenth Order of Business, General Calendar.

February 24, 2006

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:

Candice Allphin to the State Building Authority, term to expire January 1, 2009.

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.

February 24, 2006

The FINANCE Committee reports out **H 575** with the recommendation that it do pass.

CAMERON, Chairman

**H 575** was filed for second reading.

February 24, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **SJR 106**, **S 1386**, and **S 1387** with the recommendation that they do pass.

SCHROEDER, Chairman

**SJR 106**, **S 1386**, and **S 1387** were filed for second reading.

February 24, 2006

The JUDICIARY AND RULES Committee reports out **H 535**, **H 536**, and **H 534**, as amended, with the recommendation that they do pass.

DARRINGTON, Chairman

**H 535**, **H 536**, and **H 534**, as amended, were filed for second reading.

February 27, 2006

The FINANCE Committee reports out **S 1416** with the recommendation that it do pass.

CAMERON, Chairman

**S 1416** was filed for second reading.

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

**Messages from the House**

February 24, 2006

Mr. President:

I transmit herewith **H 555, H 627, H 628, H 629, H 631, H 685, H 700, H 701, H 671, H 672,** and **HJM 12** which have passed the House.

JUKER, Chief Clerk

**H 555, H 627, H 628, H 629, H 631, H 685, H 700, H 701, H 671, H 672,** and **HJM 12** were filed for first reading.

February 24, 2006

Mr. President:

I transmit herewith Enrolled **HCR 34** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **HCR 34** and ordered it returned to the House.

February 24, 2006

Mr. President:

I return herewith **SCR 123** and **S 1264** which have passed the House.

JUKER, Chief Clerk

**SCR 123** and **S 1264** were referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

**Motions and Resolutions**

The President Pro Tempore announced the Agricultural Affairs Committee report relative to the Gubernatorial appointment of Dwight Horsch was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Kelly, seconded by Senator Williams, the Gubernatorial appointment of Dwight Horsch as a member of the State Soil Conservation Commission was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Davis, 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 Langhorst was recorded present at this order of business.

**S 1420****BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-416, IDAHO CODE, TO REVISE FEES; AND TO PROVIDE AN EFFECTIVE DATE.

**S 1421****BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO THE LEGAL RATE OF INTEREST; AMENDING SECTION 28-22-104, IDAHO CODE, TO PROVIDE THAT THE LEGAL RATE OF INTEREST ON MONEY DUE ON THE JUDGMENT OF ANY COMPETENT COURT OR TRIBUNAL SHALL BE THE RATE OF TWELVE PERCENT BY THE YEAR.

**S 1420** and **S 1421** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 555**, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**H 627, H 628, H 629,** and **H 631**, by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

**H 685**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 700** and **H 701**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

**H 671** and **H 672**, by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

**HJM 12**, by Agricultural Affairs Committee, was introduced, read at length, and referred to the Agricultural Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**SJR 107**, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

**S 1373**, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

**H 571** and **H 574**, by State Affairs Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

**S 1396** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Kelly and Corder arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 31.

NAYS--Fulcher, Pearce, Sweet. Total - 3.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1396** passed, title was approved, and the bill ordered transmitted to the House.

**S 1385** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Keough and Sweet arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1385** passed, title was approved, and the bill ordered transmitted to the House.

**S 1391** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough,

Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1391** passed, title was approved, and the bill ordered transmitted to the House.

**S 1403** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1403** passed, title was approved, and the bill ordered transmitted to the House.

**S 1397** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Bunderson and McGee arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1397** passed, title was approved, and the bill ordered transmitted to the House.

**S 1413** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1413** passed, title was approved, and the bill ordered transmitted to the House.

**H 435** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Schroeder, Stegner, Stennett, Sweet, Werk. Total - 25.

NAYS--Burkett, Davis, Fulcher, Geddes, Hill, Marley, Pearce, Richardson, Williams. Total - 9.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 435** passed, title was approved, and the bill ordered returned to the House.

**H 451** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 451** passed, title was approved, and the bill ordered returned to the House.

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

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

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 10 a.m., Tuesday, February 28, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

### FIFTY-FIRST LEGISLATIVE DAY TUESDAY, FEBRUARY 28, 2006

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Burkett, absent and formally excused by the Chair; and Senators Keough, Pearce, and Stegner, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Jessie McLeod, 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 February 27, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Senator Keough was recorded present at this order of business.

**Reports of Standing Committees**

February 27, 2006

Senator Stegner was recorded present at this order of business.

The FINANCE Committee reports out **H 700** and **H 701** with the recommendation that they do pass.

February 28, 2006

CAMERON, Chairman

The JUDICIARY AND RULES Committee reports that **S 1420** and **S 1421** have been correctly printed.

**H 700** and **H 701** were filed for second reading.

February 27, 2006

DARRINGTON, Chairman

**S 1420** was referred to the Resources and Environment Committee.

The HEALTH AND WELFARE Committee reports out **HCR 31**, **H 564**, and **H 566** with the recommendation that they do pass.

**S 1421** was referred to the Commerce and Human Resources Committee.

COMPTON, Chairman

February 27, 2006

**HCR 31** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

The JUDICIARY AND RULES Committee reports that **S 1264** and **SCR 123** have been correctly enrolled.

**H 564** and **H 566** were filed for second reading.

February 27, 2006

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1264** and **SCR 123** and ordered them transmitted to the House for the signature of the Speaker.

The JUDICIARY AND RULES Committee reports out **S 1407** and **S 1408** with the recommendation that they do pass.

February 27, 2006

DARRINGTON, Chairman

The STATE AFFAIRS Committee reports out **S 1243** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

**S 1407** and **S 1408** were filed for second reading.

February 27, 2006

BURTENSHAW, Chairman

The JUDICIARY AND RULES Committee reports out **S 1409** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

There being no objection, **S 1243** was referred to the Fourteenth Order of Business, General Calendar.

DARRINGTON, Chairman

February 27, 2006

There being no objection, **S 1409** was referred to the Fourteenth Order of Business, General Calendar.

The STATE AFFAIRS Committee reports out **HCR 39**, **H 591**, and **H 592** with the recommendation that they do pass.

February 27, 2006

BURTENSHAW, Chairman

The EDUCATION Committee reports out **S 1404** with the recommendation that it do pass.

**HCR 39** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

GOEDDE, Chairman

**S 1404** was filed for second reading.

**H 591** and **H 592** were filed for second reading.

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



**Messages from the Governor**

February 28, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Mark Funaiolo of Boise, Idaho, was appointed as a member of the Idaho Commission of Pardons and Parole to serve a term commencing February 22, 2006, and expiring January 1, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

The Senate advanced to the Ninth Order of Business.

**Messages from the House**

February 27, 2006

Mr. President:

I transmit herewith **HCR 40, HCR 41, H 513, H 410, H 492, H 605, H 607, H 608, H 609, H 624, HCR 46, H 708, HJM 13, H 590, H 621, H 475, H 551, H 688, H 584, H 587, HCR 36, HCR 37, and H 636** which have passed the House.

JUKER, Chief Clerk

**HCR 40, HCR 41, H 513, H 410, H 492, H 605, H 607, H 608, H 609, H 624, HCR 46, H 708, HJM 13, H 590, H 621, H 475, H 551, H 688, H 584, H 587, HCR 36, HCR 37, and H 636** were filed for first reading.

February 27, 2006

Mr. President:

I return herewith Enrolled **S 1255** which has been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1255** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

**Motions and Resolutions**

Senator Pearce was recorded present at this order of business.

The President Pro Tempore announced that **HJM 16** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Little, seconded by Senator Stennett, **HJM 16** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President Pro Tempore announced the State Affairs Committee report relative to the Gubernatorial appointment of Candice Allphin was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Little, seconded by Senator Malepeai, the Gubernatorial appointment of Candice Allphin as a member of the State Building Authority was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

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

**S 1422**  
**BY FINANCE COMMITTEE**  
AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR MEDICAL ASSISTANCE SERVICES FOR ADMINISTRATION AND MANAGEMENT FOR FISCAL YEAR 2006; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR MEDICAL ASSISTANCE SERVICES FOR PROVIDER PAYMENTS FOR FISCAL YEAR 2006; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; AND DECLARING AN EMERGENCY.

**S 1422** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**HCR 40** and **HCR 41**, by Health and Welfare Committee, were introduced, read at length, and referred to the Health and Welfare Committee.

**H 513, H 410, and H 492**, by Agricultural Affairs Committee, were introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

**H 605, H 607, H 608, and H 609**, by Transportation and Defense Committee, were introduced, read the first time at length, and referred to the Transportation Committee.

**H 624**, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

**HCR 46**, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

**H 708**, by State Affairs Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

**HJM 13**, by Education Committee, was introduced, read at length, and referred to the Education Committee.

**H 590**, by State Affairs Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 621**, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**H 475**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 551**, **H 584**, and **H 587**, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 688**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**HCR 36** and **HCR 37**, by Resources and Conservation Committee, were introduced, read at length, and referred to the Resources and Environment Committee.

**H 636**, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

**H 575**, by Appropriations Committee, was read the second time at length and filed for third reading.

**SJR 106**, **S 1386**, and **S 1387**, by Resources and Environment Committee, were read the second time at length and filed for third reading.

**H 535**, **H 536**, and **H 534**, as amended, by Judiciary, Rules, and Administration Committee, were read the second time at length and filed for third reading.

**S 1416**, by Finance 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

**S 1337**, having previously been read the third time at length and debate having previously been opened, was before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and reopened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burtenshaw, Cameron, Darrington, Davis, Fulcher, Geddes, Hill, Jorgenson, Lodge, McGee, McKenzie, Pearce, Richardson, Sweet, Williams. Total - 18.

NAYS--Broadsword, Coiner, Compton, Corder, Gannon, Goedde, Kelly, Keough, Langhorst, Little, Malepeai, Marley, Schroeder, Stegner, Stennett, Werk. Total - 16.

Absent and excused--Burkett. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1337** passed, title was approved, and the bill ordered transmitted to the House.

**S 1382**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Joint Rule 18, Senator Cameron challenged the fiscal impact as referenced in the fiscal note pertaining to **S 1382**.

On request by Senator Schroeder, granted by unanimous consent, **S 1382** retained its place on the Third Reading Calendar for Thursday, March 2, 2006.

Senator Burkett was recorded present at this order of business.

**S 1379**, having previously been read the third time at length and debate having previously been opened, was before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and reopened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1379** passed, title was approved, and the bill ordered transmitted to the House.

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

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

### General Calendar

The President Pro Tempore declared the Senate resolved into the Committee of the Whole and called Senator Stegner 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 Pro Tempore called the Senate to order.

### Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **S 1266, S 1350, S 1390, S 1400, H 533, S 1354**, as amended, **S 1332, S 1412, S 1395, H 601, and S 1409**, without recommendation, amended as follows:

#### SENATE AMENDMENT TO S 1266

##### AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 18, following "aircraft." insert: "Airstrips shall not include landing areas which are or may become eligible to receive federal funding pursuant to the federal airport and airway improvement act of 1982 and subsequent amendments thereto.".

#### SENATE AMENDMENT TO S 1350

##### AMENDMENTS TO SECTION 1

On page 1 of the printed bill, delete line 43; and on page 2, delete lines 1 through 9 and insert:

"(2) For duplication of recorded documents in excess of one hundred (100) pages or continuous copy requests for duplication of records using compact disc, zip disc, floppy disc or other electronic means, the fee shall be negotiated between the county recorder and the purchaser of records. The fee shall not exceed the costs to the county recorder for the retrieval and duplication of the record. These negotiated fees shall be recommended by the county recorder and approved by the board of county commissioners. Any existing agreements for duplication of records are hereby ratified and approved. Any negotiated fees shall remain in effect until such time as either party requests a review of the fee."; and also on page 2, in line 10, delete "2" and insert: "3"; in line 13, delete "3" and insert: "4"; and in line 16, delete "4" and insert: "5".

##### CORRECTION TO TITLE

On page 1, delete lines 3 and 4 and insert: "PROVIDE FOR NEGOTIATION AND APPROVAL OF THE FEE FOR DUPLICATION OF RECORDED DOCUMENTS IN EXCESS OF ONE HUNDRED PAGES OR CONTINUOUS COPY REQUESTS USING ELECTRONIC MEANS, TO PROVIDE THAT THE FEE SHALL NOT EXCEED COSTS, TO RATIFY AND APPROVE EXISTING AGREEMENTS, TO PROVIDE FOR REVIEW OF THE FEE, TO CLARIFY".

#### SENATE AMENDMENT TO S 1390

##### AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 13, delete "elders" and insert: "persons".

#### SENATE AMENDMENTS TO S 1400

##### AMENDMENT TO SECTION 4

On page 3 of the printed bill, in line 11, following "judgment." insert: "Such attorney's fees and costs shall be set by the court following the filing of a memorandum of attorney's fees and costs with notice to all parties and hearing.".

##### AMENDMENTS TO THE BILL

On page 3, delete lines 12 through 25; and in line 26, delete "SECTION 6" and insert: "SECTION 5".

##### CORRECTIONS TO TITLE

On page 1, in line 11, delete "AFTER A TIME CER-"; delete lines 12 through 14 and insert: "; AND AMENDING SECTION 39-6316, IDAHO CODE, TO INCREASE".

#### SENATE AMENDMENT TO H 533

##### AMENDMENT TO THE BILL

On page 6 of the printed bill, following line 12, insert: "SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval".

##### CORRECTIONS TO TITLE

On page 1, in line 3, delete "AND"; and in line 4, following "REFERENCE" insert: "; AND DECLARING AN EMERGENCY".

#### SENATE AMENDMENT TO S 1354, As Amended

##### AMENDMENT TO SECTION 1

On page 1 of the engrossed bill, in line 14, following "mail." insert: "Unless an investigation necessitates otherwise, the officer should attempt notification prior to electronic mail service.".

#### SENATE AMENDMENTS TO S 1332

##### AMENDMENT TO SECTION 2

On page 3 of the printed bill, in line 41, delete "title 7" and insert: "title ~~7~~32".

##### AMENDMENTS TO SECTION 26

On page 15, in line 4, delete "name," and insert: "name; and"; in line 5, delete ", and social security numbers" and insert: "~~and social security numbers~~"; and in line 7, delete "social security number," and insert: "~~social security number~~".

##### AMENDMENT TO SECTION 36

On page 18, in line 33, delete "title 7" and insert: "title ~~7~~32".

##### AMENDMENT TO SECTION 44

On page 20, in line 42, delete "and social security number" and insert: "~~and social security number~~".

##### AMENDMENT TO SECTION 47

On page 22, in line 34, delete "title 7" and insert: "title ~~7~~32".

##### AMENDMENT TO THE BILL

On page 27, following line 21, insert: "SECTION 63. This act shall be in full force and effect on and after July 1, 2007".

CORRECTIONS TO TITLE

On page 1, in line 4, delete "AND TO REVISE DEFINITIONS" and insert: ", TO REVISE DEFINITIONS AND TO REVISE A CODE REFERENCE"; on page 3, in line 12, delete "AND AMENDING" and insert: "AMENDING"; and also in line 12, following "REDESIGNATE THE SECTION" insert: "; AND PROVIDING AN EFFECTIVE DATE".

SENATE AMENDMENT TO S 1412  
AMENDMENT TO SECTION 2

On page 5 of the printed bill, in line 52, delete "pharmacy" and insert: "pharmacist".

SENATE AMENDMENT TO S 1395  
AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 32, following ", or" insert: "beginning in the 2005-06 school year and thereafter".

CORRECTION TO TITLE

On page 1, in line 3, following "THAT" insert: "BEGINNING IN THE 2005-06 SCHOOL YEAR AND THEREAFTER".

SENATE AMENDMENT TO H 601  
AMENDMENTS TO SECTION 1

On page 2 of the printed bill, in line 2 following "to the" insert: "administrator of the Idaho division of"; and in line 3, delete "administration" and insert: "services".

SENATE AMENDMENT TO S 1409  
AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 26 through 29 and insert: "restricted by any applicable limits and requirements established by the public employee retirement system of Idaho and by the United States internal revenue service."

The Committee also has **S 1246** and **S 1243** under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Malepeai, the report was adopted by voice vote.

**S 1266**, as amended, **S 1350**, as amended, **S 1390**, as amended, **S 1400**, as amended, **S 1354**, as amended, as amended, **S 1332**, as amended, **S 1412**, as amended, **S 1395**, as amended, and **S 1409**, 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 533**, as amended in the Senate, and **H 601**, 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.

The Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 10 a.m., Wednesday, March 1, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

FIFTY-SECOND LEGISLATIVE DAY  
WEDNESDAY, MARCH 1, 2006

Senate Chamber

President Risch called the Senate to order at 10 a.m.

Roll call showed all members present except President Pro Tempore Geddes, and Senators Burkett, Cameron, Goedde, Hill, Keough, Lodge, Marley, McGee, Pearce, Richardson, Sweet, Werk, and Williams, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Kyle Raese, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senator Goedde was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 28, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 1, 2006

The JUDICIARY AND RULES Committee reports that **S 1422** has been correctly printed.

DARRINGTON, Chairman

**S 1422** was referred to the Finance Committee.

February 28, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1255** was delivered to the Office of the Governor at 2:37 p.m., February 28, 2006.

DARRINGTON, Chairman

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

February 28, 2006

The JUDICIARY AND RULES Committee reports that **S 1266**, as amended, **S 1350**, as amended, **S 1390**, as amended, **S 1400**, as amended, **S 1354**, as amended, as amended, **S 1332**, as amended, **S 1412**, as amended, **S 1395**, as amended, and **S 1409**, as amended, have been correctly engrossed.

DARRINGTON, Chairman

**S 1266**, as amended, **S 1350**, as amended, **S 1390**, as amended, **S 1400**, as amended, **S 1354**, as amended, as amended, **S 1332**, as amended, **S 1412**, as amended, **S 1395**, as amended, and **S 1409**, as amended, were filed for first reading.

February 28, 2006

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1266**, **S 1350**, **S 1390**, **S 1400**, **H 533**, **S 1354**, as amended, **S 1332**, **S 1412**, **S 1395**, **H 601**, and **S 1409** have been correctly printed.

DARRINGTON, Chairman

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

March 1, 2006

The FINANCE Committee reports out **S 1422** with the recommendation that it do pass.

CAMERON, Chairman

**S 1422** was filed for second reading.

February 28, 2006

The AGRICULTURAL AFFAIRS Committee reports out **H 465** with the recommendation that it do pass.

WILLIAMS, Chairman

**H 465** was filed for second reading.

February 28, 2006

The TRANSPORTATION Committee reports out **S 1367**, **H 560**, and **H 561** with the recommendation that they do pass.

BRANDT, Chairman

**S 1367**, **H 560**, and **H 561** were filed for second reading.

February 28, 2006

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1411**, **H 578**, **H 452**, **H 585**, and **H 586** with the recommendation that they do pass.

ANDREASON, Chairman

**S 1411**, **H 578**, **H 452**, **H 585**, and **H 586** were filed for second reading.

Senators Hill, Lodge, McGee, and Pearce were recorded present at this order of business.

February 28, 2006

The HEALTH AND WELFARE Committee reports out **S 1417** with the recommendation that it do pass.

COMPTON, Chairman

**S 1417** was filed for second reading.

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

#### Messages from the Governor

February 28, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that John Ewing of Boise, Idaho, was appointed as a member of the State Building Authority to serve a term commencing January 1, 2004, and expiring January 1, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the State Affairs Committee.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

Senators Richardson, Sweet, and Werk were recorded present at this order of business.

February 28, 2006

Mr. President:

I transmit herewith **H 412** which has passed the House.

JUKER, Chief Clerk

**H 412** was filed for first reading.

February 28, 2006

Mr. President:

I transmit herewith Enrolled **H 413** and **H 434** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 413** and **H 434** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

The President announced that **HCR 39** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator McKenzie, seconded by Senator Stegner, **HCR 39** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

President Pro Tempore Geddes and Senators Burkett, Cameron, Keough, Marley, and Williams were recorded present at this order of business.

The President announced that **HCR 31** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Brandt, seconded by Senator Kelly, **HCR 31** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

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

**H 533**, as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the first time at length and filed for second reading.

**H 601**, as amended in the Senate, by Transportation and Defense Committee, was read the first time at length and filed for second reading.

**S 1266**, as amended, by Transportation Committee, was read the first time at length and filed for second reading.

**S 1350**, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

**S 1390**, as amended, by Health and Welfare Committee, was read the first time at length and filed for second reading.

**S 1400**, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

**S 1354**, as amended, as amended, **S 1332**, as amended, and **S 1412**, as amended, by Judiciary and Rules Committee, were read the first time at length and filed for second reading.

**S 1395**, as amended, by Education Committee, was read the first time at length and filed for second reading.

**S 1409**, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

**H 412** by Agricultural Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

**H 591** and **H 592**, by State Affairs Committee, were read the second time at length and filed for third reading.

**H 700** and **H 701**, by Appropriations Committee, were read the second time at length and filed for third reading.

**H 564** and **H 566**, by Health and Welfare Committee, were read the second time at length and filed for third reading.

**S 1407** and **S 1408**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

**S 1404**, 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

**SJR 107** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Lodge, Cameron, and Werk arose as co-sponsors of the resolution and opened the debate. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--Bunderson, Davis, Little, Malepeai. Total - 4.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared **SJR 107** adopted, title was approved, and the resolution ordered transmitted to the House.

**S 1373** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1373** passed, title was approved, and the bill ordered transmitted to the House.

**SJR 106** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the resolution and opened the debate. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Cameron, Darrington, Fulcher, Keough, Langhorst, Malepeai, Marley, McKenzie, Pearce, Richardson, Schroeder, Stennett, Sweet, Williams. Total - 18.

NAYS--Burkett, Coiner, Compton, Corder, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Little, Lodge, McGee, Stegner, Werk. Total - 16.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Less than two-thirds having voted in the affirmative, the President declared that the Senate had failed to adopt **SJR 106** and ordered the resolution filed in the office of the Secretary of the Senate.

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

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 10 a.m., Thursday, March 2, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

**FIFTY-THIRD LEGISLATIVE DAY  
THURSDAY, MARCH 2, 2006**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Burkett, Cameron, Hill, Keough, Langhorst, Lodge, McGee, Marley, Pearce, Richardson, Sweet, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Katie Twiggs, 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 1, 2006, was read and approved as corrected.

DARRINGTON, Chairman

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

The Senate advanced to the Fourth Order of Business.

#### Reading of Communications

February 24, 2006

The Honorable Gary Schroeder  
Senate Resources and Environment Committee  
Idaho Legislature

Dear Senator Schroeder and Committee Members:

Pursuant to *Idaho Code* 36-2106, the Idaho Fish and Game Commission, at its meeting in Boise on August 30, 2005, appointed Marcus Gibbs to serve as its representative to the Idaho Outfitters and Guides Licensing Board (IOGLB), subject to your approval.

Marcus is a farmer, hunter, avid trap shooter and fisherman. He is a life member of the Rocky Mountain Elk Foundation. He also belongs to Pheasants Forever, the Amateur Trapshooting Association, and the Single Action Shooting Society.

Marcus is from Grace, Idaho. He was appointed to the Fish and Game Commission to represent the Southeast Region in 1999 and reappointed in 2002. His Commission appointment expires June 30, 2006.

Marcus's experience on the Idaho Fish and Game Commission will serve him well in this assignment. The Commission is confident that Marcus's service on the Board will promote an excellent relationship and communications among IOGLB, the Idaho Fish and Game Commission and the Department of Fish and Game.

Sincerely,  
/s/ Cameron Wheeler, Chairman  
Idaho Fish and Game Commission

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

The Idaho Fish and Game Commission appointment to the Idaho Outfitters and Guides Licensing Board was referred to the Resources and Environment Committee.

The Senate advanced to the Fifth Order of Business.

### **Petitions, Resolutions, and Memorials**

#### **SJM 119**

#### **BY JUDICIARY AND RULES COMMITTEE**

#### **A JOINT MEMORIAL**

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

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

WHEREAS, on Monday, June 27, 2005, the U.S. Supreme Court concluded in two razor thin majorities of 5-4 that it is consistent with the First Amendment to display the Ten Commandments in an outdoor public square in Texas but not on the courthouse walls of two counties in Kentucky; and

WHEREAS, many Americans are deeply puzzled as to how the U.S. Supreme Court could produce two opposite results involving the same Ten Commandments; and

WHEREAS, it is appropriate to observe that based on the Kentucky decision it is permissible to display the Ten Commandments in a county courthouse provided that you do not believe in God; and

WHEREAS, in the Kentucky case, Justice Scalia used the following words to emphasize the importance of the Ten Commandments to most Americans:

"The three most popular religions in the United States, Christianity, Judaism, and Islam - which combined account for 97.7% of all believers - are monotheistic .... All of them, moreover (Islam included), believe that the Ten Commandments were given by God to Moses, and are divine prescriptions for a virtuous life."; and

WHEREAS, very recent polling data by a major Washington, D.C., paper revealed that a huge majority of the American people support posting the Ten Commandments:

"Seventy percent of Americans would have no objection to posting the Ten Commandments in government buildings, and eighty-five percent would approve if the Commandments are included as "one document among many historical documents" when displayed in public buildings, according to a survey conducted for the First Amendment Center."; and

WHEREAS, S 520 and HR 1070 are federal bills that will allow the display of the Ten Commandments in public places in America, providing in relevant part as follows:

"Notwithstanding any other provision of this chapter, the Supreme Court shall not have jurisdiction to review, by appeal, writ of certiorari, or otherwise, any matter to the extent that relief is sought against an entity of Federal, State, or local government, or against an officer or agent of Federal, State, or local government (whether or not acting in official or personal capacity), concerning that entity's, officer's, or agent's acknowledgment of God as the sovereign source of law, liberty, or government."; and

WHEREAS, hearings were held on the same language in June 2004 in the Constitution, Civil Rights and Property Rights Subcommittee of the Senate Judiciary Committee and hearings were also held on this language in September 2004 in the Courts Subcommittee of the House Judiciary Committee; and

WHEREAS, Chief Justice Rehnquist in the Texas case used these words to describe the obvious duplicity of the U.S. Supreme Court in telling local governments in America that they cannot display the Ten Commandments in local buildings in their communities while at the same time allowing these same Ten Commandments to be present on these specific places on the building housing the U.S. Supreme Court:

"Since 1935, Moses has stood, holding two tablets that reveal portions of the Ten Commandments written in Hebrew, among other lawgivers in the south frieze. Representations of the Ten Commandments adorn the metal gates lining the north and south sides of the Courtroom as well as the doors leading into the Courtroom. Moses also sits on the exterior east facade of the building holding the Ten Commandments tablets."; and

WHEREAS, the Kentucky decision will be used by litigants who want to remove God from the public square in America and sooner or later, this effort will take place in our states. Reports have indicated that it is now underway in at least twenty-five different places in America, namely, to require the removal of the Ten Commandments from public buildings or public parks.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature requests Congress to adopt S 520 and HR 1070 and in so doing protect the ability of the people of Idaho to:

(1) Display the Ten Commandments in public buildings and places in our states;

(2) Express their faith in public;

(3) Retain God in the Pledge of Allegiance;

(4) Retain "In God We Trust" as our national motto; and

(5) Utilize Article 3, 2.2 of the U.S. Constitution to except these areas from the jurisdiction of the U.S. Supreme Court.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to 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.

#### **SCR 125**

#### **BY JUDICIARY AND RULES COMMITTEE**

#### **A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND REJECTING PENDING RULES OF THE IDAHO STATE BOARD OF DENTISTRY.

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 Idaho State Board of Dentistry are not consistent with legislative intent and should be rejected.



NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 19.01.01, rules of the Idaho State Board of Dentistry, adopted as pending rules under Docket Number 19-0101-0503, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

**SCR 126**

**BY JUDICIARY AND RULES COMMITTEE**

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING PENDING RULES OF THE DEPARTMENT OF HEALTH AND WELFARE GOVERNING THE MEDICAL ASSISTANCE PROGRAM.

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 Department of Health and Welfare governing the Medical Assistance Program are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 16.03.09, rules of the Department of Health and Welfare governing the Medical Assistance Program, adopted as pending rules under Docket Number 16-0309-0503, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

**SCR 127**

**BY JUDICIARY AND RULES COMMITTEE**

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING PENDING RULES OF THE IDAHO STATE BOARD OF DENTISTRY.

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 Idaho State Board of Dentistry are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 19.01.01, rules of the Idaho State Board of Dentistry, adopted as pending rules under Docket Number 19-0101-0502, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

**SJM 119, SCR 125, SCR 126, and SCR 127** were 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**

President Risch assumed the Chair.

March 1, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 471, H 461, H 444**, as amended, **H 473, H 459, H 458, H 457**, and **H 483** with the recommendation that they do pass.

BUNDERSON, Chairman

**H 471, H 461, H 444**, as amended, **H 473, H 459, H 458, H 457**, and **H 483** were filed for second reading.

March 1, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 443** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BUNDERSON, Chairman

There being no objection, **H 443** was referred to the Fourteenth Order of Business, General Calendar.

March 1, 2006

The STATE AFFAIRS Committee reports out **S 1401** and **H 672** with the recommendation that they do pass.

BURTENSHAW, Chairman

**S 1401** and **H 672** were filed for second reading.

March 1, 2006

The STATE AFFAIRS Committee reports out **H 671** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BURTENSHAW, Chairman

There being no objection, **H 671** was referred to the Fourteenth Order of Business, General Calendar.

March 1, 2006

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

Scott Farr to the Idaho Outfitters and Guides Licensing Board, term to expire April 20, 2008;

Jim Kempton to the Northwest Power and Conservation Council, term to expire January 15, 2009.

SCHROEDER, 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 1, 2006

March 1, 2006

The JUDICIARY AND RULES Committee reports out **S 1414, S 1415, H 579, H 580, and H 581** with the recommendation that they do pass.

DARRINGTON, Chairman

**S 1414, S 1415, H 579, H 580, and H 581** were filed for second reading.

March 1, 2006

The JUDICIARY AND RULES Committee reports out **S 1356** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **S 1356** was referred to the Fourteenth Order of Business, General Calendar.

March 1, 2006

The HEALTH AND WELFARE Committee reports out **HCR 40, HCR 41, and H 708** with the recommendation that they do pass.

COMPTON, Chairman

**HCR 40 and HCR 41** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

**H 708** was filed for second reading.

Senators Keough and Sweet were recorded present at this order of business.

March 1, 2006

The EDUCATION Committee reports out **HCR 32 and HCR 33** with the recommendation that they do pass.

GOEDDE, Chairman

**HCR 32 and HCR 33** 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 Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

**Messages from the House**

Senators Burkett, Hill, Langhorst, McGee, and Richardson were recorded present at this order of business.

Mr. President:

I transmit herewith **H 546, H 637, H 583, H 632, H 633, H 717, H 692, H 593, H 594, H 599, and H 615** which have passed the House.

JUKER, Chief Clerk

**H 546, H 637, H 583, H 632, H 633, H 717, H 692, H 593, H 594, H 599, and H 615** were filed for first reading.

March 1, 2006

Mr. President:

I transmit herewith Enrolled **H 435** and **H 451** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 435** and **H 451** and ordered them returned to the House.

March 1, 2006

Mr. President:

I transmit herewith **S 1315** which has passed the House.

JUKER, Chief Clerk

**S 1315** was referred to the Judiciary and Rules Committee for enrolling.

March 1, 2006

Mr. President:

I return herewith Enrolled **S 1264** and **SCR 123** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1264** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Enrolled **SCR 123** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

On request by Senator Davis, 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**

Senators Cameron, Lodge, Marley, Pearce, and Werk were recorded present at this order of business.

**S 1423**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO GENETIC TESTING PRIVACY; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 83, TITLE 39, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO SET FORTH RESTRICTIONS REGARDING GENETIC TESTING INFORMATION APPLICABLE TO EMPLOYERS, TO PROVIDE FOR A PRIVATE RIGHT OF ACTION AND TO PROVIDE FOR ENFORCEMENT; AND AMENDING SECTION 41-1313, IDAHO CODE, TO PROHIBIT INSURERS FROM DISCRIMINATING ON THE BASIS OF A GENETIC TEST OR PRIVATE GENETIC INFORMATION FOR CERTAIN PURPOSES.

**S 1424**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO SALARIES OF MEMBERS OF THE STATE TAX COMMISSION; AMENDING SECTION 63-102, IDAHO CODE, TO PROVIDE AN ADDITIONAL ANNUAL SALARY OF TWO THOUSAND SEVEN HUNDRED FIFTY DOLLARS PER YEAR OVER A FOUR YEAR PERIOD FOR MEMBERS OF THE STATE TAX COMMISSION AND TO PROVIDE THAT THE INCREASE IN AMOUNT OF ANNUAL SALARY BE ONGOING.

**S 1425**  
**BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO THE SEXUAL OFFENDER REGISTRATION NOTIFICATION AND COMMUNITY RIGHT-TO-KNOW ACT; AMENDING SECTION 18-8304, IDAHO CODE, TO EXEMPT FROM REPORTING REQUIREMENTS CERTAIN DEFENDANTS CONVICTED OF STATUTORY RAPE AND TO MAKE A TECHNICAL CORRECTION.

**S 1426**  
**BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO THE PUBLIC SCHOOLS; AMENDING CHAPTER 3, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-310C, IDAHO CODE, TO PROVIDE RECOMMENDATIONS ON THE NUMBER OF SCHOOL DISTRICTS BASED IN A COUNTY BASED UPON POPULATION OF THE COUNTY AND TO PROVIDE RECOMMENDATIONS FOR CONSOLIDATION; AMENDING SECTION 33-304, IDAHO CODE, TO PROVIDE THAT ANY COUNTY DESIGNATED AS A JOINT SCHOOL DISTRICT'S HOME COUNTY MUST CONTAIN AT LEAST FORTY PERCENT OF THE DISTRICT'S TAXABLE PROPERTY VALUE AND TO PROVIDE THAT IF NO SINGLE COUNTY COMPRISES AT LEAST FORTY PERCENT OF THE DISTRICT'S TAXABLE PROPERTY VALUE, THEN THE COUNTY DESIGNATED AS THE HOME COUNTY SHALL BE THAT COUNTY HOLDING THE LARGEST SHARE OF THE DISTRICT'S TAXABLE PROPERTY VALUE; AMENDING SECTION 33-1002, IDAHO CODE, TO PROVIDE THAT SCHOOL DISTRICTS SHALL BE ASSIGNED DIVISORS FOR THE PURPOSES OF CALCULATING ADMINISTRATIVE AND CLASSIFIED STAFF ALLOWANCES AS IF THE

RECOMMENDED SCHOOL DISTRICT CONSOLIDATIONS HAD TAKEN PLACE; AND AMENDING SECTION 33-5203, IDAHO CODE, TO PROVIDE THAT THE NUMBER OF PUBLIC CHARTER SCHOOLS THAT MAY BE AUTHORIZED TO OPERATE, IN TOTAL, SHALL NOT EXCEED THE TOTAL NUMBER OF SCHOOL DISTRICTS AND TO MAKE TECHNICAL CORRECTIONS.

**S 1427**  
**BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND; AMENDING SECTION 33-3401, IDAHO CODE, TO ALLOW FOR EDUCATION SERVICES TO BE DELIVERED TO STUDENTS RESIDING OUTSIDE THE CAMPUS AREA IN GOODING AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 33-3407, IDAHO CODE, TO REVISE THE DEFINITION OF ELIGIBLE STUDENTS, TO REVISE PROCEDURES FOR OFFERING THE SCHOOL'S SERVICES AND TO MAKE TECHNICAL CORRECTIONS.

**S 1428**  
**BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO CONCEALED WEAPONS; AMENDING SECTION 18-3302, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE ISSUANCE OF A LICENSE TO CARRY CONCEALED WEAPONS AND TO MAKE TECHNICAL CORRECTIONS.

**S 1423, S 1424, S 1425, S 1426, S 1427, and S 1428** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 546** and **H 637**, by Resources and Conservation Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

**H 583, H 632, and H 633**, by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

**H 717**, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**H 692**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

**H 593, H 594, and H 599**, by Agricultural Affairs Committee, were introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

**H 615**, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

**S 1422**, by Finance Committee, was read the second time at length and filed for third reading.

**H 465**, by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

**S 1367**, by Transportation Committee, was read the second time at length and filed for third reading.

**H 560** and **H 561**, by Transportation and Defense Committee, were read the second time at length and filed for third reading.

**S 1411**, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

**H 578**, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

**H 452**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 585** and **H 586**, by Business Committee, were read the second time at length and filed for third reading.

**S 1417**, by Finance Committee, was read the second time at length and filed for third reading.

**H 533**, as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

**H 601**, as amended in the Senate, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

**S 1266**, as amended, by Transportation Committee, was read the second time at length and filed for third reading.

**S 1350**, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

**S 1390**, as amended, by Health and Welfare Committee, was read the second time at length and filed for third reading.

**S 1400**, as amended, **S 1354**, as amended, as amended, **S 1332**, as amended, and **S 1412**, as amended, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

**S 1395**, as amended, by Education Committee, was read the second time at length and filed for third reading.

**S 1409**, as amended, by Judiciary and Rules 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 Schroeder, granted by unanimous consent, **S 1382** retained its place on the Third Reading Calendar for one legislative day.

**S 1386** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1386** passed, title was approved, and the bill ordered transmitted to the House.

**S 1387** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Langhorst, granted by unanimous consent, **S 1387** was referred to the Fourteenth Order of Business, General Calendar.

Having voted on the prevailing side by which **S 1386** passed the Senate, Senator Davis served notice that he may on this or the next legislative day move for reconsideration of the vote.

**S 1386** was ordered held at the Secretary's desk.

Having voted on the prevailing side and proper notice having been served, Senator Davis requested unanimous consent that the vote by which **S 1386** passed the Senate be now reconsidered.

Senator Davis' request was granted by unanimous consent, and **S 1386** was placed before the Senate for reconsideration.

On request by Senator Langhorst, granted by unanimous consent, **S 1386** was referred to the Fourteenth Order of Business, General Calendar.

**S 1416** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Lodge and Cameron arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Bunderson. Total - 1.

Total - 35.

Whereupon the President declared **S 1416** passed, title was approved, and the bill ordered transmitted to the House.

**H 477** 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--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 477** passed, title was approved, and the bill ordered returned to the House.

**H 488** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 488** passed, title was approved, and the bill ordered returned to the House.

**H 436** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 436** passed, title was approved, and the bill ordered returned to the House.

**H 453** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--Davis. Total - 1.

Absent and excused--Brandt, Bunderson. Total - 2.

Total - 35.

Whereupon the President declared **H 453** passed, title was approved, and the bill ordered returned to the House.

**H 462** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 462** passed, title was approved, and the bill ordered returned to the House.

**H 464** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 464** passed, title was approved, and the bill ordered returned to the House.

**H 414** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 414** passed, title was approved, and the bill ordered returned to the House.

The President called President Pro Tempore Geddes to the Chair.

**H 454** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Lodge and Stennett arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk. Total - 32.

NAYS--Schroeder. Total - 1.

Absent and excused--Bunderson, Williams. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 454** passed, title was approved, and the bill ordered returned to the House.

**H 556** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 556** passed, title was approved, and the bill ordered returned to the House.

**H 577** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 577** passed, title was approved, and the bill ordered returned to the House.

**H 446** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 446** passed, title was approved, and the bill ordered returned to the House.

**H 448** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 448** passed, title was approved, and the bill ordered returned to the House.

The President returned to the Chair.

**H 447** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Cameron disclosed he has no foreseeable conflict of interest under applicable law insofar as **H 446**, **H 448**, and **H 447**.

The question being, "Shall **H 447** pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 447** passed, title was approved, and the bill ordered returned to the House.

**H 415** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 415** passed, title was approved, and the bill ordered returned to the House.

**H 476** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 476** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 571** and **H 574** retained their place on the Third Reading Calendar.

**H 575** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 575** passed, title was approved, and the bill ordered returned to the House.

**H 535** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 535** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 534**, as amended, was placed at the head of the Third Reading Calendar, followed by all Senate bills, followed by House bills amended in the Senate, followed by House bills.

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

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Burkett, by voice vote the Senate adjourned at 12 noon until the hour of 10 a.m., Friday, March 3, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

#### FIFTY-FOURTH LEGISLATIVE DAY FRIDAY, MARCH 3, 2006

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Malepeai, absent and formally excused by the Chair; and Senators Burkett, Cameron, and Stegner, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Denise Evans, Page.

The Senate advanced to the Third Order of Business.

#### Reading and Correction of the Journal

President Risch assumed the Chair.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 2, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

March 2, 2006

**Reports of Standing Committees**

Senator Stegner was recorded present at this order of business.

March 3, 2006

The JUDICIARY AND RULES Committee reports that **S 1423, S 1424, S 1425, S 1426, S 1427, S 1428, SJM 119, SCR 125, SCR 126, and SCR 127** have been correctly printed.

DARRINGTON, Chairman

**S 1423** was referred to the Health and Welfare Committee.

**S 1424** was referred to the State Affairs Committee.

**S 1425** and **S 1428** were referred to the Judiciary and Rules Committee.

**S 1426** and **S 1427** were referred to the Education Committee.

**SJM 119, SCR 125, SCR 126, and SCR 127** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 2, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1264** was delivered to the Office of the Governor at 2 p.m., March 2, 2006.

DARRINGTON, Chairman

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

March 2, 2005

The JUDICIARY AND RULES Committee reports that Enrolled **SCR 123** was delivered to the Office of the Secretary of State at 1:52 p.m., March 2, 2006.

DARRINGTON, Chairman

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

March 2, 2006

The JUDICIARY AND RULES Committee reports that **S 1315** has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1315** and ordered it transmitted to the House for the signature of the Speaker.

The AGRICULTURAL AFFAIRS Committee reports out **H 411** with an amended Statement of Purpose and with the recommendation that it do pass.

WILLIAMS, Chairman

**H 411** was filed for second reading.

March 2, 2006

The AGRICULTURAL AFFAIRS Committee reports out **HJM 12, H 490, H 493, and H 410** with the recommendation that they do pass.

WILLIAMS, Chairman

**HJM 12** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

**H 490, H 493, and H 410** were filed for second reading.

March 2, 2006

The HEALTH AND WELFARE Committee reports out **SCR 124** with the recommendation that it do pass.

COMPTON, Chairman

**SCR 124** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 2, 2006

The TRANSPORTATION Committee reports out **H 463**, as amended, **H 603**, and **H 608** with the recommendation that they do pass.

BRANDT, Chairman

**H 463**, as amended, **H 603**, and **H 608** were filed for second reading.

March 2, 2006

The EDUCATION Committee reports out **H 547** with the recommendation that it do pass.

GOEDDE, Chairman

**H 547** was filed for second reading.

March 2, 2006

The EDUCATION Committee reports out **S 1241** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman



There being no objection, **S 1241** was referred to the Fourteenth Order of Business, General Calendar.

March 1, 2006

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

Marcus Gibbs to the Idaho Outfitters and Guides Licensing Board, term to expire August 30, 2008.

SCHROEDER, Chairman

The Idaho Fish and Game Commission 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 3, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 497** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BUNDERSON, Chairman

There being no objection, **H 497** was referred to the Fourteenth Order of Business, General Calendar.

March 3, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 559**, **H 685**, **H 590**, and **H 475** with the recommendation that they do pass.

BUNDERSON, Chairman

**H 559**, **H 685**, **H 590**, and **H 475** were filed for second reading.

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

#### Messages from the House

Senator Cameron was recorded present at this order of business.

March 2, 2006

Mr. President:

I transmit herewith **H 673**, **H 694**, **H 695**, **H 686**, **H 687**, and **H 545** which have passed the House.

JUKER, Chief Clerk

**H 673**, **H 694**, **H 695**, **H 686**, **H 687**, and **H 545** were filed for first reading.

March 2, 2006

Mr. President:

I transmit herewith Enrolled **HJM 16** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HJM 16** and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

On request by Senator Stegner, granted by unanimous consent, **HCR 40** retained its place on the calendar for one legislative day.

The President announced the Resources and Environment Committee report relative to the Gubernatorial appointment of Scott Farr was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Burtenshaw, seconded by Senator Stennett, the Gubernatorial appointment of Scott Farr as a member of the Idaho Outfitters and Guides Licensing Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

Senator Burkett was recorded present at this order of business.

The President announced the Resources and Environment Committee report relative to the Gubernatorial appointment of Jim Kempton was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Little, seconded by Senator Stennett, the Gubernatorial appointment of Jim Kempton as a member of the Northwest Power and Conservation Council was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that **HCR 41** was before the Senate for final consideration.

Moved by Senator Werk, seconded by Senator Compton, that **HCR 41** be adopted, the question being, "Shall the resolution be adopted?"

The President announced that the Senate, by voice vote, had failed to adopt **HCR 41** and ordered the resolution returned to the House.

The President announced that **HCR 32** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Marley, seconded by Senator Andreason, **HCR 32** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **HCR 33** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Marley, seconded by Senator Andreason, **HCR 33** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

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

**H 673, H 694, and H 695**, by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

**H 686 and H 687**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 545**, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

#### **Second Reading of Bills**

**H 471, H 461, H 444**, as amended, **H 473, H 459, H 458, H 457, and H 483**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

**S 1401**, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

**H 672**, by State Affairs Committee, was read the second time at length and filed for third reading.

**S 1414 and S 1415**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

**H 579, H 580, and H 581**, by Judiciary, Rules, and Administration Committee, were read the second time at length and filed for third reading.

**H 708**, 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**

**H 534**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes and Senator Jorgenson arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Malepeai. Total - 1.

Total - 35.

Whereupon the President declared **H 534**, as amended, passed, title was approved, and the bill ordered returned to the House.

**S 1382**, having previously been read the third time at length and debate having previously been opened, was before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and reopened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bunderson, Burkett, Coiner, Compton, Darrington, Davis, Fulcher, Gannon, Kelly, Langhorst, Malepeai, Marley, Schroeder, Stegner, Stennett, Werk. Total - 17.

NAYS--Broadsword, Burtenshaw, Cameron, Corder, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Sweet, Williams. Total - 17.

Absent and excused--Brandt. Total - 1.

Paired and voting included in roll call:

AYE - Malepeai                      NAY - Jorgenson

Total - 35.

A tie vote having resulted in the roll call, the President voted NAY, declared that **S 1382** had failed to pass the Senate, and ordered the bill filed in the office of the Secretary of the Senate.

**S 1407** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Lodge and Jorgenson arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Malepeai. Total - 1.

Total - 35.

Whereupon the President declared **S 1407** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, 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 House bills.

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

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 10 a.m., Monday, March 6, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

### FIFTY-SEVENTH LEGISLATIVE DAY MONDAY, MARCH 6, 2006

Senate Chamber

President Risch called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Malepeai and Stennett, absent and formally excused by the Chair; and Senators Cameron, Coiner, Davis, Gannon, Hill, Keough, Langhorst, Lodge, Marley, McGee, Pearce, Richardson, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Ashley Burke, 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 3, 2006, was read and approved as corrected.

DARRINGTON, 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 Stegner, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

#### Petitions, Resolutions, and Memorials

##### SCR 128

##### BY STATE AFFAIRS COMMITTEE

##### A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE A FEE OR CHARGE, WITH EXCEPTIONS, AND REJECTING CERTAIN AGENCY RULES THAT ARE NOT APPROVED.

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

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

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 sections of Rules of the Department of Health and Welfare governing residential care or assisted living facilities in Idaho, and certain Rules of the Department of Lands governing exploration and surface mining in Idaho are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Idaho Real Estate Commission are to be applied retroactively to October 1, 2005; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all pending administrative rules or portions of pending administrative rules adopted by state agencies pursuant to the Administrative Procedure Act during the prior calendar year, and submitted through the Office of Rules Coordinator to the Legislature for review during the 2006 legislative session, which impose a fee or charge, be, and the same are approved, with the exception of the following enumerated pending fee rules:

IDAPA 16.03.22, Rules of the Department of Health and Welfare, Rules Governing Residential Care or Assisted Living Facilities, Section 009, concerning Criminal History and Background Checks, Section 011, Subsections 15, concerning the Definition of Licensee,

and 28, concerning the Definition of Non-Repudiation only, Section 055, concerning Special Waiver, Section 220, Subsection 03, concerning Notification of Populations Served only, Section 250, Subsections 13, concerning Residents Required to Go Outside, and 14, concerning Covered Cement Walks only, Section 260, Subsection 05.b, relating to changes of clean bed linen and sets of towels on hand for each licensed bed only, Section 451, Subsection 01.b, relating to menus being different the same days each week and adjusted for seasonal change only, Section 705, Subsection 05, concerning Personal Property Inventory only, and Section 730, Subsection 01.I, relating to documentation by the licensed professional nurse only, adopted as pending fee rules under Docket Number 16-0322-0502.

IDAPA 20.03.02, Rules of the Department of Lands, Rules Governing Exploration and Surface Mining in Idaho, Section 160, Subsection 01, pertaining to Right of Inspection only, adopted as pending fee rules under Docket Number 20-0302-0502.

BE IT FURTHER RESOLVED that IDAPA 16.03.22, Rules of the Department of Health and Welfare, Rules Governing Residential Care or Assisted Living Facilities, Section 009, concerning Criminal History and Background Checks, Section 011, Subsections 15, concerning the Definition of Licensee, and 28, concerning the Definition of Non-Repudiation only, Section 055, concerning Special Waiver, Section 220, Subsection 03, concerning Notification of Populations Served only, Section 250, Subsections 13, concerning Residents Required to Go Outside, and 14, concerning Covered Cement Walks only, Section 260, Subsection 05.b, relating to changes of clean bed linen and sets of towels on hand for each licensed bed only, Section 451, Subsection 01.b, relating to menus being different the same days each week and adjusted for seasonal change only, Section 705, Subsection 05, concerning Personal Property Inventory only, and Section 730, Subsection 01.I, relating to documentation by the licensed professional nurse only, adopted as pending fee rules under Docket Number 16-0322-0502, and IDAPA 20.03.02, Rules of the Department of Lands, Rules Governing Exploration and Surface Mining in Idaho, Section 160, Subsection 01, pertaining to Right of Inspection only, adopted as pending fee rules under Docket Number 20-0302-0502, and the same are hereby rejected and not approved, and thereby pursuant to Section 67-5291 and Section 67-5224, Idaho Code, are declared null, void and of no force and effect.

BE IT FURTHER RESOLVED that IDAPA 33.01.01, Rules of the Idaho Real Estate Commission relating to certain license fees, adopted as pending fee rules under Docket Number 33-0101-0502, the entire rulemaking docket be, and the same is hereby approved, and pursuant to Section 67-5224(5)(a), Idaho Code, made effective and applied retroactively to October 1, 2005.

BE IT FURTHER RESOLVED that rule provisions imposing fees or charges that were not submitted through the Office of Rules Coordinator for legislative review or that otherwise are not included and approved in this concurrent resolution shall be null, void and of no force and effect unless approved by adoption of a separate concurrent resolution by both houses of the Legislature as provided in Section 67-5224, Idaho Code.

**SCR 129**

**BY STATE AFFAIRS COMMITTEE**

**A CONCURRENT RESOLUTION**

**STATING LEGISLATIVE FINDINGS AND APPROVING AND EXTENDING TEMPORARY RULES REVIEWED BY THE LEGISLATURE, WITH EXCEPTIONS.**

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

WHEREAS, the Legislature by statute must approve temporary rules by adoption of a concurrent resolution approving the rule if the temporary rule is to remain in effect beyond the end of the current legislative session; and

WHEREAS, the expiration of temporary rules would occasion additional expense to state agencies in readopting and republishing temporary rules needed to conduct state business; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all temporary rules adopted by state agencies pursuant to the Administrative Procedure Act and submitted to the Legislature at the Legislature's request through the Office of Rules Coordinator for review during the 2006 legislative session, and all temporary rules previously approved and extended by concurrent resolution adopted in a prior regular session of the Idaho Legislature, be, and the same are approved, with the exception of the following enumerated temporary rules:

IDAPA 17.02.08, rules of the Industrial Commission relating to miscellaneous provisions, adopted as temporary rules under Docket Number 17-0208-0501, the entire rulemaking docket.

BE IT FURTHER RESOLVED that a temporary rule or partial temporary rule approved by this concurrent resolution shall remain in effect until it expires by its own terms or by operation of law or until it is replaced by a final rule, but in no event shall a temporary rule remain in effect beyond the conclusion of the First Regular Session of the Fifty-ninth Idaho Legislature unless it is further extended by adoption of a concurrent resolution by both houses of the Legislature. Temporary rules or sections of temporary rules which are excepted from approval hereunder or which were not submitted to the Legislature for review during the 2006 legislative session shall expire by operation of statute upon adjournment of the Second Regular Session of the Fifty-eighth Idaho Legislature, unless approved by adoption of a separate concurrent resolution by both houses of the Legislature.

**SCR 128** and **SCR 129** were 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 3, 2006

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 548**, **H 549**, **H 550**, **H 551**, and **H 554** with the recommendation that they do pass.

ANDREASON, Chairman

**H 548**, **H 549**, **H 550**, **H 551**, and **H 554** were filed for second reading.

March 3, 2006

The STATE AFFAIRS Committee reports out **HCR 46**, **H 555**, and **H 621** with the recommendation that they do pass.

BURTENSHAW, Chairman

**HCR 46** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

**H 555** and **H 621** were filed for second reading.

Senators Coiner and Gannon were recorded present at this order of business.

March 3, 2006

The JUDICIARY AND RULES Committee reports out **S 1357** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **S 1357** was referred to the Fourteenth Order of Business, General Calendar.

March 3, 2006

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

Richelle Sugiyama to the Idaho Endowment Fund Investment Board, term to expire April 11, 2009;

Susan K. Simmons to the Idaho Endowment Fund Investment Board, term to expire April 11, 2009.

ANDREASON, 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 Stegner, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

#### Messages from the Governor

March 2, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

**S 1255**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

March 3, 2006

Mr. President:

I transmit herewith **H 541, H 638, H 523, H 640, HCR 38, H 433, H 522, H 746, H 747, H 748, H 538, H 539, H 645, H 729, H 567, H 614, H 619, H 727, H 707, H 711, and H 718** which have passed the House.

JUKER, Chief Clerk

**H 541, H 638, H 523, H 640, HCR 38, H 433, H 522, H 746, H 747, H 748, H 538, H 539, H 645, H 729, H 567, H 614, H 619, H 727, H 707, H 711, and H 718** were filed for first reading.

March 3, 2006

Mr. President:

I transmit herewith Enrolled **HCR 39** and **HCR 31** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 39** and **HCR 31** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

Senators Hill, Keough, Lodge, McGee, and Richardson were recorded present at this order of business.

On request by Senator Sweet, granted by unanimous consent, **SJM 119** retained its place on the calendar for Wednesday, March 8, 2006.

The President announced the Resources and Environment Committee report relative to the Idaho Fish and Game Commission appointment of Marcus Gibbs was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Stegner, the Idaho Fish and Game Commission appointment of Marcus Gibbs as a member of the Idaho Outfitters and Guides Licensing Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Fish and Game Commission appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Commission informing them of the action of the Senate.

Senators Cameron, Davis, Langhorst, Marley, Pearce, and Werk were recorded present at this order of business.

The President announced that **HCR 40**, having been held, was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator McGee, seconded by Senator Stegner, **HCR 40** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **SCR 125** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Compton, seconded by Senator Kelly, **SCR 125** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that **SCR 126** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Compton, seconded by Senator Kelly, **SCR 126** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that **SCR 127** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Compton, seconded by Senator Kelly, **SCR 127** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that **HJM 12** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator McGee, seconded by Senator Burkett, **HJM 12** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President announced that **SCR 124** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Darrington, seconded by Senator Burkett, **SCR 124** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

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

**S 1429**

**BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO EMINENT DOMAIN; AMENDING SECTION 7-711, IDAHO CODE, TO PROVIDE AN ALTERNATE METHOD FOR ESTABLISHING THE MINIMUM AMOUNT FOR DAMAGES WHEN ASCERTAINING THE VALUE OF THE PROPERTY AND TO MAKE TECHNICAL CORRECTIONS.

**S 1430**

**BY FINANCE COMMITTEE**

AN ACT

APPROPRIATING MONEYS TO THE LEGISLATIVE COUNCIL FOR FISCAL YEAR 2007; DIRECTING THE ALLOCATION OF SALARY SAVINGS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; AND EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES.

**S 1431**

**BY FINANCE COMMITTEE**

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF WELFARE; AMENDING SECTION 1, CHAPTER 397, LAWS OF 2005, TO REVISE THE APPROPRIATION MADE TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF WELFARE FOR FISCAL YEAR 2006; TO AUTHORIZE ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2006; AND DECLARING AN EMERGENCY.

**S 1432**

**BY FINANCE COMMITTEE**

AN ACT

APPROPRIATING MONEYS FOR THE COMMISSION ON AGING FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND EXPRESSING LEGISLATIVE INTENT REGARDING THE QUALITY OF SERVICES PROVIDED TO SENIORS.

**S 1429, S 1430, S 1431, and S 1432** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 541, H 638, H 523, and H 640**, by Resources and Conservation Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

**HCR 38**, by Resources and Conservation Committee, was introduced, read at length, and referred to the Resources and Environment Committee.

**H 433 and H 522**, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 746, H 747, and H 748**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

**H 538, H 539, and H 645**, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 729**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 567, H 614, and H 619**, by Health and Welfare Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

**H 727**, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

**H 707, H 711, and H 718**, by State Affairs Committee, were 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

**H 411, H 490, H 493, and H 410**, by Agricultural Affairs Committee, were read the second time at length and filed for third reading.

**H 463**, as amended, **H 603**, and **H 608**, by Transportation and Defense Committee, were read the second time at length and filed for third reading.

**H 547**, by Education Committee, was read the second time at length and filed for third reading.

**H 559**, by Local Government Committee, was read the second time at length and filed for third reading.

**H 685**, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

**H 590**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 475**, by Revenue and Taxation 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

**S 1408** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bunderson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly,

Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Malepeai, Stennett. Total - 2.

Total - 35.

Whereupon the President declared **S 1408** passed, title was approved, and the bill ordered transmitted to the House.

**S 1404** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Gannon, Goedde, Hill, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Schroeder, Stegner, Werk, Williams. Total - 24.

NAYS--Brandt, Burtenshaw, Fulcher, Geddes, Jorgenson, Pearce, Richardson, Sweet. Total - 8.

Absent and excused--Davis, Malepeai, Stennett. Total - 3.

Total - 35.

Whereupon the President declared **S 1404** passed, title was approved, and the bill ordered transmitted to the House.

**S 1422** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Malepeai, Stennett. Total - 2.

Total - 35.

Whereupon the President declared **S 1422** passed, title was approved, and the bill ordered transmitted to the House.

**S 1367** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Sweet, Werk, Williams. Total - 28.

NAYS--Keough, Stegner. Total - 2.

Absent and excused--Brandt, Bunderson, Burkett, Malepeai, Stennett. Total - 5.

Total - 35.

Whereupon the President declared **S 1367** passed, title was approved, and the bill ordered transmitted to the House.

**S 1411** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Malepeai, Stennett. Total - 2.

Total - 35.

Whereupon the President declared **S 1411** passed, title was approved, and the bill ordered transmitted to the House.

**S 1417** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Malepeai, Stennett. Total - 2.

Total - 35.

Whereupon the President declared **S 1417** passed, title was approved, and the bill ordered transmitted to the House.

**S 1266**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Malepeai, Stennett. Total - 2.

Total - 35.

Whereupon the President declared **S 1266**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

**S 1350**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Malepeai, Stennett. Total - 2.

Total - 35.

Whereupon the President declared **S 1350**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

The President called Senator Little to the Chair.



**S 1390**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Malepeai, Stennett. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1390**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

The President returned to the Chair.

**S 1400**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Malepeai, Stennett. Total - 2.

Total - 35.

Whereupon the President declared **S 1400**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

**S 1354**, as amended, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hill, Kelly, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 30.

NAYS--Jorgenson, Keough. Total - 2.

Absent and excused--Davis, Malepeai, Stennett. Total - 3.

Total - 35.

Whereupon the President declared **S 1354**, as amended, as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Stegner, granted by unanimous consent, **S 1332**, as amended, retained its place on the Third Reading Calendar.

**S 1412**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Malepeai, Stennett. Total - 2.

Total - 35.

Whereupon the President declared **S 1412**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

**S 1395**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Malepeai, Stennett. Total - 2.

Total - 35.

Whereupon the President declared **S 1395**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

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

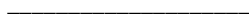
Senators Stegner and Marley were recorded present at this order of business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Burkett, by voice vote the Senate adjourned at 12:09 p.m. until the hour of 10 a.m., Tuesday, March 7, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary



**FIFTY-EIGHTH LEGISLATIVE DAY  
TUESDAY, MARCH 7, 2006**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Burtenshaw, absent and formally excused by the Chair; and Senators Cameron, Lodge, Malepeai, Marley, McGee, and Stegner, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Brigitte Harper, Page.

The Senate advanced to the Third Order of Business.

**Reading and Correction of the Journal**

Senator McGee was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 6, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

**Petitions, Resolutions, and Memorials**

The President assumed the Chair.

**SCR 130**

**BY STATE AFFAIRS COMMITTEE**

**A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THAT THE DEPARTMENT OF ENVIRONMENTAL QUALITY STUDY AND PREPARE A REPORT REGARDING METHODS TO ENCOURAGE REGIONAL WATER AND WASTEWATER SERVICES.

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

WHEREAS, it is in the public interest to promote the effective and efficient provision of water and wastewater services to communities in Idaho; and

WHEREAS, the regionalization of water and wastewater infrastructure will allow for more efficient and cost-effective provision of water and wastewater services; and

WHEREAS, well-designed regional approaches to the provision of public water and wastewater services benefit the environment by helping to reduce the amount of pollutants reaching Idaho rivers and lakes; and

WHEREAS, regionalization of water and wastewater infrastructure helps to create a long-term sustainable and reliable source of clean and safe water for Idaho communities; and

WHEREAS, regionalization encourages local government officials to find innovative, cost-effective solutions to the provision of water and wastewater services and strengthens the partnership between local governments; and

WHEREAS, the Department of Environmental Quality, with its role in the regulation and funding of drinking water and wastewater facilities, is uniquely suited to work with cities, counties and other entities to find methods of encouraging the regional provision of water and wastewater services.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Department of Environmental Quality is requested to study, with the input from cities, counties, water and sewer districts and other relevant entities, methods to encourage and provide incentives for the development and operation of regional water and wastewater services, and to prepare a report and submit its findings to the Legislature by December 31, 2006.

SCR 130 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**

Senator Lodge was recorded present at this order of business.

March 7, 2006

The JUDICIARY AND RULES Committee reports that S 1429, S 1430, S 1431, S 1432, SCR 128, and SCR 129 have been correctly printed.

DARRINGTON, Chairman

**S 1429** was referred to the State Affairs Committee.

**S 1430, S 1431, and S 1432** were referred to the Finance Committee.

**SCR 128** and **SCR 129** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 6, 2006

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:

Ruthie Johnson to the Idaho Commission on Human Rights, term to expire July 1, 2008.

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.

March 6, 2006

The STATE AFFAIRS Committee reports out **H 695** and **H 717** with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

BURTENSHAW, Chairman

There being no objection, **H 695** and **H 717** were referred to the Fourteenth Order of Business, General Calendar.

March 6, 2006

The FINANCE Committee reports out **H 746, H 747, and H 748** with the recommendation that they do pass.

CAMERON, Chairman

**H 746, H 747, and H 748** were filed for second reading.

March 7, 2006

The FINANCE Committee reports out **S 1430, S 1431, and S 1432** with the recommendation that they do pass.

CAMERON, Chairman

**S 1430, S 1431, and S 1432** were filed for second reading.

March 6, 2006

The JUDICIARY AND RULES Committee reports out **H 582** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **H 582** was referred to the Fourteenth Order of Business, General Calendar.

March 6, 2006

The JUDICIARY AND RULES Committee reports out **S 1428, H 627, H 628, H 629, H 430, H 431, H 530, and H 589**, as amended, with the recommendation that they do pass.

DARRINGTON, Chairman

**S 1428, H 627, H 628, H 629, H 430, H 431, H 530, and H 589**, as amended, were filed for second reading.

March 6, 2006

The HEALTH AND WELFARE Committee reports out **H 615** and **S 1423** with the recommendation that they do pass.

COMPTON, Chairman

**H 615** and **S 1423** were filed for second reading.

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

#### Messages from the House

March 6, 2006

Mr. President:

I transmit herewith **H 684, HCR 54, H 693, H 706, H 653, H 716, H 724, H 515, H 596, H 664, H 698, H 472**, as amended, **H 630**, as amended, **H 613**, as amended, **H 562**, as amended, **H 634**, as amended, **H 611**, as amended, **H 656**, as amended, **H 565**, as amended, **HCR 56, H 646, H 652, H 655, and H 722** which have passed the House.

JUKER, Chief Clerk

**H 684, HCR 54, H 693, H 706, H 653, H 716, H 724, H 515, H 596, H 664, H 698, H 472**, as amended, **H 630**, as amended, **H 613**, as amended, **H 562**, as amended, **H 634**, as amended, **H 611**, as amended, **H 656**, as amended, **H 565**, as amended, **HCR 56, H 646, H 652, H 655, and H 722** were filed for first reading.

March 6, 2006

Mr. President:

I return herewith Enrolled **S 1315** which has been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1315** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 6, 2006

Mr. President:

I transmit herewith Enrolled **H 477, H 488, H 436, H 453, H 462, H 464, H 414, H 454, H 556, H 577, H 446, H 448, H 447, H 415, H 476, H 575, and H 535** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 477, H 488, H 436, H 453, H 462, H 464, H 414, H 454, H 556, H 577, H 446, H 448, H 447, H 415, H 476, H 575, and H 535** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

Senator Malepeai was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Commerce and Human Resources Committee report relative to the Gubernatorial appointments of Richelle Sugiyama and Susan K. Simmons retained its place on the calendar for one legislative day.

The President announced that **SR 107**, having been held, was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Broadsword, seconded by Senator McGee, **SR 107** was adopted by voice vote, title was approved, and the resolution ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Eleventh Order of Business.

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

**S 1433**

#### BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO RELOCATION ASSISTANCE AND EMINENT DOMAIN; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-722, IDAHO CODE, TO PROVIDE LIMITATION ON COMPENSABLE DAMAGES, RELOCATION ASSISTANCE AND APPLICATION TO ALL CONDEMNERS, EXCEPT FOR APPLICATION OF CHAPTER 20, TITLE 40, IDAHO CODE, TO RELOCATION PAYMENTS AND RELOCATION ADVISORY ASSISTANCE FOR PERSONS DISPLACED BECAUSE OF ANY HIGHWAY PROGRAM OR FOR THE PERFORMANCE OF ANY HIGHWAY PROJECT; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-724, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS ON RELOCATION AID FOR PERSONS DISPLACED BY PUBLIC PROGRAMS AND TO PROVIDE DEFINITIONS OF "CONDEMNER" OR "CONDEMNING AUTHORITY" AND "DISPLACED PERSON";

AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-725, IDAHO CODE, TO AUTHORIZE RELOCATION ADVISORY ASSISTANCE; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-726, IDAHO CODE, TO PROVIDE THAT ANY CONDEMNER MAY ESTABLISH A LOCAL RELOCATION ADVISORY ASSISTANCE OFFICE; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-727, IDAHO CODE, TO PROVIDE FOR COMPENSATION OF RELOCATION EXPENSE AND COMPENSATION OPTIONS, TO PROVIDE LIMITS AND TO DEFINE "AVERAGE ANNUAL NET EARNINGS"; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-728, IDAHO CODE, TO PROVIDE PURCHASE ASSISTANCE TO RELOCATING OWNER-OCCUPANT AND LEASE OR DOWN PAYMENT ASSISTANCE TO RELOCATING TENANT; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-729, IDAHO CODE, TO PROVIDE FOR HOUSING REPLACEMENT; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-730, IDAHO CODE, TO PROVIDE COMPENSATION FOR MISCELLANEOUS EXPENSES; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-731, IDAHO CODE, TO PROVIDE FOR COMPUTATION OF REPLACEMENT HOUSING PAYMENT DURING CONDEMNATION PROCEEDINGS AND FOR ADJUSTMENT AFTER JUDGMENT; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-732, IDAHO CODE, TO PROVIDE THAT RELOCATION PAYMENTS ARE NOT INCOME; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-733, IDAHO CODE, TO PROVIDE FOR REVIEW OF ELIGIBILITY DETERMINATIONS; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-734, IDAHO CODE, TO PROVIDE THAT EMINENT DOMAIN DAMAGES ARE UNAFFECTED; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-735, IDAHO CODE, TO AUTHORIZE RELOCATION ASSISTANCE AND PAYMENTS TO PERSONS DISPLACED BY A PROJECT OR ACTIVITY WHICH IS SUBJECT TO THE PROVISIONS OF THE FEDERAL UNIFORM RELOCATION ASSISTANCE REAL PROPERTY ACQUISITION POLICIES ACT; AND AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-736, IDAHO CODE, TO PROVIDE FOR AWARDED COSTS AND ATTORNEY'S FEES.

**S 1433** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 684**, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

**HCR 54**, by Education Committee, was introduced, read at length, and referred to the Local Government and Taxation Committee.

**H 693** and **H 706**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 653**, by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 716**, by State Affairs Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

**H 724**, by State Affairs Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 515** and **H 596**, by Agricultural Affairs Committee, were introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

**H 664**, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

**H 698**, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

**H 472**, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

**H 630**, as amended, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

**H 613**, as amended, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

**H 562**, as amended, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

**H 634**, as amended, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

**H 611**, as amended, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

**H 656**, as amended, by Local Government Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

**H 565**, as amended, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

**HCR 56**, by Transportation and Defense Committee, was introduced, read at length, and referred to the Transportation Committee.

**H 646**, by Business Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

**H 652** and **H 655**, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 722**, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

The Senate advanced to the Twelfth Order of Business.

#### Second Reading of Bills

**H 548**, **H 549**, **H 550**, **H 551**, and **H 554**, by Business Committee, were read the second time at length and filed for third reading.

**H 555** and **H 621**, by State Affairs Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

#### Third Reading of Bills

Senator Cameron was recorded present at this order of business.

**S 1332**, as amended, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President declared **S 1332**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

**S 1409**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President declared **S 1409**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

**S 1401** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President declared **S 1401** passed, title was approved, and the bill ordered transmitted to the House.

The President called President Pro Tempore Geddes to the Chair.

**S 1414** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Jorgenson and Langhorst arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1414** passed, title was approved, and the bill ordered transmitted to the House.

**S 1415** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bunderson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1415** passed, title was approved, and the bill ordered transmitted to the House.

**H 533**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 533**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

**H 601**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Brandt and Jorgenson arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 601**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

The President Pro Tempore called Senator Compton to the Chair.

**H 571**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Lodge and McKenzie arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 571** passed, title was approved, and the bill ordered returned to the House.

**H 574**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 574** passed, title was approved, and the bill ordered returned to the House.

President Risch returned to the Chair.

**H 536** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Darrington, Compton, and Malepeai arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President declared **H 536** passed, title was approved, and the bill ordered returned to the House.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:05 p.m. until the hour of 4:30 p.m. of this day.

### RECESS AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senators Burtenshaw and Pearce, absent and formally excused by the Chair; and Senators Andreason, Bunderson, Langhorst, Malepeai, Schroeder, Stegner, Stennett, and Williams, absent and excused.

Prior to recess the Senate was at the Thirteenth Order of Business, Third Reading of Bills.

Senators Andreason, Bunderson, Langhorst, Malepeai, Schroeder, Stegner, Stennett, and Williams were recorded present at this order of business.

**H 591** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 591** passed, title was approved, and the bill ordered returned to the House.

**H 592** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 592** passed, title was approved, and the bill ordered returned to the House.

**H 700** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 700** passed, title was approved, and the bill ordered returned to the House.

**H 701** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 701** passed, title was approved, and the bill ordered returned to the House.

**H 564** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 564** passed, title was approved, and the bill ordered returned to the House.

**H 566** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 566** passed, title was approved, and the bill ordered returned to the House.

**H 465** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:



AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 465** passed, title was approved, and the bill ordered returned to the House.

**H 560** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Coiner, Corder, Davis, Gannon, Geddes, Jorgenson, Kelly, Langhorst, Malepeai, Marley, Richardson, Schroeder, Stegner, Stennett, Werk. Total - 17.

NAYS--Brandt, Bunderson, Cameron, Compton, Darrington, Fulcher, Goedde, Hill, Keough, Little, Lodge, McGee, McKenzie, Sweet, Williams. Total - 15.

Absent and excused--Burkett, Burtenshaw, Pearce. Total - 3.

Total - 35.

Whereupon the President declared **H 560** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 561** retained its place on the Third Reading Calendar.

**H 578** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 578** passed, title was approved, and the bill ordered returned to the House.

**H 452** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Richardson, Schroeder, Stegner, Sweet, Williams. Total - 26.

NAYS--Kelly, Langhorst, Malepeai, Marley, Stennett, Werk. Total - 6.

Absent and excused--Burkett, Burtenshaw, Pearce. Total - 3.

Total - 35.

Whereupon the President declared **H 452** passed, title was approved, and the bill ordered returned to the House.

**H 585** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 585** passed, title was approved, and the bill ordered returned to the House.

**H 586** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 586** passed, title was approved, and the bill ordered returned to the House.

**H 471** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 471** passed, title was approved, and the bill ordered returned to the House.

**H 461** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 461** passed, title was approved, and the bill ordered returned to the House.

**H 444**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Williams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 444**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 473** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Coiner, Compton, Corder, Fulcher, Gannon, Geddes, Goedde, Hill, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Stegner, Werk, Williams. Total - 22.

NAYS--Cameron, Darrington, Davis, Jorgenson, Little, Richardson, Schroeder, Sweet. Total - 8.

Absent and excused--Burkett, Burtenshaw, Kelly, Pearce, Stennett. Total - 5.

Total - 35.

Whereupon the President declared **H 473** passed, title was approved, and the bill ordered returned to the House.

**H 459** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 459** passed, title was approved, and the bill ordered returned to the House.

**H 458** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Burtenshaw, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 458** passed, title was approved, and the bill ordered returned to the House.

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

#### Messages from the Governor

March 7, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Dawn Hatch of Boise, Idaho, to be Acting State Senator for Legislative District 15. This appointment will be effective Wednesday, March 8, 2006, and continue until such time as Senator John C. Andreason is able to resume his duties.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

THE OFFICE OF THE GOVERNOR  
EXECUTIVE DEPARTMENT  
BOISE, IDAHO  
**CERTIFICATE OF APPOINTMENT**

KNOW ALL MEN, by these Presents that pursuant to the provisions of Section 59-917, *Idaho Code*, John C. Andreason, State Senator, District 15, Ada County, State of Idaho, has nominated Dawn Hatch of Boise, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 15, Ada County.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Dawn Hatch to the office of State Senator, District 15, Ada County, State of Idaho, for a term commencing on March 8, 2006, and continuing until such time as Senator Andreason is able to resume his duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this seventh day of March, in the year of our Lord Two thousand and six and of the Independence of the United States of America, the two hundred and thirtieth year.

/s/ BY THE GOVERNOR DIRK KEMPTHORNE  
/s/ SECRETARY OF STATE BEN YSURSA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

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

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 6 p.m. until the hour of 10 a.m., Wednesday, March 8, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

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#### FIFTY-NINTH LEGISLATIVE DAY WEDNESDAY, MARCH 8, 2006

Senate Chamber

President Risch called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Burkett, Cameron, Fulcher, Langhorst, Stegner, Stennett, and Sweet, absent and excused.

The President announced that the Oath of Office had been administered previously to Acting Senator Dawn Hatch.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Lana Infanger, 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 7, 2006, was read and approved as corrected.

DARRINGTON, Chairman

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

March 7, 2006

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

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 648** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

**Reports of Standing Committees**

ANDREASON, Chairman

Senator Sweet was recorded present at this order of business.

There being no objection, **H 648** was referred to the Fourteenth Order of Business, General Calendar.

March 8, 2006

March 7, 2006

The JUDICIARY AND RULES Committee reports that **S 1433** and **SCR 130** have been correctly printed.

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 584** and **H 587** with the recommendation that they do pass.

DARRINGTON, Chairman

ANDREASON, Chairman

**S 1433** was referred to the State Affairs Committee.

**H 584** and **H 587** were filed for second reading.

**SCR 130** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 7, 2006

March 7, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1315** was delivered to the Office of the Governor at 2:16 p.m., March 7, 2006.

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 676**, **H 421**, and **H 422** with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

BUNDERSON, Chairman

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

There being no objection, **H 676**, **H 421**, and **H 422** were referred to the Fourteenth Order of Business, General Calendar.

March 7, 2006

March 7, 2006

The AGRICULTURAL AFFAIRS Committee reports out **H 593** with the recommendation that it do pass.

The EDUCATION Committee reports out **H 624** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

WILLIAMS, Chairman

GOEDDE, Chairman

**H 593** was filed for second reading.

March 7, 2006

There being no objection, **H 624** was referred to the Fourteenth Order of Business, General Calendar.

The HEALTH AND WELFARE Committee reports out **H 614** with the recommendation that it do pass.

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

COMPTON, Chairman

**H 614** was filed for second reading.

March 7, 2006

**Messages from the House**

March 7, 2006

The HEALTH AND WELFARE Committee reports out **H 567** and **H 619** with the recommendation that they do pass and with the recommendation that they be placed on the Consent Calendar.

Mr. President:

I transmit herewith **HJM 14**, **HJM 20**, and **HCR 47** which have passed the House.

COMPTON, Chairman

JUKER, Chief Clerk

**H 567** and **H 619** were filed for second reading.

**HJM 14**, **HJM 20**, and **HCR 47** were filed for first reading.

March 7, 2006

Mr. President:

I transmit herewith Enrolled **HCR 32**, **HCR 33**, and **H 534**, as amended, for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 32**, **HCR 33**, and **H 534**, as amended, and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

The President announced the Commerce and Human Resources Committee report, having been held, relative to the Gubernatorial appointments of Richelle Sugiyama and Susan K. Simmons was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Werk, seconded by Senator Davis, the Gubernatorial appointment of Richelle Sugiyama as a member of the Idaho Endowment Fund Investment Board was confirmed by voice vote.

Senator Burkett was recorded present at this order of business.

On motion by Senator Kelly, seconded by Senator Compton, the Gubernatorial appointment of Susan K. Simmons as a member of the Idaho Endowment Fund Investment Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the State Affairs Committee report relative to the Gubernatorial appointment of Ruthie Johnson was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Jorgenson, seconded by Senator Compton, the Gubernatorial appointment of Ruthie Johnson as a member of the Idaho Commission on Human Rights was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

Senators Cameron, Fulcher, and Stegner were recorded present at this order of business.

The President announced that **SJM 119**, having been held, was before the Senate for final consideration.

Moved by Senator Sweet, seconded by President Pro Tempore Geddes, that **SJM 119** be adopted. The question being, "Shall the memorial be adopted?"

Roll call vote was requested by Senators Sweet, Pearce, and Lodge.

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Sweet, Williams. Total - 25.

NAYS--Burkett, Coiner, Kelly, Malepeai, Stegner. Total - 5.

Absent and excused--Langhorst, Marley, Schroeder, Stennett, Werk. Total - 5.

Total - 35.

Whereupon the President declared **SJM 119** adopted, title was approved, and the memorial ordered transmitted to the House.

The President announced that **HCR 46** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Pearce, seconded by Senator Richardson, **HCR 46** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **SCR 128** was before the Senate for final consideration.

Moved by President Pro Tempore Geddes, seconded by Senator Malepeai, that **SCR 128** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Williams. Total - 31.

NAYS--None.

Absent and excused--Langhorst, Marley, Stennett, Werk. Total - 4.

Total - 35.

Whereupon the President declared **SCR 128** adopted, title was approved, and the resolution ordered transmitted to the House.

The President announced that **SCR 129** was before the Senate for final consideration.

Moved by President Pro Tempore Geddes, seconded by Senator Malepeai, that **SCR 129** be adopted. The question being, "Shall the resolution be adopted?"

Roll call vote was requested by Senators Schroeder, Keough, and Williams.

Roll call resulted as follows:

AYES--Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet, Williams. Total - 28.

NAYS--Broadsword, Keough, Schroeder. Total - 3.

Absent and excused--Langhorst, Marley, Stennett, Werk. Total - 4.

Total - 35.

Whereupon the President declared **SCR 129** adopted, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

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

**S 1434**

**BY FINANCE COMMITTEE**

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF BUILDING SAFETY FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING ALLOCATION OF SALARY SAVINGS; AND DIRECTING A REPORT ON CONTRACTING SERVICES.

**S 1435**

**BY FINANCE COMMITTEE**

AN ACT

APPROPRIATING MONEYS TO THE PUBLIC HEALTH TRUST FUND FOR THE PUBLIC HEALTH DISTRICTS FOR FISCAL YEAR 2007.

**S 1436**

**BY FINANCE COMMITTEE**

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF VETERANS SERVICES WITHIN THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

**S 1434, S 1435, and S 1436** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**HJM 14** and **HJM 20**, by Resources and Conservation Committee, were introduced, read at length, and referred to the Resources and Environment Committee.

**HCR 47**, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**H 746, H 747, and H 748**, by Appropriations Committee, were read the second time at length and filed for third reading.

**S 1430, S 1431, and S 1432**, by Finance Committee, were read the second time at length and filed for third reading.

**S 1428**, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

**H 627, H 628, H 629, H 430, H 431, H 530, and H 589**, as amended, by Judiciary, Rules, and Administration Committee, were read the second time at length and filed for third reading.

**H 615**, by Health and Welfare Committee, was read the second time at length and filed for third reading.

**S 1423**, 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 McGee, granted by unanimous consent, **H 561** was referred to the Fourteenth Order of Business, General Calendar.

Senators Langhorst and Stennett were recorded present at this order of business.

**H 457** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 457** passed, title was approved, and the bill ordered returned to the House.

**H 483** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--Davis, Jorgenson, Little, Stegner. Total - 4.

Total - 35.

Whereupon the President declared **H 483** passed, title was approved, and the bill ordered returned to the House.

**H 672** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 672** passed, title was approved, and the bill ordered returned to the House.

**H 579** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 579** passed, title was approved, and the bill ordered returned to the House.

**H 580** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 580** passed, title was approved, and the bill ordered returned to the House.

**H 581** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 581** passed, title was approved, and the bill ordered returned to the House.

**H 708** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 708** passed, title was approved, and the bill ordered returned to the House.

**H 411** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Gannon arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 411** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, 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 Stegner 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 Pro Tempore called the Senate to order.

### Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **H 443, H 671, S 1356, H 497, S 1357, and H 717**, without recommendation, amended as follows:

#### SENATE AMENDMENT TO H 443 AMENDMENT TO SECTION 2

On page 4 of the printed bill, in line 9, delete "on the due tax".

#### SENATE AMENDMENT TO H 671 AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 38, following "~~closed~~" insert: "Challengers or watchers shall not be a candidate at the election where they are serving as a challenger or watcher.".

#### CORRECTION TO TITLE

On page 1, in line 7, following "CLOSE" insert: ", TO PROVIDE THAT CHALLENGERS OR WATCHERS SHALL NOT BE A CANDIDATE AT THE ELECTION WHERE THEY ARE SERVING AS A CHALLENGER OR WATCHER".

#### AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 21, delete "conduct of the election" and insert: "counting of votes"; and in line 31, delete "conduct of the election" and insert: "counting of votes".

#### CORRECTION TO TITLE

On page 1, in line 3, delete "CONDUCT OF" and in line 4, delete "THE ELECTION" and insert: "COUNTING OF VOTES".

#### SENATE AMENDMENT TO S 1356 AMENDMENTS TO SECTION 1

On page 2 of the printed bill, in line 4, following "designated person" insert: "of the respondent's household"; in line 9, delete "molesting, interfering with or menacing" and insert: "~~molesting, interfering with or menacing~~ harassing, annoying, disturbing the peace of or telephoning"; in line 16, following "designated person" insert: "of the respondent's household"; in line 17, delete ", on a" and delete lines 18 and 19 and insert: "."; in line 23, following "tioner" insert: "or where there is reasonable cause to believe bodily harm may result"; and in line 36, following "party" insert: "and after a hearing on the motion".

#### CORRECTION TO TITLE

On page 1, in line 5, following "ORDER" insert: ", TO PROVIDE THAT IMMEDIATE AND PRESENT DANGER EXISTS WHERE THERE IS REASONABLE CAUSE TO BELIEVE BODILY HARM MAY RESULT".

#### SENATE AMENDMENTS TO H 497 AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 12, following "PRODUCTION" insert: "PROJECT"; in line 14, following "production" insert: "project"; in line 17, following "duction" insert: "project", and also in line 17, following "media production" insert: "project"; in line 24, following "production" insert:

"project"; in line 25, following "period" insert: "for each media production project"; and in line 30, following "commerce" insert: "and labor".

On page 2 delete lines 1 and 2 and insert:

"(a) "Media production project" is defined as the production of a single project through a variety of techniques and media including live action";

delete lines 8 through 10 and insert: "listening medium. Products of a media production project include feature films, videos, television series or movies, industrials and education programs or shows, video"; in line 12, following "programming," insert: "political advertisements,"; in line 15, following "Media production" insert: "project"; in line 17, following "production" insert: "project"; in line 20, following "production" insert: "project"; in line 25, following "production" insert: "project"; and in line 28, following "production" insert: "project".

#### AMENDMENT TO SECTION 2

On page 3, delete line 2 and insert: "force and effect on and after July 1, 2011. By January 2 of each year, the Department of Commerce and Labor shall provide an annual report of the results of all media production projects that have applied to participate in the media production project tax rebate contained in Section 63-3622TT, Idaho Code, to the Governor and the Legislature."

#### CORRECTION TO TITLE

On page 1, in line 5, delete "IN MEDIA PRODUCTION" and insert: "IN A MEDIA PRODUCTION PROJECT"; and in line 7, delete "AND" and also in line 7, following "DATE" insert: "AND TO PROVIDE FOR AN ANNUAL REPORT".

#### SENATE AMENDMENT TO S 1357 AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 8, delete "as provided in" and insert: "as provided in for personal injury cases and those cases subject to the provisions of"; in line 9, delete "sections (3) and (4)" and insert: "sections (3) ~~and (4)~~"; in line 34, delete "plaintiff's" and insert: "plaintiff's claimant's"; in line 35, delete "~~twenty-five~~ fifty thousand dollars (~~\$250,000~~)," and insert: "twenty-five thousand dollars (\$25,000),"; in line 38, following the first "the" insert: "claimant who files suit and becomes a"; and in line 43, following "to the" delete "plaintiff" and insert: "plaintiff claimant".

On page 2, delete line 4 and insert: "plaintiff's claimant's attorney, or if no attorney, by the plaintiff claimant which includes:"; in line 8, delete "plaintiff's" and insert: "plaintiff's claimant's"; in line 9, delete "plaintiff's" and insert: "plaintiff's claimant's"; in line 11, delete "plaintiff" and insert: "plaintiff claimant"; in line 13, delete "plaintiff's" and insert: "plaintiff's claimant's"; in line 14, delete "plaintiff" and insert: "plaintiff claimant"; and in line 16, delete "plaintiff" and insert: "plaintiff claimant".

#### CORRECTION TO TITLE

On page 1, in line 4 following "COSTS" insert: ", TO CLARIFY EXCEPTIONS AND TO PROVIDE CORRECT TERMINOLOGY".

#### SENATE AMENDMENT TO H 717 AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 16, delete "county" and insert: "legislative district".

#### CORRECTION TO TITLE

On page 1, in line 5 delete "COUNTY" and insert: "LEGISLATIVE DISTRICT".



The Committee also has **S 1246, S 1243, S 1386, S 1387, S 1241, H 695, H 582, H 648, H 676, H 421, H 422, H 624, and H 561** under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Malepeai, the report was adopted by voice vote.

**S 1356**, as amended, and **S 1357**, 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 443**, as amended in the Senate, **H 671**, as amended in the Senate, **H 497**, as amended in the Senate, and **H 717**, 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.

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

### Third Reading of Bills

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12 noon until the hour of 4:30 p.m. of this day.

### RECESS AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senator Bunderson, Langhorst, Malepeai, Stegner, Sweet, and Williams, absent and excused.

Prior to recess the Senate was at the Thirteenth Order of Business, Third Reading of Bills.

Senators Stegner and Williams were recorded present at this order of business.

**H 490** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Call of the Senate was requested by Senators Davis, Cameron, and Little.

Whereupon the President ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present except Senators Bunderson, Langhorst, Malepeai, and Sweet.

The President directed the Sergeant at Arms to find and present Senators Bunderson, Langhorst, Malepeai, and Sweet to the Senate.

Senators Bunderson, Langhorst, Malepeai, and Sweet were recorded present.

On request by Senator Davis, granted by unanimous consent, the Call was lifted.

The question being, Shall **H 490** pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 490** passed, title was approved, and the bill ordered returned to the House.

**H 493** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 493** passed, title was approved, and the bill ordered returned to the House.

**H 410** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 410** passed, title was approved, and the bill ordered returned to the House.

**H 463**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 463**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 603** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 603** passed, title was approved, and the bill ordered returned to the House.

**H 608** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--Little, Stegner. Total - 2.

Total - 35.

Whereupon the President declared **H 608** passed, title was approved, and the bill ordered returned to the House.

**H 547** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge,

Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 547** passed, title was approved, and the bill ordered returned to the House.

**H 559** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 559** passed, title was approved, and the bill ordered returned to the House.

**H 685** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Sweet, Williams. Total - 31.

NAYS--Little, Stegner. Total - 2.

Absent and excused--Stennett, Werk. Total - 2.

Total - 35.

Whereupon the President declared **H 685** passed, title was approved, and the bill ordered returned to the House.

**H 590** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 590** passed, title was approved, and the bill ordered returned to the House.

**H 475** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--Compton, Hill, Little, Stegner. Total - 4.

Total - 35.

Whereupon the President declared **H 475** passed, title was approved, and the bill ordered returned to the House.

**H 548** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Broadsword, Bunderson, Burkett, Coiner, Compton, Corder, Davis, Fulcher, Gannon, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Schroeder, Stegner, Stennett, Werk. Total - 26.

NAYS--Brandt, Burtenshaw, Cameron, Darrington, Geddes, Pearce, Richardson, Sweet, Williams. Total - 9.

Total - 35.

Whereupon the President declared **H 548** passed, title was approved, and the bill ordered returned to the House.

**H 549** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 549** passed, title was approved, and the bill ordered returned to the House.

**H 550** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 550** passed, title was approved, and the bill ordered returned to the House.

**H 551** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Broadsword, Bunderson, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Werk. Total - 28.

NAYS--Brandt, Burtenshaw, Fulcher, Pearce, Sweet, Williams. Total - 6.

Absent and excused--Burkett. Total - 1.

Total - 35.

Whereupon the President declared **H 551** passed, title was approved, and the bill ordered returned to the House.

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

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

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 6 p.m. until the hour of 10 a.m., Thursday, March 9, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

**SIXTIETH LEGISLATIVE DAY  
THURSDAY, MARCH 9, 2006**

Senate Chamber

President Pro Tempore called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Sweet, absent and formally excused by the Chair; and Senators Burkett, Fulcher, Langhorst, and Stegner, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Kent Johnson, Page.

The Senate advanced to the Third Order of Business.

**Reading and Correction of the Journal**

Senator Fulcher was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 8, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

**Petitions, Resolutions, and Memorials**

Senator Stegner was recorded present at this order of business.

**SCR 131**

**BY JUDICIARY AND RULES COMMITTEE**

**A CONCURRENT RESOLUTION**

**STATING LEGISLATIVE FINDINGS AND REQUESTING THE IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY TO PREPARE A REPORT ASSESSING THE NATURE AND EXTENT OF MERCURY CONTAMINATION IN THE ENVIRONMENT OF THE STATE OF IDAHO AND THE POTENTIAL ENVIRONMENTAL IMPACTS FROM THE ADDITION OF ANY NEW SOURCES OF MERCURY.**

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

WHEREAS, the Legislature recognizes that the presence of mercury contamination in the environment is a concern to the public health, environment and economy of the state of Idaho; and

WHEREAS, mercury contamination has been detected at levels of concern in the waters of the state; and

WHEREAS, it is in the best interests of the citizens of the state for Idaho's elected officials to make informed decisions regarding pollutants released into our environment and their effect on the health and safety of our citizens; and

WHEREAS, the Idaho Department of Environmental Quality's task is specifically to adopt and implement programs to protect Idaho's air and water quality and public health, and to ensure proper disposal of waste.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Idaho Department of Environmental Quality is requested to compile and assess the available information, conduct relevant studies, and prepare a report to:

(1) Identify existing sources of mercury contamination in the Idaho environment, including in-state sources, sources in surrounding states, national sources and global sources;

(2) Delineate the nature and extent of any known existing mercury contamination in the environment in the state of Idaho, including the status of all major water bodies in Idaho;

(3) Describe the potential effect of the existing mercury contamination on public health and the environment; and

(4) Assess the potential impacts of air pollution, water pollution and waste from the addition of any new sources of mercury in the state.

BE IT FURTHER RESOLVED that the report is requested to be submitted to the Governor and the Legislature not later than January 7, 2007. After the date this Resolution is adopted, the Idaho Department of Environmental Quality is requested to promulgate an administrative rule specifically opting out of the mercury cap and trade program in 40 CFR Part 60, Subpart HHHH. Upon review of the report's findings, the Legislature may request the Idaho Department of Environmental Quality to take no action with regard to the administrative rule. In the alternative, the Legislature may request the Idaho Department of Environmental Quality to revise the administrative rule to opt in to the cap and trade program, and may further request the Idaho Department of Environmental Quality to promulgate a rule that, among other things, establishes specific limitation and monitoring requirements on mercury emissions.

SCR 131 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 9, 2006

The JUDICIARY AND RULES Committee reports that S 1434, S 1435, and S 1436 have been correctly printed.

DARRINGTON, Chairman

S 1434, S 1435, and S 1436 were referred to the Finance Committee.

March 8, 2006

The JUDICIARY AND RULES Committee reports that **S 1356**, as amended, and **S 1357**, as amended, have been correctly engrossed.

DARRINGTON, Chairman

**S 1356**, as amended, and **S 1357**, as amended, were filed for first reading.

March 8, 2006

The JUDICIARY AND RULES Committee reports that Senate amendments to **H 443**, **H 671**, **S 1356**, **H 497**, **S 1357**, and **H 717** have been correctly printed.

DARRINGTON, Chairman

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

Senator Langhorst was recorded present at this order of business.

March 7, 2006

The TRANSPORTATION Committee reports out **H 517**, **H 659**, and **H 727** with the recommendation that they do pass and with the recommendation that they be placed on the Consent Calendar.

BRANDT, Chairman

**H 517**, **H 659**, and **H 727** were filed for second reading.

March 8, 2006

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

Blanche M. Weber to the Bingo-Raffle Advisory Board, term to expire January 7, 2008;

John Ewing to the State Building Authority, term to expire January 1, 2009.

BURTENSHAW, 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 9, 2006

The FINANCE Committee reports out **S 1434**, **S 1435**, and **S 1436** with the recommendation that they do pass.

CAMERON, Chairman

**S 1434**, **S 1435**, and **S 1436** were filed for second reading.

March 8, 2006

The STATE AFFAIRS Committee reports out **H 711** and **H 718** with the recommendation that they do pass.

BURTENSHAW, Chairman

**H 711** and **H 718** were filed for second reading.

Senator Burkett was recorded present at this order of business.

March 8, 2006

The HEALTH AND WELFARE Committee reports out **H 613** and **H 646** with the recommendation that they do pass and with the recommendation that they be placed on the Consent Calendar.

COMPTON, Chairman

**H 613** and **H 646** were filed for second reading.

The President assumed the Chair.

March 8, 2006

The HEALTH AND WELFARE Committee reports out **H 565**, as amended, **H 611**, as amended, and **H 664** with the recommendation that they do pass.

COMPTON, Chairman

**H 565**, as amended, **H 611**, as amended, and **H 664** were filed for second reading.

March 8, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **S 1393** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

SCHROEDER, Chairman

There being no objection, **S 1393** was referred to the Fourteenth Order of Business, General Calendar.

March 8, 2006

The EDUCATION Committee reports out **HJM 13** with the recommendation that it do pass.

GOEDDE, Chairman

**HJM 13** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 8, 2006

The JUDICIARY AND RULES Committee reports out **S 1425, H 632, H 633, H 631, and H 432** with the recommendation that they do pass.

DARRINGTON, Chairman

**S 1425, H 632, H 633, H 631, and H 432** were filed for second reading.

March 9, 2006

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

Mark Funaiole to the Commission of Pardons and Parole, term to expire January 1, 2009.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

**Messages from the Governor**

March 8, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

**S 1264**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Senate advanced to the Ninth Order of Business.

**Messages from the House**

March 8, 2006

Mr. President:

I transmit herewith **HCR 58, HCR 59, HCR 60, and H 743** which have passed the House.

JUKER, Chief Clerk

**HCR 58, HCR 59, HCR 60, and H 743** were filed for first reading.

March 8, 2006

Mr. President:

I transmit herewith Enrolled **HCR 40** and **HJM 12** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 40** and **HJM 12** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

**Motions and Resolutions**

On request by Senator Bunderson, granted by unanimous consent, **SCR 130** was referred to the State Affairs Committee.

The Senate advanced to the Eleventh Order of Business.

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

On request by Senator McKenzie, granted by unanimous consent, **H 717**, as amended in the Senate, was referred to the Fourteenth Order of Business, General Calendar.

**S 1437**

**BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO THE SALARIES OF ELECTIVE OFFICERS; AMENDING SECTION 59-501, IDAHO CODE, TO PROVIDE THAT THE SALARIES OF ELECTIVE OFFICERS SHALL BE INCREASED BY FIVE PERCENT PER ANNUM ON THE FIRST MONDAY OF THE YEARS SPECIFIED.

**S 1438**

**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO NONCERTIFICATED PERSONNEL EMPLOYED BY A SCHOOL DISTRICT; AMENDING SECTION 33-517, IDAHO CODE, TO AUTHORIZE AND DIRECT LOCAL BOARDS OF TRUSTEES TO PROVIDE FOR AN EVALUATION OF EACH NONCERTIFICATED EMPLOYEE BEFORE MARCH 1 OF EACH SCHOOL YEAR, TO REVISE THE GRIEVANCE PROCEDURE TO INCLUDE AN INFORMAL REVIEW BEFORE THE BOARD UPON REQUEST OF AN EMPLOYEE, TO ESTABLISH A PROCESS FOR MEETING AND CONFERRING ON TERMS AND CONDITIONS OF EMPLOYMENT UPON REQUEST OF A MAJORITY OF NONCERTIFICATED EMPLOYEES AND TO PROVIDE THAT NO PROPERTY RIGHTS SHALL ATTACH TO THE EMPLOYMENT OF A NONCERTIFICATED EMPLOYEE OF THE SCHOOL DISTRICT, AND TO MAKE TECHNICAL CORRECTIONS.

**S 1439**  
**BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO NONCERTIFICATED PERSONNEL EMPLOYED BY A SCHOOL DISTRICT; AMENDING SECTION 33-517, IDAHO CODE, TO AUTHORIZE AND DIRECT LOCAL BOARDS OF TRUSTEES TO PROVIDE A PROBATIONARY PERIOD FOR AN EMPLOYEE WITH AT LEAST ONE HUNDRED EIGHTY DAYS OF EMPLOYMENT WHOSE JOB PERFORMANCE IS FOUND TO BE UNSATISFACTORY AND TO PROVIDE THAT NO PROPERTY RIGHTS SHALL ATTACH TO THE EMPLOYMENT OF A NONCERTIFICATED EMPLOYEE OF THE SCHOOL DISTRICT, AND TO MAKE TECHNICAL CORRECTIONS.

**S 1440**  
**BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO NONCERTIFICATED PERSONNEL EMPLOYED BY A SCHOOL DISTRICT; AMENDING SECTION 33-517, IDAHO CODE, TO AUTHORIZE AND DIRECT LOCAL BOARDS OF TRUSTEES TO PROVIDE FOR WRITTEN NOTICE BY MAY 15 OF EACH YEAR OF EMPLOYMENT STATUS FOR THE FOLLOWING SCHOOL YEAR AND TO PROVIDE THAT NO PROPERTY RIGHTS SHALL ATTACH TO THE EMPLOYMENT OF A NONCERTIFICATED EMPLOYEE OF THE SCHOOL DISTRICT, AND TO MAKE TECHNICAL CORRECTIONS.

**S 1441**  
**BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO CIVIL ACTIONS; AMENDING CHAPTER 2, TITLE 5, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 5-249, IDAHO CODE, TO PROVIDE IMMUNITY FROM CIVIL ACTIONS FOR PERSONS WHO USE FORCE IN JUSTIFIABLE OR OTHERWISE PERMISSIBLE SELF-DEFENSE, TO PROVIDE FOR THE AWARD OF ATTORNEY'S FEES AND OTHER EXPENSES AND TO DEFINE "LAW ENFORCEMENT OFFICER."

**S 1437, S 1438, S 1439, S 1440, and S 1441** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 443**, as amended in the Senate, by Revenue and Taxation Committee, was read the first time at length and filed for second reading.

**H 671**, as amended in the Senate, by State Affairs Committee, was read the first time at length and filed for second reading.

**H 497**, as amended in the Senate, by Revenue and Taxation Committee, was read the first time at length and filed for second reading.

**S 1356**, as amended, and **S 1357**, as amended, by Judiciary and Rules Committee, were read the first time at length and filed for second reading.

**HCR 58**, by Education Committee, was introduced, read at length, and referred to the Education Committee.

**HCR 59**, by Resources and Conservation Committee, was introduced, read at length, and referred to the Resources and Environment Committee.

**HCR 60**, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

**H 743**, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Education Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**H 593**, by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

**H 614**, by Health and Welfare Committee, was read the second time at length and filed for third reading.

**H 567** and **H 619**, by Health and Welfare Committee, were read the second time at length and filed for third reading, Consent Calendar.

**H 584** and **H 587**, by Business Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

**S 1430** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **S 1430** passed, title was approved, and the bill ordered transmitted to the House.

**S 1431** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **S 1431** passed, title was approved, and the bill ordered transmitted to the House.

**S 1432** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **S 1432** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Fulcher, granted by unanimous consent, **S 1428** retained its place on the Third Reading Calendar for one legislative day.

On request by Senator Stegner, granted by unanimous consent, **S 1423** retained its place on the Third Reading Calendar for one legislative day.

**H 554** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 554** passed, title was approved, and the bill ordered returned to the House.

**H 555** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Richardson, McGee, and Pearce arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 555** passed, title was approved, and the bill ordered returned to the House.

**H 621** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 621** passed, title was approved, and the bill ordered returned to the House.

**H 746** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:



AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 746** passed, title was approved, and the bill ordered returned to the House.

**H 747** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 747** passed, title was approved, and the bill ordered returned to the House.

**H 748** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 748** passed, title was approved, and the bill ordered returned to the House.

**H 627** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 627** passed, title was approved, and the bill ordered returned to the House.

**H 628** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 628** passed, title was approved, and the bill ordered returned to the House.

The President called Senator Little to the Chair.

**H 629** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hatch (Andreason), Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk. Total - 28.

NAYS--Brandt, Broadsword, Fulcher, Hill, Pearce, Williams. Total - 6.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 629** passed, title was approved, and the bill ordered returned to the House.

**H 430** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 430** passed, title was approved, and the bill ordered returned to the House.

**H 431** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 431** passed, title was approved, and the bill ordered returned to the House.

The President returned to the Chair.

**H 530** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--Fulcher. Total - 1.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 530** passed, title was approved, and the bill ordered returned to the House.

**H 589**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hatch (Andreason), Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 589**, as amended, passed, title was approved, and the bill ordered returned to the House.

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

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:04 p.m. until the hour of 9:30 a.m., Friday, March 10, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

**SIXTY-FIRST LEGISLATIVE DAY  
FRIDAY, MARCH 10, 2006**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senator Fulcher, absent and formally excused by the Chair; and Senators Malepeai and Stennett, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Lacey Keller, 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 9, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

#### Reports of Standing Committees

March 10, 2006

The JUDICIARY AND RULES Committee reports that **S 1437, S 1438, S 1439, S 1440, S 1441**, and **SCR 131** have been correctly printed.

DARRINGTON, Chairman

**S 1437** was referred to the State Affairs Committee.

**S 1438, S 1439**, and **S 1440** were referred to the Education Committee.

**S 1441** was referred to the Judiciary and Rules Committee.

**SCR 131** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 9, 2006

The AGRICULTURAL AFFAIRS Committee reports out **H 491** with the recommendation that it do pass.

WILLIAMS, Chairman

**H 491** was filed for second reading.

March 9, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 680** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BUNDERSON, Chairman

There being no objection, **H 680** was referred to the Fourteenth Order of Business, General Calendar.

March 9, 2006

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 649, H 520, H 521, H 433**, and **H 522** with the recommendation that they do pass and with the recommendation that they be placed on the Consent Calendar.

COINER, Vice Chairman

**H 649, H 520, H 521, H 433**, and **H 522** were filed for second reading.

March 9, 2006

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 538, H 539**, and **H 645** with the recommendation that they do pass.

COINER, Vice Chairman

**H 538, H 539**, and **H 645** were filed for second reading.

March 9, 2006

The TRANSPORTATION Committee reports out **H 605, H 606, H 607**, and **H 609** with the recommendation that they do pass.

BRANDT, Chairman

**H 605, H 606, H 607**, and **H 609** were filed for second reading.

Senator Malepeai was recorded present at this order of business.

March 10, 2006

The STATE AFFAIRS Committee reports out **S 1437** with the recommendation that it do pass.

BURTENSHAW, Chairman

**S 1437** was filed for second reading.

March 10, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 678** and **H 679** with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

BUNDERSON, Chairman

There being no objection, **H 678** and **H 679** were referred to the Fourteenth Order of Business, General Calendar.

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

**Messages from the House**

March 9, 2006

Mr. President:

I transmit herewith **H 726, H 744, H 713**, as amended, and **H 602**, as amended, which have passed the House.

JUKER, Chief Clerk

**H 726, H 744, H 713**, as amended, and **H 602**, as amended, were filed for first reading.

March 9, 2006

Mr. President:

I transmit herewith Enrolled **H 571, H 574, H 536, H 591, H 592, H 700, H 701, H 564, H 566, H 465, H 560, H 578, H 452, H 585, H 586, H 471, H 461, H 444**, as amended, **H 473, H 459**, and **H 458** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **H 571, H 574, H 536, H 591, H 592, H 700, H 701, H 564, H 566, H 465, H 560, H 578, H 452, H 585, H 586, H 471, H 461, H 444**, as amended, **H 473, H 459**, and **H 458** and ordered them returned to the House.

Senator Stennett was recorded present at this order of business.

The Senate advanced to the Tenth Order of Business.

**Motions and Resolutions**

The President Pro Tempore announced the State Affairs Committee report relative to the Gubernatorial appointment of Blanche M. Weber was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Stegner, seconded by Senator Stennett, the Gubernatorial appointment of Blanche M. Weber as a member of the Bingo-Raffle Advisory Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Darrington, granted by unanimous consent, the State Affairs committee report, relative to the Gubernatorial appointment of John Ewing to the State Building Authority, retained its place on the calendar for one legislative day.

The President Pro Tempore announced the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Mark Funaiole was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Kelly, seconded by Senator Stegner, the Gubernatorial appointment of Mark Funaiole as a member of the Commission of Pardons and Parole was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that **HJM 13** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Goedde, seconded by Senator Marley, **HJM 13** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials****S 1442****BY FINANCE COMMITTEE**

AN ACT

APPROPRIATING MONEYS FOR COMMUNITY COLLEGE SUPPORT FOR FISCAL YEAR 2007; AND EXPRESSING LEGISLATIVE INTENT IN REGARD TO ALLOCATION OF GENERAL FUNDS.

**S 1442** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 726** and **H 744**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 713**, as amended, by Education Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

**H 602**, as amended, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**H 517, H 659**, and **H 727**, by Transportation and Defense Committee, was read the second time at length and filed for third reading, Consent Calendar.

**S 1434, S 1435, and S 1436**, by Finance Committee, were read the second time at length and filed for third reading.

**H 711 and H 718**, by State Affairs Committee, were read the second time at length and filed for third reading.

**H 613**, as amended, by Health and Welfare Committee, was read the second time at length and filed for third reading, Consent Calendar.

**H 646**, by Business Committee, was read the second time at length and filed for third reading, Consent Calendar.

**H 565**, as amended, **H 611**, as amended, and **H 664**, by Health and Welfare Committee, were read the second time at length and filed for third reading.

**S 1425**, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

**H 632, H 633, H 631, and H 432**, by Judiciary, Rules, and Administration Committee, were read the second time at length and filed for third reading.

**H 443**, as amended in the Senate, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

**H 671**, as amended in the Senate, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 497**, as amended in the Senate, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

**S 1356**, as amended, and **S 1357**, as amended, by Judiciary and Rules Committee, were 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 Broadsword, granted by unanimous consent, **S 1423**, having been held, was referred to the Fourteenth Order of Business, General Calendar.

Senator Fulcher was recorded present at this order of business.

**S 1428**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--Goedde, Hatch (Andreason). Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1428** passed, title was approved, and the bill ordered transmitted to the House.

**H 615** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Stegner and Corder arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hatch (Andreason), Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Schroeder, Stegner, Stennett, Werk. Total - 26.

NAYS--Bunderson, Cameron, Fulcher, Hill, Jorgenson, Pearce, Richardson, Sweet, Williams. Total - 9.

Total - 35.

Whereupon the President Pro Tempore declared **H 615** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, 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 House bills. **H 619** was removed from the Consent Calendar and placed at the bottom of the Third Reading Calendar.

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

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:05 a.m. until the hour of 9:30 a.m., Monday, March 13, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

**SIXTY-FOURTH LEGISLATIVE DAY  
MONDAY, MARCH 13, 2006**

Senate Chamber

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

Roll call showed all members present except Senators Andreason, Cameron, Keough, Marley, Pearce, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Emily Kuhl, 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 10, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

#### **Petitions, Resolutions, and Memorials**

Senator Andreason was recorded present at this order of business.

#### **SCR 132**

##### **BY STATE AFFAIRS COMMITTEE A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A THOROUGH ASSESSMENT OF THE ROLE AND MISSION OF POSTSECONDARY PROFESSIONAL-TECHNICAL AND ACADEMIC EDUCATION IN IDAHO.

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

WHEREAS, Idaho citizens understand the importance of offering postsecondary professional-technical and academic educational opportunities that are delivered in an efficient, affordable and accessible manner; and

WHEREAS, we acknowledge the outstanding efforts of institutions of higher education, both public and private, in providing postsecondary educational services; and

WHEREAS, we acknowledge the importance of a well-trained and well-educated work force as essential to Idaho's citizens and economy; and

WHEREAS, we believe a strong postsecondary educational system will enhance Idaho's reputation as a leader in today's newly-emerging economy, which is becoming increasingly international in scope; and

WHEREAS, this new economy will require Idaho's workforce to be better educated in order for Idaho's businesses to compete nationally and globally; and

WHEREAS, business leaders are anxious to work directly with educational leaders to design curricula for educational partnerships, and to provide business experts who will participate in projects throughout the educational partnerships; and

WHEREAS, Idaho businesses will continue to contribute to the programs through taxes, scholarships, in-kind donations, subsidizing employer costs to the educational programs and providing well-educated business persons as faculty; and

WHEREAS, at the present time, minimal community college functions are being provided in Idaho; and

WHEREAS, private foundations are being sought as partners to obtain funding to assist in enhancing postsecondary educational offerings; and

WHEREAS, issues of local control and funding of an efficient, affordable and accessible postsecondary system of education, remain unresolved.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a thorough assessment of the role and mission of postsecondary professional-technical and academic education in Idaho. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that the appointed committee shall involve and request information from representatives of both public and private partnerships, educational institutions including professional-technical education, the Office of the State Board of Education, and members of the business community, Legislature and other interested persons or organizations.

BE IT FURTHER RESOLVED that the appointed committee shall make recommendations as necessary for changes to existing statutes regarding such postsecondary issues as the role, mission, funding, governance and academic programs of community colleges, and the burdens placed on community college taxing districts and professional-technical programs.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the advisory committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Fifty-ninth Idaho Legislature.

**SCR 132** 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**

Senator Pearce was recorded present at this order of business

March 13, 2006

The JUDICIARY AND RULES Committee reports that **S 1442** has been correctly printed.

DARRINGTON, Chairman

**S 1442** was referred to the Finance Committee.

March 10, 2006

The STATE AFFAIRS Committee reports out **S 1429** with the recommendation that it do pass.

BURTENSHAW, Chairman

**S 1429** was filed for second reading.

March 10, 2006

The STATE AFFAIRS Committee reports out **H 707** and **H 694** with the recommendation that they do pass.

BURTENSHAW, Chairman

**H 707** and **H 694** were filed for second reading.

March 10, 2006

The STATE AFFAIRS Committee reports out **H 673** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BURTENSHAW, Chairman

There being no objection, **H 673** was referred to the Fourteenth Order of Business, General Calendar.

March 13, 2006

The FINANCE Committee reports out **S 1442** with the recommendation that it do pass.

CAMERON, Chairman

**S 1442** was filed for second reading.

March 10, 2006

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:

Douglas Hancey to the Park and Recreation Board, term to expire June 30, 2011.

SCHROEDER, 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 10, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **H 524**, **H 525**, **H 527**, **H 528**, and **H 639** with the recommendation that they do pass and with the recommendation that they be placed on the Consent Calendar.

SCHROEDER, Chairman

**H 524**, **H 525**, **H 527**, **H 528**, and **H 639** were filed for second reading.

March 10, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **S 1283**, **H 526**, and **H 529** with the recommendation that they do pass.

SCHROEDER, Chairman

**S 1283**, **H 526**, and **H 529** were filed for second reading.

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

### Messages from the House

March 10, 2006

Mr. President:

I transmit herewith **H 752**, **H 712**, **H 766**, **H 767**, **H 696**, **H 734**, **H 720**, **H 756**, **H 782**, **H 783**, **H 762**, **HCR 55**, **H 723**, **H 765**, **H 754**, **H 755**, and **H 757** which have passed the House.

JUKER, Chief Clerk

**H 752**, **H 712**, **H 766**, **H 767**, **H 696**, **H 734**, **H 720**, **H 756**, **H 782**, **H 783**, **H 762**, **HCR 55**, **H 723**, **H 765**, **H 754**, **H 755**, and **H 757** were filed for first reading.

March 10, 2006

Mr. President:

I return herewith **S 1301**, **S 1268**, **S 1269**, **S 1270**, **S 1271**, and **S 1272** which have passed the House.

JUKER, Chief Clerk

**S 1301**, **S 1268**, **S 1269**, **S 1270**, **S 1271**, and **S 1272** were referred to the Judiciary and Rules Committee for enrolling.

March 10, 2006

Mr. President:

I transmit herewith Enrolled **HCR 46**, **H 457**, **H 483**, **H 672**, **H 579**, **H 580**, **H 581**, **H 708**, **H 411**, **H 490**, **H 493**, **H 410**, **H 463**, as amended, **H 603**, **H 608**, **H 547**, **H 559**, **H 685**, **H 590**, **H 475**, **H 548**, **H 549**, **H 550**, and **H 551** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 46**, **H 457**, **H 483**, **H 672**, **H 579**, **H 580**, **H 581**, **H 708**, **H 411**, **H 490**, **H 493**, **H 410**, **H 463**, as amended, **H 603**, **H 608**, **H 547**, **H 559**, **H 685**, **H 590**, **H 475**, **H 548**, **H 549**, **H 550**, and **H 551** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

Senator Cameron was recorded present at this order of business.

The President announced the State Affairs Committee report, having been held, relative to the Gubernatorial appointment of John Ewing was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Darrington, seconded by Senator Stennett, the Gubernatorial appointment of John Ewing as a member of the State Building Authority was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

Senators Keough and Marley were recorded present at this order of business.

The President announced that **SCR 131** was before the Senate for final consideration.

Moved by Senator Compton, seconded by Senator Stennett, that **SCR 131** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 31.

NAYS--Fulcher, Geddes, Pearce, Sweet. Total - 4.

Total - 35.

Whereupon the President declared **SCR 131** adopted, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

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

The President called President Pro Tempore Geddes to the Chair.

#### S 1443 BY FINANCE COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE STATE CONTROLLER FOR FISCAL YEAR 2007; PROVIDING FOR THE RECOVERY OF STATE CONTROLLER SERVICES COSTS TO THE GENERAL FUND; REQUIRING CERTAIN PURCHASES BE

SUBJECT TO CERTAIN CONDITIONS; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS; SETTING FORTH THE CONDITIONS FOR THE REAPPROPRIATION; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

#### S 1444 BY FINANCE COMMITTEE AN ACT

APPROPRIATING MONEYS FOR GENERAL EDUCATION PROGRAMS AT BOISE STATE UNIVERSITY, IDAHO STATE UNIVERSITY, LEWIS-CLARK STATE COLLEGE, THE UNIVERSITY OF IDAHO AND FOR THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2007; ESTABLISHING AMOUNTS TO BE EXPENDED FOR SYSTEMWIDE PROGRAMS; PROVIDING FOR A FUNDING EQUITY PAYMENT TO BOISE STATE UNIVERSITY AND IDAHO STATE UNIVERSITY; DIRECTING THE STATE BOARD OF EDUCATION TO PROVIDE A SYSTEM OF REPORTING FACULTY AND STAFF TURNOVER; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES.

#### S 1445 BY FINANCE COMMITTEE AN ACT

APPROPRIATING MONEYS FOR THE MILITARY DIVISION FOR FISCAL YEAR 2007; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

#### S 1446 BY FINANCE COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

#### S 1447 BY FINANCE COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

**S 1443, S 1444, S 1445, S 1446, and S 1447** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 752 and H 712**, by Education Committee, were introduced, read the first time at length, and referred to the Education Committee.

**H 766 and H 767**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

**H 696**, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.



**H 734**, by State Affairs Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

**H 720** and **H 756**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 782** and **H 783**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

**H 762**, by State Affairs Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

**HCR 55**, by State Affairs Committee, was introduced, read at length, and referred to the Commerce and Human Resources Committee.

**H 723**, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 765** and **H 754**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 755**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Finance Committee.

**H 757**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

Senator Sweet was recorded present at this order of business.

**H 491**, by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

**H 649**, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading, Consent Calendar.

**H 520**, **H 521**, **H 433**, and **H 522**, by Business Committee, were read the second time at length and filed for third reading, Consent Calendar.

**H 538**, **H 539**, and **H 645**, by Business Committee, were read the second time at length and filed for third reading.

**H 605**, **H 606**, **H 607**, and **H 609**, by Transportation and Defense Committee, were read the second time at length and filed for third reading.

**S 1437**, 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

**S 1434** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Call of the Senate was requested by Senators Darrington, Brandt, and Little.

Whereupon the President Pro Tempore ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present except Senator Cameron.

The President Pro Tempore directed the Sergeant at Arms to find and present Senator Cameron to the Senate.

Senator Cameron was recorded present.

On request by Senator Darrington, granted by unanimous consent, the Call was lifted.

The question being, "Shall **S 1434** pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1434** passed, title was approved, and the bill ordered transmitted to the House.

**S 1435** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1435** passed, title was approved, and the bill ordered transmitted to the House.

**S 1436** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1436** passed, title was approved, and the bill ordered transmitted to the House.

**S 1425** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1425** passed, title was approved, and the bill ordered transmitted to the House.

**S 1356**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1356**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

**S 1357**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Coiner, Compton, Corder, Davis, Gannon, Kelly, Keough, Langhorst, Little, Malepeai, Marley, McKenzie, Stegner, Stennett, Werk. Total - 19.

NAYS--Brandt, Burtenshaw, Cameron, Darrington, Fulcher, Geddes, Goedde, Hill, Jorgenson, Lodge, McGee, Pearce, Richardson, Schroeder, Sweet, Williams. Total - 16.

Total - 35.

Whereupon the President Pro Tempore declared **S 1357**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

**H 443**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 443**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

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

#### Miscellaneous Business

On motion by Senator Stegner, seconded by Senator Malepeai, by voice vote the Senate adjourned at 11:38 a.m. until the hour of 9:30 a.m., Tuesday, March 14, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

#### SIXTY-FIFTH LEGISLATIVE DAY TUESDAY, MARCH 14, 2006

Senate Chamber

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

Roll call showed all members present except Senators Burkett, Gannon, Schroeder, and Stennett, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Jessie McLeod, 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 13, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

#### Petitions, Resolutions, and Memorials

Senator Schroeder was recorded present at this order of business.

#### SJM 120

#### BY STATE AFFAIRS COMMITTEE

#### A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

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

WHEREAS, we recognize that federal agencies exchange and divest small or insignificant parcels of land; and

WHEREAS, almost sixty-four percent of Idaho is federal land; and

WHEREAS, there exists in the Congress of the United States a proposal to sell a significant portion of Idaho's federal land; and

WHEREAS, this federal land contributes to Idaho's economy in many ways including grazing, mining, timber production and recreation; and

WHEREAS, federal land in Idaho provides average Americans access to wild, natural areas; and

WHEREAS, the federal government has purchased significant amounts of land over the years with general fund moneys and land and water conservation funds; and

WHEREAS, there are many areas of the state where the federal government has increased their holdings such as the Stanley Basin; and

WHEREAS, if the federal government identifies surplus lands, they should cede them to the state through a public comment process as promised, to be managed for the benefit of public access and education; and

WHEREAS, Idahoans value outdoor experiences very highly and generations of Idahoans and other Americans have enjoyed this federal land through activities such as hunting, fishing, camping and hiking; and

WHEREAS, most Idahoans have found special places on federal land which give their lives meaning and enjoyment and the sale of a significant portion of this land would prohibit many from utilizing these places in the future.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we are opposed to any proposals which lead to a significant sale of federal land located in the state of Idaho.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to 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.

**SJM 120** 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 14, 2006

The JUDICIARY AND RULES Committee reports that **S 1443, S 1444, S 1445, S 1446, S 1447**, and **SCR 132** have been correctly printed.

DARRINGTON, Chairman

**S 1443, S 1444, S 1445, S 1446**, and **S 1447** were referred to the Finance Committee.

**SCR 132** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 13, 2006

The JUDICIARY AND RULES Committee reports that **S 1268, S 1269, S 1270, S 1271, S 1272**, and **S 1301** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1268, S 1269, S 1270, S 1271, S 1272**, and **S 1301** and ordered them transmitted to the House for the signature of the Speaker.

Senators Gannon and Stennett were recorded present at this order of business.

March 14, 2006

The FINANCE Committee reports out **S 1443, S 1444, S 1445, S 1446**, and **S 1447** with the recommendation that they do pass.

CAMERON, Chairman

**S 1443, S 1444, S 1445, S 1446, and S 1447** were filed for second reading.

March 13, 2006

The STATE AFFAIRS Committee reports out **HCR 47, HCR 60, and SCR 130** with the recommendation that they do pass.

BURTENSHAW, Chairman

**HCR 47, HCR 60, and SCR 130** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 13, 2006

The FINANCE Committee reports out **H 766, H 767, H 782, and H 783** with the recommendation that they do pass.

CAMERON, Chairman

**H 766, H 767, H 782, and H 783** were filed for second reading.

March 13, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **H 636, H 546, and H 576** with the recommendation that they do pass and with the recommendation that they be placed on the Consent Calendar.

SCHROEDER, Chairman

**H 636, H 546, and H 576** were filed for second reading.

March 13, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **HCR 36 and HCR 37** with the recommendation that they do pass.

SCHROEDER, Chairman

**HCR 36 and HCR 37** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 13, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **H 637, H 544, HJM 14, and HJM 20** with the recommendation that they do pass.

SCHROEDER, Chairman

**H 637 and H 544** were filed for second reading.

**HJM 14 and HJM 20** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 13, 2006

The JUDICIARY AND RULES Committee reports out **H 716, H 472, as amended, and H 634, as amended,** with the recommendation that they do pass.

DARRINGTON, Chairman

**H 716, H 472, as amended, and H 634, as amended,** were filed for second reading.

March 13, 2006

The EDUCATION Committee reports out **S 1427** with the recommendation that it do pass.

GOEDDE, Chairman

**S 1427** was filed for second reading.

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

**Messages from the Governor**

March 11, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

**S 1315**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Senate advanced to the Ninth Order of Business.

**Messages from the House**

March 13, 2006

Mr. President:

I transmit herewith **H 788, H 758, H 763, HCR 61, H 770, HJM 18, as amended, H 650, as amended, H 735, as amended, H 742, as amended, H 750, as amended, H 705, as amended, H 702, as amended, H 719, as amended, H 738, as amended, and H 709, as amended,** which have passed the House.

JUKER, Chief Clerk

**H 788, H 758, H 763, HCR 61, H 770, HJM 18**, as amended, **H 650**, as amended, **H 735**, as amended, **H 742**, as amended, **H 750**, as amended, **H 705**, as amended, **H 702**, as amended, **H 719**, as amended, **H 738**, as amended, and **H 709**, as amended, were filed for first reading.

March 13, 2006

Mr. President:

I return herewith **S 1256, S 1302, S 1304, S 1303**, and **S 1258** which have passed the House.

JUKER, Chief Clerk

**S 1256, S 1302, S 1304, S 1303**, and **S 1258** were referred to the Judiciary and Rules Committee for enrolling.

March 13, 2006

Mr. President:

I transmit herewith Enrolled **H 554, H 555, H 621, H 746, H 747, H 748, H 627, H 628, H 629, H 430, H 431, H 530**, and **H 589**, as amended, for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 554, H 555, H 621, H 746, H 747, H 748, H 627, H 628, H 629, H 430, H 431, H 530**, and **H 589**, as amended, and ordered them returned to the House.

Senator Burkett was recorded present at this order of business.

The Senate advanced to the Tenth Order of Business.

#### **Motions and Resolutions**

The President announced the Resources and Environment Committee report relative to the Gubernatorial appointment of Douglas Hancey was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Hill, seconded by Senator Langhorst, the Gubernatorial appointment of Douglas Hancey as a member of the Park and Recreation Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

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

##### **S 1448 BY STATE AFFAIRS COMMITTEE AN ACT**

RELATING TO THE ORGANIZATION AND PROCEDURES OF THE REAPPORTIONMENT COMMISSION; AMENDING SECTION 72-1502, IDAHO CODE, TO LIMIT APPOINTMENTS TO THE COMMISSION TO ONE MEMBER

FROM ANY COUNTY, TO PROHIBIT MEMBERS OF THE LEGISLATURE FROM SERVING, TO DELETE LANGUAGE PROHIBITING AN ELECTED OFFICIAL OR ELECTED LEGISLATIVE DISTRICT, COUNTY OR STATE PARTY OFFICER FROM SERVING ON THE COMMISSION, TO PROVIDE THAT A PERSON WHO HAS SERVED ON A COMMISSION FOR REAPPORTIONMENT SHALL BE PRECLUDED FROM SERVING IN EITHER HOUSE OF THE LEGISLATURE FOR TWO YEARS FOLLOWING SUCH SERVICE ON THE COMMISSION; AMENDING SECTION 72-1505, IDAHO CODE, TO PROVIDE A PROCEDURE FOR CONVENING A COMMISSION WHEN A PLAN IS INVALIDATED AND A COMMISSION IS CALLED TO MEET FURTHER; AND AMENDING SECTION 72-1506, IDAHO CODE, TO REVISE CRITERIA TO GOVERN A LEGISLATIVE PLAN.

**S 1448** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 788**, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

**H 758** and **H 763**, by State Affairs Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**HCR 61**, by Ways and Means Committee, was introduced, read at length, and referred to the Education Committee.

**H 770**, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

**HJM 18**, as amended, by Education Committee, was introduced, read at length, and referred to the Education Committee.

**H 650**, as amended, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

**H 735**, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 742**, as amended, and **H 750**, as amended, by Education Committee, were introduced, read the first time at length, and referred to the Education Committee.

**H 705**, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 702**, as amended, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

**H 719**, as amended, **H 738**, as amended, and **H 709**, as amended, by State Affairs Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

**S 1429**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 707** and **H 694**, by State Affairs Committee, were read the second time at length and filed for third reading.

**S 1442**, by Finance Committee, was read the second time at length and filed for third reading.

**H 524**, **H 525**, **H 527**, **H 528**, and **H 639**, by Resources and Conservation Committee, were read the second time at length and filed for third reading, Consent Calendar.

**S 1283**, by Schroeder, was read the second time at length and filed for third reading.

**H 526** and **H 529**, by Resources and Conservation Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

**H 671**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 671**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

**H 497**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Langhorst, Corder, and Bunderson arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Cameron, Corder, Darrington, Fulcher, Goedde, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, Richardson, Schroeder, Stennett, Sweet, Werk. Total - 21.

NAYS--Coiner, Compton, Gannon, Hill, Jorgenson, Little, McKenzie, Pearce, Stegner, Williams. Total - 10.

Absent and excused--Brandt, Burtenshaw, Davis, Geddes. Total - 4.

Total - 35.

Whereupon the President declared **H 497**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

**H 593** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Goedde, Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--Broadsword, Keough. Total - 2.

Absent and excused--Brandt, Geddes. Total - 2.

Total - 35.

Whereupon the President declared **H 593** passed, title was approved, and the bill ordered returned to the House.

**H 614** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 614** passed, title was approved, and the bill ordered returned to the House.

**H 584** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 584** passed, title was approved, and the bill ordered returned to the House.

**H 587** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 587** passed, title was approved, and the bill ordered returned to the House.

**H 711** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 711** passed, title was approved, and the bill ordered returned to the House.

**H 718** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 718** passed, title was approved, and the bill ordered returned to the House.

**H 565**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 565**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 611**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 611**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 664** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Compton and Keough arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 664** passed, title was approved, and the bill ordered returned to the House.

**H 632** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 632** passed, title was approved, and the bill ordered returned to the House.

**H 633** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 633** passed, title was approved, and the bill ordered returned to the House.

**H 631** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 631** passed, title was approved, and the bill ordered returned to the House.

**H 432** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 432** passed, title was approved, and the bill ordered returned to the House.

**H 619** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators McGee and Brandt arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly,

Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 619** passed, title was approved, and the bill ordered returned to the House.

**H 491** 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--Andreason, Broadsword, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 30.

NAYS--Geddes. Total - 1.

Absent and excused--Brandt, Bunderson, Burkett, Stennett. Total - 4.

Total - 35.

Whereupon the President declared **H 491** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, 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 Stegner 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 Pro Tempore called the Senate to order.

### Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **S 1246**, without amendment, and with the recommendation that it be recommitted to the State Affairs Committee; and **S 1243, S 1386, H 648, H 624, H 561, S 1423, and H 673**, without recommendation, amended as follows:

#### SENATE AMENDMENT TO S 1243

##### AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 31, following "easements" insert: "known or reasonably identifiable to the condemning authority".

##### CORRECTION TO TITLE

On page 1, in line 6, following "EASEMENTS" insert: "KNOWN OR REASONABLY IDENTIFIABLE TO THE CONDEMNING AUTHORITY".

#### SENATE AMENDMENT TO S 1386

##### AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 12 through 31 and insert:



"36-1406. STATUTE OF LIMITATION FOR MISDEMEANORS. (1) Notwithstanding any other provision of law, a prosecution for misdemeanors under the provisions of this title must be commenced by the issuance of a citation or filing of a complaint within two (2) years after its commission for ~~any of the following offenses:~~

~~(a) Unlawfully taking or possessing any big game animal, caribou, or grizzly bear.~~

~~(b) The unlawful sale or purchase of wildlife as set forth in section 36-501, Idaho Code.~~

~~(c) Unlawfully purchasing, possessing or using any license, tag or permit by any person who does not reside in the state of Idaho at the time of purchase.~~

(2) Notwithstanding any other provision of law, a prosecution for misdemeanors under the provisions of this title must be commenced by the issuance of a citation or filing of a complaint within five (5) years after its commission: (a) for unlawfully taking or possessing any big game animal, caribou or grizzly bear; or (b) for unlawfully purchasing, possessing or using any license, tag or permit by any person who does not reside in the state of Idaho at the time of purchase.

(3) The prosecution for all other misdemeanors under this title must be commenced as provided in section 19-403, Idaho Code."

#### CORRECTION TO TITLE

On page 1, in line 6, following "COMMISSION" insert: "FOR UNLAWFULLY TAKING OR POSSESSING ANY BIG GAME ANIMAL, CARIBOU OR GRIZZLY BEAR OR".

#### SENATE AMENDMENT TO H 648 AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 24, delete "normally".

#### SENATE AMENDMENT TO H 624 AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 37, following "board" insert: ", provided however, such employee shall notify the board prior to disposal of said property".

#### CORRECTION TO TITLE

On page 1, in line 5, following "PROPERTIES" insert: "PROVIDED THE BOARD HAS BEEN NOTIFIED PRIOR TO DISPOSAL OF SAID PROPERTY".

#### SENATE AMENDMENT TO H 561 AMENDMENTS TO SECTION 1

On page 1 of the printed bill, delete lines 12 through 16 and insert: "manufacturer's load rating, whichever is less. The width of a"; delete lines 18 through 20 and insert: "wall of the tire. Tires on vehicles manufactured prior to July 1, 1987, may exceed the six hundred (600) pounds per inch width of tire limit subject to a maximum of eight hundred (800) pounds per inch width of tire. This section"; and in line 22 delete "." and insert: ";".

#### SENATE AMENDMENT TO S 1423 AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 28, following "corporation" insert: ", labor organization, employment agency", also in line 28, delete "one (1)" and insert: "five (5)"; in line 29, delete "sons," and insert: "sons including relatives, and"; on page 2, in line 26, delete "or otherwise take into consideration"; and on page 3, delete lines 1 through 19 and insert:

"39-8304. ENFORCEMENT. (1) Whenever the attorney general has reason to believe that any employer is engaging, has engaged, or is about to engage in any act in violation of this chapter, the attorney general may bring an action in the name of the state against that employer:

(a) To obtain a declaratory judgment that the act violates the provisions of this chapter;

(b) To enjoin any act that violates the provisions of this chapter by issuance of a temporary restraining order or preliminary or permanent injunction, without bond, upon the giving of appropriate notice;

(c) To recover on behalf of the state and its agencies actual damages or restitution; or

(d) To recover civil penalties of up to twenty-five thousand dollars (\$25,000) per violation and reasonable expenses, investigative costs and attorney's fees.

(2) The penalties provided in this section are in addition to any other available remedy at law or equity.

(3) Any civil penalty imposed pursuant to this section shall be deposited in the state general fund."

#### CORRECTIONS TO TITLE

On page 1, in line 5, delete ", TO PROVIDE FOR A PRIVATE RIGHT OF"; and in line 6, delete "ACTION".

#### SENATE AMENDMENTS TO H 673 AMENDMENTS TO SECTION 1

On page 2 of the printed bill, delete lines 14 and 15 and insert: "resort as described in section 23-957, Idaho Code, a one (1) time fee of twenty-five thousand dollars (\$25,000). For each beverage, lodging or dining facility"; in line 16, delete "boundaries" and insert: "premises"; in line 18, delete "bound-" and in line 19, delete "aries" and insert: "premises", also in line 19, delete "one" and insert: "two"; and in line 20, delete "(\$1,500)" and insert: "(\$2,500)".

#### AMENDMENTS TO SECTION 2

On page 2, in line 40, following the first "of" insert: "not more than three (3)"; in line 42, delete "boundaries" and insert: "premises"; in line 47, delete "boundaries" and insert: "premises" and also in line 47, following "resort" insert: ", provided that such license shall count against the maximum number of licenses allowed by subsection (1) of this section"; in line 50, delete "boundaries" and insert: "premises"; in line 51, delete "boundaries" and insert: "premises"; on page 3, in line 2, delete "boundaries" and insert: "premises"; in line 5, delete "boundaries" and insert: "premises"; and in line 27, delete "boundaries" and insert: "premises".

#### CORRECTIONS TO TITLE

On page 1, delete line 5, and insert: "IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF NOT MORE THAN THREE"; in line 7, delete "BOUNDARIES" and insert: "PREMISES"; delete line 8 and insert: "PROVIDE FOR THE ISSUANCE OF A LIQUOR LICENSE WITHIN LIMITATIONS TO"; and in line 10, delete "BOUNDARIES" and insert: "PREMISES".

The Committee also has **S 1387, S 1241, H 695, H 582, H 676, H 421, H 422, S 1393, H 717**, as amended in the Senate, **H 680, H 678, and H 679** under consideration, reports progress, and begs leave to sit again.

S'TEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Malepeai, the report was adopted by voice vote.

**S 1243**, as amended, **S 1386**, as amended, and **S 1423**, 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 648**, as amended in the Senate, **H 624**, as amended in the Senate, **H 561**, as amended in the Senate, and **H 673**, 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.

**S 1246** was recommitted to the State Affairs Committee.

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

#### **Petitions, Resolutions and Memorials**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:10 p.m. until the hour of 4:30 p.m. of this day.

#### **RECESS AFTERNOON SESSION**

The Senate reconvened at 4:30 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senators Burtenshaw, Pearce, and Sweet, absent and formally excused by the Chair; and Senators Burkett, Cameron, Hill, Keough, Langhorst, Little, Malepeai, McKenzie, Stegner, Stennett, and Williams, absent and excused.

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

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

#### **Messages from the House**

March 14, 2006

Mr. President:

I transmit herewith **H 617** and **H 776** which have passed the House.

JUKER, Chief Clerk

**H 617** and **H 776** were filed for first reading.

On request by Senator Davis, 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**

Senators Hill, Keough, and Stegner were recorded present at this order of business.

**H 617**, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

**H 776**, by State Affairs Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

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

#### **Third Reading of Bills**

Senators McKenzie and Stennett were recorded present at this order of business.

**H 538** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Call of the Senate was requested by Senators Darrington, Davis, and Werk.

Whereupon the President ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present except Senators Burtenshaw, Pearce, and Sweet, absent and formally excused by the Chair.

On request by Senator Darrington, granted by unanimous consent, the Call was lifted.

The question being, "Shall **H 538** pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Werk, Williams.  
Total - 31.

NAYS--Brandt. Total - 1.

Absent and excused--Burtenshaw, Pearce, Sweet. Total - 3.

Total - 35.

Whereupon the President declared **H 538** passed, title was approved, and the bill ordered returned to the House.

**H 539** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Burtenshaw, Pearce, Sweet. Total - 3.

Total - 35.

Whereupon the President declared **H 539** passed, title was approved, and the bill ordered returned to the House.

**H 645** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Burtenshaw, Pearce, Sweet. Total - 3.

Total - 35.

Whereupon the President declared **H 645** passed, title was approved, and the bill ordered returned to the House.

**H 605** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Darrington, Davis, Fulcher, Gannon, Goedde, Hill, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stennett, Werk. Total - 26.

NAYS--Corder, Geddes, Jorgenson, Little, Stegner, Williams. Total - 6.

Absent and excused--Burtenshaw, Pearce, Sweet. Total - 3.

Total - 35.

Whereupon the President declared **H 605** passed, title was approved, and the bill ordered returned to the House.

**H 606** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Coiner, Compton, Davis, Fulcher, Gannon, Goedde, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stennett, Werk. Total - 23.

NAYS--Cameron, Corder, Darrington, Geddes, Hill, Jorgenson, Little, Stegner, Williams. Total - 9.

Absent and excused--Burtenshaw, Pearce, Sweet. Total - 3.

Total - 35.

Whereupon the President declared **H 606** passed, title was approved, and the bill ordered returned to the House.

**H 607** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Compton and McGee arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Darrington, Davis, Fulcher, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, Richardson, Schroeder, Stennett, Werk, Williams. Total - 27.

NAYS--Corder, Geddes, Little, McKenzie, Stegner. Total - 5.

Absent and excused--Burtenshaw, Pearce, Sweet. Total - 3.

Total - 35.

Whereupon the President declared **H 607** passed, title was approved, and the bill ordered returned to the House.

**H 609** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Brandt, granted by unanimous consent, **H 609** retained its place on the Third Reading Calendar for one legislative day.

**S 1437** was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Little, Lodge, McGee, McKenzie, Richardson, Stegner, Williams. Total - 19.

NAYS--Brandt, Burkett, Compton, Gannon, Jorgenson, Kelly, Keough, Langhorst, Malepeai, Schroeder, Stennett, Werk. Total - 12.

Absent and excused--Burtenshaw, Marley, Pearce, Sweet. Total - 4.

Total - 35.

Whereupon the President declared **S 1437** passed, title was approved, and the bill ordered transmitted to the House.

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

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

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 5:35 p.m. until the hour of 9:30 a.m., Wednesday, March 15, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

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### SIXTY-SIXTH LEGISLATIVE DAY WEDNESDAY, MARCH 15, 2006

Senate Chamber

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

Roll call showed all members present except Senators Cameron, Coiner, Goedde, Langhorst, Lodge, Pearce, Stegner, Stennett, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Kyle Raese, 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 14, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

#### Reports of Standing Committees

Senators Coiner, Lodge, and Pearce were recorded present at this order of business.

March 15, 2006

The JUDICIARY AND RULES Committee reports that **S 1448** and **SJM 120** have been correctly printed.

DARRINGTON, Chairman

**S 1448** was referred to the State Affairs Committee.

**SJM 120** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 14, 2006

The JUDICIARY AND RULES Committee reports that **S 1256**, **S 1258**, **S 1302**, **S 1303**, and **S 1304** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1256**, **S 1258**, **S 1302**, **S 1303**, and **S 1304** and ordered them transmitted to the House for the signature of the Speaker.

March 14, 2006

The JUDICIARY AND RULES Committee reports that **S 1243**, as amended, **S 1386**, as amended, and **S 1423**, as amended, have been correctly engrossed.

DARRINGTON, Chairman

**S 1243**, as amended, **S 1386**, as amended, and **S 1423**, as amended, were filed for first reading.

Senators Goedde, Stegner, and Stennett were recorded present at this order of business.

March 14, 2006

March 14, 2006

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1243**, **S 1386**, **H 648**, **H 624**, **H 561**, **S 1423**, and **H 673** have been correctly printed.

DARRINGTON, Chairman

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

March 14, 2006

The FINANCE Committee reports out **H 788** with the recommendation that it do pass.

CAMERON, Chairman

**H 788** was filed for second reading.

March 14, 2006

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 652**, **H 653**, and **H 722** with the recommendation that they do pass.

ANDREASON, Chairman

**H 652**, **H 653**, and **H 722** were filed for second reading.

March 14, 2006

The TRANSPORTATION Committee reports out **HCR 56** with the recommendation that it do pass.

BRANDT, Chairman

**HCR 56** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 14, 2006

The TRANSPORTATION Committee reports out **H 562**, as amended, with the recommendation that it do pass and with the recommendation that it be placed on the Consent Calendar.

BRANDT, Chairman

**H 562**, as amended, was filed for second reading.

March 14, 2006

The AGRICULTURAL AFFAIRS Committee reports out **H 514**, **H 515**, and **H 599** with the recommendation that they do pass.

WILLIAMS, Chairman

**H 514**, **H 515**, and **H 599** were filed for second reading.

The AGRICULTURAL AFFAIRS Committee reports out **H 513** and **H 412** with the recommendation that they do pass and with the recommendation that they be placed on the Consent Calendar.

WILLIAMS, Chairman

**H 513** and **H 412** were filed for second reading.

March 14, 2006

The HEALTH AND WELFARE Committee reports out **H 734** with the recommendation that it do pass.

COMPTON, Chairman

**H 734** was filed for second reading.

March 14, 2006

The EDUCATION Committee reports out **H 712** with the recommendation that it do pass.

GOEDDE, Chairman

**H 712** was filed for second reading.

March 14, 2006

The EDUCATION Committee reports out **S 1418** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, **S 1418** was referred to the Fourteenth Order of Business, General Calendar.

March 15, 2006

The EDUCATION Committee reports out **H 743** with the recommendation that it be referred to the State Affairs Committee.

GOEDDE, Chairman

There being no objection, **H 743** was referred to the State Affairs Committee.

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

#### Messages from the House

March 14, 2006

Mr. President:

I transmit herewith Enrolled **HJM 13**, **H 615**, **H 533**, as amended in the Senate, and **H 601**, as amended in the Senate, for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HJM 13, H 615, H 533**, as amended in the Senate, and **H 601**, as amended in the Senate, and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

On request by Senator Lodge, granted by unanimous consent, **SCR 132** retained its place on the calendar for one legislative day.

Senators Cameron, Langhorst, and Sweet were recorded present at this order of business.

The President announced that **HCR 47** was before the Senate for final consideration.

Moved by Senator Stegner, seconded by Senator Werk, that **HCR 47** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--Burkett, Schroeder. Total - 2.

Total - 35.

Whereupon the President declared **HCR 47** adopted, title was approved, and the resolution ordered returned to the House.

The President announced that **HCR 60** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Stegner, seconded by Senator Stennett, **HCR 60** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **SCR 130** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Bunderson, seconded by Senator Stennett, **SCR 130** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that **HCR 36** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Stennett, seconded by Senator Davis, **HCR 36** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **HCR 37** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Burtenshaw, seconded by Senator Stennett, **HCR 37** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **HJM 14** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Langhorst, seconded by Senator Little, **HJM 14** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President announced that **HJM 20** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Little, seconded by Senator Stennett, **HJM 20** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

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

#### S 1449 BY FINANCE COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE ATTORNEY GENERAL FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE ALLOCATION OF SALARY SAVINGS; DIRECTING THE TRANSFER OF FUNDS FROM THE DEPARTMENT OF FINANCE; DIRECTING THE TRANSFER OF FUNDS FROM THE IDAHO TRANSPORTATION DEPARTMENT; DIRECTING STATE MATCHING FUNDS TO THE TREASURE VALLEY SPECIAL U.S. ATTORNEY DEMONSTRATION PROJECT; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES OF THE GENERAL FUND; SETTING FORTH THE CONDITIONS FOR THE REAPPROPRIATION; AND DECLARING AN EMERGENCY FOR SECTIONS 4 AND 5 OF THIS ACT.

#### S 1450 BY FINANCE COMMITTEE AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2006; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY.

#### S 1451 BY FINANCE COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT WITH

REGARD TO BOND PAYMENTS; DIRECTING THE TRANSFER OF MONEYS ON OR AFTER JULY 1, 2006; DIRECTING THE TRANSFER OF MONEYS ON OR AFTER JANUARY 1, 2007; AND DIRECTING ALLOCATION OF SALARY SAVINGS.

**S 1452**  
**BY FINANCE COMMITTEE**  
AN ACT

APPROPRIATING MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2007; AND APPROPRIATING MONEYS FROM THE GENERAL FUND TO THE GUARDIAN AD LITEM FUND.

**S 1449, S 1450, S 1451, and S 1452** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 648**, as amended in the Senate, by Commerce and Human Resources Committee, was read the first time at length and filed for second reading.

**H 624**, as amended in the Senate, by Education Committee, was read the first time at length and filed for second reading.

**H 561**, as amended in the Senate, by Transportation and Defense Committee, was read the first time at length and filed for second reading.

**H 673**, as amended in the Senate, by State Affairs Committee, was read the first time at length and filed for second reading.

**S 1243**, as amended, by Brandt, was read the first time at length and filed for second reading.

**S 1386**, as amended, by Resources and Environment Committee, was read the first time at length and filed for second reading.

**S 1423**, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**S 1443, S 1444, S 1445, S 1146, and S 1447**, by Finance Committee, were read the second time at length and filed for third reading.

**H 766, H 767, H 782, and H 783**, by Appropriations Committee, were read the second time at length and filed for third reading.

**H 636, H 546, and H 576**, by Resources and Conservation Committee, were read the second time at length and filed for third reading, Consent Calendar.

**H 637 and H 544**, by Resources and Conservation Committee, were read the second time at length and filed for third reading.

**H 716**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 472**, as amended, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

**H 634**, as amended, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

**S 1427**, by Judiciary and Rules 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**

**S 1429** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1429** passed, title was approved, and the bill ordered transmitted to the House.

**S 1442** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1442** passed, title was approved, and the bill ordered transmitted to the House.

**S 1283** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Schroeder and Brandt arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Cameron, Coiner, Compton, Corder, Darrington, Fulcher, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Malepeai, Marley, McGee, Richardson, Schroeder, Stennett, Sweet, Werk, Williams. Total - 26.

NAYS--Burkett, Burtenshaw, Geddes, Little, Lodge, McKenzie, Pearce, Stegner. Total - 8.

Absent and excused--Davis. Total - 1.

Total - 35.

Whereupon the President declared **S 1283** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, 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 House bills.

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

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12 noon until the hour of 9 a.m., Thursday, March 16, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

#### SIXTY-SEVENTH LEGISLATIVE DAY THURSDAY, MARCH 16, 2006

Senate Chamber

At the request of President Pro Tempore Geddes, Senator Darrington called the Senate to order at 9 a.m.

Roll call showed all members present except President Pro Tempore Geddes and Senators Brandt, Coiner, Pearce, Stegner, and Stennett, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Katie Twiggs, 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 15, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

#### Petitions, Resolutions, and Memorials

##### SP 101

#### BY STATE AFFAIRS COMMITTEE

##### A PROCLAMATION

COMMENDING GENERAL WOO-JOO CHANG FOR HIS SERVICE AND DEDICATION TO THE STATE OF IDAHO AS IDAHO'S OFFICIAL REPRESENTATIVE IN KOREA.

We, the members of the Senate of the State of Idaho assembled in the Second Regular Session of the Fifty-eighth Idaho Legislature, do hereby proclaim:

WHEREAS, General Woo-Joo Chang has served as the Official Representative of the State of Idaho at the Korea Representative Office since 1988; and

WHEREAS, South Korea is one of Idaho's top ten trading partners; and

WHEREAS, General Chang has had a long and distinguished military, business and government career; and

WHEREAS, General Chang's background includes serving as Dean of Faculty for the National Defense College, as Commanding General for the 3rd Infantry Division, and as Secretary General for the first South-North Korea Talks; and

WHEREAS, General Chang's business expertise includes serving as President of the Korea Overseas Construction Corporation and as President of Hyundai Corporation and five Hyundai Group Companies; and

WHEREAS, General Chang is Chairman of the Korea Military Academy Foundation and founded the Korean-American Business Institute; and

WHEREAS, General Chang holds degrees from the Korean Military Academy, U.S. Army Command and General Staff College, the National Defense College and the Harvard Business School; and

WHEREAS, General Chang has helped foster government relations and expand business opportunities for the state of Idaho; and

WHEREAS, the state of Idaho has benefitted greatly from General Chang's representation in Korea.

NOW, THEREFORE, BE IT PROCLAIMED by the members of the Senate assembled in the Second Regular Session of the Fifty-eighth Idaho Legislature, that we wish to honor and commend General Chang for his service and dedication to the state of Idaho as Idaho's Official Representative in Korea.

**SP 101** 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 15, 2006

Senators Coiner, Pearce, and Stennett were recorded present at this order of business.

March 16, 2006

The JUDICIARY AND RULES Committee reports that **S 1449**, **S 1450**, **S 1451**, and **S 1452** have been correctly printed.

DARRINGTON, Chairman

**S 1449**, **S 1450**, **S 1451**, and **S 1452** were referred to the Finance Committee.

March 15, 2006

The STATE AFFAIRS Committee reports out **H 696** with the recommendation that it do pass.

BURTENSCHAW, Chairman

**H 696** was filed for second reading.

March 15, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 724**, **H 688**, and **H 706** with the recommendation that they do pass.

BUNDERSON, Chairman

**H 724**, **H 688**, and **H 706** were filed for second reading.

March 16, 2006

The FINANCE Committee reports out **S 1449**, **S 1450**, **S 1451**, and **S 1452** with the recommendation that do pass.

CAMERON, Chairman

**S 1449**, **S 1450**, **S 1451**, and **S 1452** were filed for second reading.

President Pro Tempore Geddes and Senators Brandt and Stegner were recorded present at this order of business.

March 15, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **H 545**, **H 640**, and **HCR 38** with the recommendation that they do pass.

SCHROEDER, Chairman

**H 545** and **H 640** were filed for second reading.

**HCR 38** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

The RESOURCES AND ENVIRONMENT Committee reports out **H 541** and **H 638** with the recommendation that they do pass and with the recommendation that they be placed on the Consent Calendar.

SCHROEDER, Chairman

**H 541** and **H 638** were filed for second reading.

March 15, 2006

The JUDICIARY AND RULES Committee reports out **H 602**, as amended, and **H 762** with the recommendation that they do pass.

DARRINGTON, Chairman

**H 602**, as amended, and **H 762** were filed for second reading.

March 15, 2006

The JUDICIARY AND RULES Committee reports out **S 1441** and **H 713**, as amended, with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **S 1441** and **H 713**, as amended, were referred to the Fourteenth Order of Business, General Calendar.

March 15, 2006

The HEALTH AND WELFARE Committee reports out **H 709**, as amended, **H 719**, as amended, and **H 738**, as amended, with the recommendation that they do pass.

COMPTON, Chairman

**H 709**, as amended, **H 719**, as amended, and **H 738**, as amended were filed for second reading.

March 15, 2006

The EDUCATION Committee reports out **H 684** with the recommendation that it do pass and with the recommendation that it be placed on the Consent Calendar.

GOEDDE, Chairman

**H 684** was filed for second reading.

March 15, 2006

The EDUCATION Committee reports out **HCR 58** and **H 752** with the recommendation that they do pass.

GOEDDE, Chairman

**H 752** was filed for second reading.

**HCR 58** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 15, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **HCR 54, H 686, H 687, and H 729** with the recommendation that they do pass.

BUNDERSON, Chairman

**HCR 54** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

**H 686, H 687, and H 729** were filed for second reading.

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

#### Messages from the House

March 15, 2006

Mr. President:

I transmit herewith **HCR 49, HCR 51, HCR 53, H 714**, as amended, **H 793, H 794, H 787, H 731, H 739, H 796, H 797, H 798, H 799, HCR 48, HCR 52**, and **H 668** which have passed the House.

JUKER, Chief Clerk

**HCR 49, HCR 51, HCR 53, H 714**, as amended, **H 793, H 794, H 787, H 731, H 739, H 796, H 797, H 798, H 799, HCR 48, HCR 52**, and **H 668** were filed for first reading.

March 15, 2006

Mr. President:

I return herewith **S 1259, S 1383, S 1348, S 1260, S 1317, S 1316**, and **S 1360** which have passed the House.

JUKER, Chief Clerk

**S 1259, S 1383, S 1348, S 1260, S 1317, S 1316**, and **S 1360** were referred to the Judiciary and Rules Committee for enrolling.

March 15, 2006

Mr. President:

I return herewith Enrolled **S 1268, S 1269, S 1270, S 1271, S 1272**, and **S 1301** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1268, S 1269, S 1270, S 1271, S 1272**, and **S 1301** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

On request by Senator Lodge, granted by unanimous consent, **SCR 132**, having been held, retained its place on the calendar for one legislative day.

The Acting President announced that **SJM 120** was before the Senate for final consideration.

Moved by Senator Little, seconded by Senator Malepeai, that **SJM 120** be adopted. The question being, "Shall the memorial be adopted?"

Roll call vote was requested by Senators Stennett, Little, and Schroeder.

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--Pearce. Total - 1.

Total - 35.

Whereupon the Acting President declared **SJM 120** adopted, title was approved, and the memorial ordered transmitted to the House.

The Acting President announced that **HCR 56** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator McGee, seconded by Senator Malepeai, **HCR 56** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

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

##### S 1453

##### BY STATE AFFAIRS COMMITTEE

##### AN ACT

RELATING TO THE OFFICE OF THE GOVERNOR; AMENDING CHAPTER 8, TITLE 67, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 67-821 AND 67-822, IDAHO CODE, TO ESTABLISH THE GOVERNOR'S OFFICE FOR FAMILIES AND CHILDREN, TO PROVIDE FOR THE PURPOSE OF THE OFFICE, TO PROVIDE FOR THE APPOINTMENT OF AN ADMINISTRATOR, TO PROVIDE FOR DUTIES, POWERS AND AUTHORITIES FOR THE OFFICE, TO REQUIRE THE PREPARATION OF AN ANNUAL REPORT AND TO CREATE IN THE STATE TREASURY THE OFFICE FOR FAMILIES AND CHILDREN FUND.

**S 1454**  
**BY FINANCE COMMITTEE**  
 AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

**S 1455**  
**BY FINANCE COMMITTEE**  
 AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE ALLOCATION OF SALARY SAVINGS; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES OF THE GENERAL FUND; SETTING FORTH THE CONDITIONS FOR THE REAPPROPRIATION; AND EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO JUVENILE MENTAL HEALTH SERVICES.

**S 1453**, **S 1454**, and **S 1455** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**HCR 49**, **HCR 51**, and **HCR 53**, by State Affairs Committee, were introduced, read at length, and referred to the Health and Welfare Committee.

**H 714**, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**H 793** and **H 794**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

**H 787**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**H 731**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 739**, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

**H 796**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 797**, **H 798**, and **H 799**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

**HCR 48** and **HCR 52**, by State Affairs Committee, were introduced, read at length, and referred to the Health and Welfare Committee.

**H 668**, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**H 788**, by Appropriations Committee, was read the second time at length and filed for third reading.

**H 652** and **H 653**, by Business Committee, were read the second time at length and filed for third reading.

**H 722**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 562**, as amended, by Transportation and Defense Committee, was read the second time at length and filed for third reading, Consent Calendar.

**H 514**, **H 515**, and **H 599**, by Agricultural Affairs Committee, were read the second time at length and filed for third reading.

**H 513** and **H 412**, by Agricultural Affairs Committee, were read the second time at length and filed for third reading, Consent Calendar.

**H 734**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 712**, by Education Committee, was read the second time at length and filed for third reading.

**H 648**, as amended in the Senate, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

**H 624**, as amended in the Senate, by Education Committee, was read the second time at length and filed for third reading.

**H 561**, as amended in the Senate, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

**H 673**, as amended in the Senate, by State Affairs Committee, was read the second time at length and filed for third reading.

**S 1243**, as amended, by Brandt, was read the second time at length and filed for third reading.

**S 1386**, as amended, by Resources and Environment Committee, was read the second time at length and filed for third reading.

**S 1423**, as amended, 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**

**S 1443** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1443** passed, title was approved, and the bill ordered transmitted to the House.

**S 1444** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1444** passed, title was approved, and the bill ordered transmitted to the House.

**S 1445** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1445** passed, title was approved, and the bill ordered transmitted to the House.

**S 1446** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Sweet, Werk, Williams. Total - 31.

NAYS--Schroeder. Total - 1.

Absent and excused--Davis, Stegner, Stennett. Total - 3.

Total - 35.

Whereupon the Acting President declared **S 1446** passed, title was approved, and the bill ordered transmitted to the House.

**S 1447** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1447** passed, title was approved, and the bill ordered transmitted to the House.

**S 1427** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Marley and Bunderson arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1427** passed, title was approved, and the bill ordered transmitted to the House.

**H 609**, having previously been read the third time at length and debate having previously been opened, was before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and reopened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Burtenshaw, Cameron, Darrington, Davis, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McKenzie, Pearce, Richardson, Stegner, Williams. Total - 17.

NAYS--Andreason, Broadsword, Bunderson, Burkett, Coiner, Compton, Corder, Fulcher, Gannon, Kelly, Langhorst, Malepeai, Marley, McGee, Schroeder, Stennett, Sweet, Werk. Total - 18.

Total - 35.

Whereupon the Acting President declared that **H 609** had failed to pass the Senate and ordered the bill returned to the House.

**H 707** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Davis, Kelly, and Langhorst arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 707** passed, title was approved, and the bill ordered returned to the House.

**H 694** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 694** passed, title was approved, and the bill ordered returned to the House.

**H 526** 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--Andreason, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Hill, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--Broadsword, Goedde, Jorgenson. Total - 3.

Absent and excused--Coiner. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 526** passed, title was approved, and the bill ordered returned to the House.

**H 529** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Williams. Total - 28.

NAYS--Burkett, Kelly, Langhorst, Malepeai, Marley, Stennett, Werk. Total - 7.

Total - 35.

Whereupon the Acting President declared **H 529** passed, title was approved, and the bill ordered returned to the House.

**H 766** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 766** passed, title was approved, and the bill ordered returned to the House.

**H 767** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 767** passed, title was approved, and the bill ordered returned to the House.

**H 782** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 782** passed, title was approved, and the bill ordered returned to the House.

**H 783** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 783** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Little, granted by unanimous consent, **H 637** and **H 544** retained their place on the Third Reading Calendar.

**H 716** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 716** passed, title was approved, and the bill ordered returned to the House.

The Senate considered the Consent Calendar:

**H 567** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 567** passed, title was approved, and the bill ordered returned to the House.

**H 517** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 517** passed, title was approved, and the bill ordered returned to the House.

**H 659** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 659** passed, title was approved, and the bill ordered returned to the House.

**H 727** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 727** passed, title was approved, and the bill ordered returned to the House.

**H 613**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 613**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 646** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 646** passed, title was approved, and the bill ordered returned to the House.

**H 649** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 649** passed, title was approved, and the bill ordered returned to the House.

**H 520** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 520** passed, title was approved, and the bill ordered returned to the House.

**H 521** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 521** passed, title was approved, and the bill ordered returned to the House.

**H 433** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 433** passed, title was approved, and the bill ordered returned to the House.

**H 522** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 522** passed, title was approved, and the bill ordered returned to the House.

**H 524** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 524** passed, title was approved, and the bill ordered returned to the House.

**H 525** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 525** passed, title was approved, and the bill ordered returned to the House.

**H 527** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 527** passed, title was approved, and the bill ordered returned to the House.

**H 528** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 528** passed, title was approved, and the bill ordered returned to the House.

**H 639** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Williams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 639** passed, title was approved, and the bill ordered returned to the House.

**H 636** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Williams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 636** passed, title was approved, and the bill ordered returned to the House.

**H 546** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 546** passed, title was approved, and the bill ordered returned to the House.



**H 576** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 576** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, 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 House bills.

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

### General Calendar

The Acting President declared the Senate resolved into the Committee of the Whole and called Senator Stegner 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 Pro Tempore called the Senate to order.

### Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **S 1393, H 582, and H 680**, without recommendation and without amendment; and **H 695, H 717**, as amended in the Senate, and **S 1418**, without recommendation, amended as follows:

#### SENATE AMENDMENT TO H 695 AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 10, delete "boards" and insert: "boards; provided however, that any governing body using the emergency communication fee to pay the salaries of dispatchers as of March 1, 2006, may continue to do so until the beginning of such governing body's 2007 fiscal year".

#### CORRECTIONS TO TITLE

On page 1, in line 4, delete "APPLICATIONS AND TO" and insert: "APPLICATIONS, TO"; and in line 5, following "PAYMENTS" insert: "AND TO PROVIDE FOR APPLICATION".

#### SENATE AMENDMENT TO THE SENATE AMENDMENT TO H 717

AMENDMENT TO THE AMENDMENT TO SECTION 1  
On page 1 of the printed amendment, delete lines 2 and 3 and insert:

"On page 1 of the printed bill, delete line 16 and insert: "at a convenient location in a county in which any portion of the legislative district sits"."

#### CORRECTION TO THE CORRECTION TO TITLE

On page 1, delete line 5 and insert:

"On page 1, delete lines 5 and 6 and insert: "NIENT LOCATION IN A COUNTY IN WHICH ANY PORTION OF THE LEGISLATIVE DISTRICT SITS, WITHIN ELEVEN DAYS AFTER THE PRIMARY ELECTION; AND DECLARING AN EMERGENCY.""

#### SENATE AMENDMENT TO S 1418 AMENDMENTS TO THE BILL

On page 2 of the printed bill, delete lines 7 through 53; delete pages 3, 4 and 5 and insert:

"SECTION 2. That Chapter 52, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-5215, Idaho Code, and to read as follows:

33-5215. PROFESSIONAL-TECHNICAL REGIONAL PUBLIC CHARTER SCHOOL. (1) A professional-technical regional public charter school is hereby declared to be a public charter school and as such, the provisions of chapter 52, title 33, Idaho Code, shall apply to each professional-technical regional public charter school in the same manner and to the same extent as the provisions of charter school law apply to other public charter schools, with the exception of certain conditions and applications as specifically provided in this section.

(2) In addition to the approval provisions of this chapter, approval of a professional-technical regional public charter school by an authorized chartering entity shall not be final until the petition has also been reviewed by the division of professional-technical education.

(3) Funding for a professional-technical regional public charter school shall be the same as provided in section 33-5208, Idaho Code, except that:

(a) The salary-based apportionment for a professional-technical regional public charter school shall be the statewide average index for public charter schools;

(b) The board of directors may cooperatively enter into written contracts to engage the services of specialized personnel, to procure the use of facilities and equipment, and to purchase materials and equipment, which in the judgment of the board of directors is necessary or desirable for the conduct of the business of the professional-technical regional public charter school. Such salary-based apportionment may be used for payment of contracted service agreements or for direct hire of staff. Certificated teachers shall be under contract with an Idaho public school entity; and

(c) Transportation support shall be paid to the professional-technical regional public charter school in accordance with the provisions of chapter 15, title 33, Idaho Code.

(4) A professional-technical regional public charter school shall provide assurances in state attendance reports that it has verified attendance reports, which generate ADA with its participating school districts, to make certain that the districts and the charter school do not duplicate enrollment or ADA claims."

#### CORRECTIONS TO TITLE

On page 1, in line 3, following "SCHOOL";" insert: "AND"; and delete lines 4 through 9 and insert: "CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5215, IDAHO CODE, TO PROVIDE FOR PROFESSIONAL-TECHNICAL REGIONAL PUBLIC

CHARTER SCHOOLS AND TO PROVIDE FOR APPLICATION OF PUBLIC CHARTER SCHOOL LAW TO PROFESSIONAL-TECHNICAL REGIONAL PUBLIC CHARTER SCHOOLS WITH EXCEPTIONS FOR CERTAIN CONDITIONS AND APPLICATIONS AS SPECIFIED."

The Committee also has **S 1387, S 1241, H 676, H 421, H 422, H 678, H 679, S 1441, and H 713**, as amended, under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Malepeai, the report was adopted by voice vote.

**S 1418**, as amended, was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

**H 695**, as amended in the Senate, and **H 717**, as amended in the Senate, 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.

**S 1393, H 582, and H 680** were filed for second reading.

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

#### Petitions, Resolutions, and Memorials

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:15 p.m. until the hour of 4 p.m. of this day.

#### RECESS AFTERNOON SESSION

The Senate reconvened at 4 p.m., pursuant to recess, President Pro Tempore Geddes presiding.

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

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

Senator Cameron was recorded present at this order of business.

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

#### General Calendar

The President Pro Tempore declared the Senate resolved into the Committee of the Whole and called Senator Stegner 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 Pro Tempore called the Senate to order.

#### Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **H 676**, without recommendation, amended as follows:

#### SENATE AMENDMENT TO H 676

##### AMENDMENTS TO SECTION 2

On page 1 of the printed bill, in line 42, delete "1/2" and insert: "."; on page 2, delete lines 1 through 4; in line 24, following "(5)" insert: "If the land qualified for exemption pursuant to section 63-602FF, Idaho Code, in 2005, then the land will qualify in 2006 for the exemption pursuant to section 63-602K, Idaho Code, upon the filing of a statement by the owner with the board of county commissioners that the land will be actively devoted to agriculture pursuant to this section in 2006.

(6);  
in line 28, delete "(6)" and insert: "(7)".

#### CORRECTION TO TITLE

On page 1, delete lines 4 through 6 and insert: "MENT PLAT; AMENDING SECTION 63-604, IDAHO CODE, TO PROVIDE THAT IF LAND QUALIFIED FOR THE EXEMPTION IN SECTION 63-602FF, IDAHO CODE, IN 2005, THE LAND WILL QUALIFY IN 2006 FOR THE SPECULATIVE PORTION OF AGRICULTURAL LAND EXEMPTION UPON THE FILING OF A STATEMENT BY THE OWNER WITH THE BOARD OF COUNTY COMMISSIONERS THAT THE LAND WILL BE ACTIVELY DEVOTED TO AGRICULTURE IN 2006, TO PROVIDE THAT PLATTING LAND ACTIVELY".

The Committee also has **S 1387, S 1241, H 421, H 422, H 678, H 679, S 1441, and H 713**, as amended, under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Malepeai, the report was adopted by voice vote.

**H 676**, as amended in the Senate, was filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

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

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 5:30 p.m. until the hour of 9 a.m., Friday, March 17, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

—————

**SIXTY-EIGHTH LEGISLATIVE DAY  
FRIDAY, MARCH 17, 2006**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9 a.m.

Roll call showed all members present except Senators Andreason, Brandt, Burkett, Gannon, Pearce, and Stennett, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Ashley Burke, Page.

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

**Reports of Standing Committees**

Senator Stennett was recorded present at this order of business.

March 17, 2006

The JUDICIARY AND RULES Committee reports that **S 1453, S 1454, S 1455, and SP 101** have been correctly printed.

DARRINGTON, Chairman

**S 1453** was referred to the State Affairs Committee.

**S 1454** and **S 1455** were referred to the Finance Committee.

**SP 101** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 16, 2006

The JUDICIARY AND RULES Committee reports that **S 1418**, as amended, has been correctly engrossed.

DARRINGTON, Chairman

**S 1418**, as amended, was filed for first reading.

March 16, 2006

The JUDICIARY AND RULES Committee reports that Senate amendments to **H 695, H 717**, as amended in the Senate, **S 1418**, and **H 676** have been correctly printed.

DARRINGTON, Chairman

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

Senators Brandt and Burkett were recorded present at this order of business.

March 16, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1268, S 1269, S 1270, S 1271, S 1272, and S 1301** were delivered to the Office of the Governor at 1:45 p.m., March 16, 2006.

DARRINGTON, Chairman

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

March 16, 2006

The JUDICIARY AND RULES Committee reports that **S 1259, S 1260, S 1316, S 1317, S 1348, S 1360, and S 1383** have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1259, S 1260, S 1316, S 1317, S 1348, S 1360, and S 1383**, and ordered them transmitted to the House for the signature of the Speaker.

March 17, 2006

The FINANCE Committee reports out **S 1454** and **S 1455** with the recommendation that they do pass.

CAMERON, Chairman

**S 1454** and **S 1455** were filed for second reading.

March 16, 2006

The FINANCE Committee reports out **H 793, H 794, H 797, H 798, and H 799** with the recommendation that they do pass.

CAMERON, Chairman

**H 793, H 794, H 797, H 798, and H 799** were filed for second reading.

March 16, 2006

The AGRICULTURAL AFFAIRS Committee reports out **H 596, H 492, and H 466** with the recommendation that they do pass and with the recommendation that they be placed on the Consent Calendar.

WILLIAMS, Chairman

**H 596, H 492, and H 466** were filed for second reading.

March 16, 2006

The AGRICULTURAL AFFAIRS Committee reports out **H 594** with the recommendation that it do pass.

WILLIAMS, Chairman

**H 594** was filed for second reading.

March 16, 2006

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 723** and **HCR 55** with the recommendation that they do pass.

ANDREASON, Chairman

**H 723** was filed for second reading.

**HCR 55** 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 Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

**Messages from the House**

March 16, 2006

Mr. President:

I transmit herewith **H 801, H 802, H 803, H 804, H 805, H 784, HJM 21, HJM 22, H 760**, as amended, and **H 663**, as amended, which have passed the House.

JUKER, Chief Clerk

**H 801, H 802, H 803, H 804, H 805, H 784, HJM 21, HJM 22, H 760**, as amended, and **H 663**, as amended, were filed for first reading.

March 16, 2006

Mr. President:

I return herewith **S 1299, S 1345, S 1371, S 1311, S 1312, S 1336, SJR 107, S 1416, S 1318, S 1319, S 1320, S 1322, S 1323, S 1324, S 1326, S 1328, S 1362, S 1375, S 1347, SJM 118, S 1396, S 1422, S 1335, S 1250, S 1251, S 1252, S 1385, and S 1391** which have passed the House.

JUKER, Chief Clerk

**S 1299, S 1345, S 1371, S 1311, S 1312, S 1336, SJR 107, S 1416, S 1318, S 1319, S 1320, S 1322, S 1323, S 1324, S 1326, S 1328, S 1362, S 1375, S 1347, SJM 118, S 1396, S 1422, S 1335, S 1250, S 1251, S 1252, S 1385, and S 1391** were referred to the Judiciary and Rules Committee for enrolling.

March 16, 2006

Mr. President:

I transmit herewith Enrolled **H 593, H 614, H 584, H 587, H 711, H 718, H 565**, as amended, **H 611**, as amended, **H 664, H 632, H 633, H 631, H 432, H 619, H 491, H 538, H 539, H 645, H 605, H 606, and H 607** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **H 593, H 614, H 584, H 587, H 711, H 718, H 565**, as amended, **H 611**, as amended, **H 664, H 632, H 633, H 631, H 432, H 619, H 491, H 538, H 539, H 645, H 605, H 606, and H 607** and ordered them returned to the House.

March 16, 2006

Mr. President:

I return herewith Enrolled **S 1256, S 1258, S 1302, S 1303, and S 1304** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1256, S 1258, S 1302, S 1303, and S 1304** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Senators Andreason and Gannon were recorded present at this order of business.

The Senate advanced to the Tenth Order of Business.

**Motions and Resolutions**

The President Pro Tempore announced that **SCR 132**, having been held, was before the Senate for final consideration.

Moved by Senator Lodge, seconded by Senator Stennett, that **SCR 132** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Pearce. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **SCR 132** adopted, title was approved, and the resolution ordered transmitted to the House.

The President Pro Tempore announced that **HCR 38** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Langhorst, seconded by Senator Little, **HCR 38** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

Senator Pearce was recorded present at this order of business.

The President Pro Tempore announced that **HCR 58** was before the Senate for final consideration.

Moved by Senator Andreason, seconded by Senator Burkett, that **HCR 58** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 34.

NAYS--None.

Absent and excused--Werk. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **HCR 58** adopted, title was approved, and the resolution ordered returned to the House.

The President Pro Tempore announced that **HCR 54** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Williams, seconded by Senator Stennett, **HCR 54** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

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

**H 695**, as amended in the Senate, and **H 717**, as amended in the Senate, as amended in the Senate, by State Affairs Committee, were read the first time at length and filed for second reading.

**H 676**, as amended in the Senate, by Revenue and Taxation Committee, was read the first time at length and filed for second reading.

**S 1418**, as amended, by Finance Committee, was read the first time at length and filed for second reading.

**H 801, H 802, H 803, H 804, and H 805**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

**H 784**, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**HJM 21**, by Ways and Means Committee, was introduced, read at length, and referred to the Resources and Environment Committee.

**HJM 22**, by Ways and Means Committee, was introduced, read at length, and referred to the State Affairs Committee.

**H 760**, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

**H 663**, as amended, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

The Senate advanced to the Twelfth Order of Business.

#### **Second Reading of Bills**

**H 696** and **H 724**, by State Affairs Committee, were read the second time at length and filed for third reading.

**H 688** and **H 706**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

**S 1449, S 1450, S 1451, and S 1452**, by Finance Committee, were read the second time at length and filed for third reading.

**H 545** and **H 640**, by Resources and Conservation Committee, were read the second time at length and filed for third reading.

**H 541** and **H 638**, by Resources and Conservation Committee, were read the second time at length and filed for third reading, Consent Calendar.

**H 602**, as amended, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

**H 762, H 709**, as amended, **H 719**, as amended, and **H 738**, as amended, by State Affairs Committee, were read the second time at length and filed for third reading.

**H 684**, by Education Committee, was read the second time at length and filed for third reading, Consent Calendar.

**H 752**, by Education Committee, was read the second time at length and filed for third reading.

**H 686, H 687, and H 729**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

**S 1393**, by Resources and Environment Committee, was read the second time at length and filed for third reading.

**H 582**, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

**H 680**, by Revenue and Taxation 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 Davis, 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 House bills.

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

### General Calendar

The President Pro Tempore declared the Senate resolved into the Committee of the Whole and called Senator Stegner 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 Pro Tempore called the Senate to order.

### Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **H 678** and **H 679**, without recommendation and without amendment; and **H 421** and **H 422**, without recommendation, amended as follows:

#### SENATE AMENDMENT TO H 421 AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 28 through 32 and insert: "cable to the annual increase in the Idaho housing price index as determined by the United States office of federal housing enterprise oversight. The state tax commission shall publish the adjustments required by this subsection each and every year the office of federal housing enterprise oversight announces a change in the Idaho housing price index. The adjustments".

#### SENATE AMENDMENT TO H 422 AMENDMENT TO THE BILL

On page 1 of the printed bill, following line 34, insert:

"SECTION 2. That Section 63-701, Idaho Code, be, and the same is hereby amended to read as follows:

63-701. DEFINITIONS. As used in this chapter:

(1) "Claimant" means a person who has filed a claim under the provisions of sections 63-701 through 63-710, Idaho Code. Except as provided in section 63-702(2), Idaho Code, on January 1, or before April 15, of the year in which the claimant first filed a claim on the homestead in question, a claimant must be an owner of the homestead and on January 1 of said year a claimant must be:

- (a) Not less than sixty-five (65) years old; or
- (b) A child under the age of eighteen (18) years who is fatherless or motherless or who has been abandoned by any surviving parent or parents; or
- (c) A widow or widower; or
- (d) A disabled person who is recognized as disabled by the social security administration pursuant to title 42 of the United States Code, or by the railroad retirement board pursuant to title 45 of the United States Code, or by the office of management and budget pursuant to title 5 of the United States Code; or

(e) A disabled veteran of any war engaged in by the United States, whose disability is recognized as a service-connected disability of a degree of ten percent (10%) or more, or who has a pension for nonservice-connected disabilities, in accordance with laws and regulations administered by the United States department of veterans affairs; or

(f) A person, as specified in 42 U.S.C. 1701, who was or is entitled to receive benefits because he is known to have been taken by a hostile force as a prisoner, hostage or otherwise; or

(g) Blind.

(2) "Homestead" means the dwelling, owner-occupied by the claimant as described in this chapter and used as the primary dwelling place of the claimant and may be occupied by any members of the household as their home, and so much of the land surrounding it, not exceeding one (1) acre, as is reasonably necessary for the use of the dwelling as a home. It may consist of a part of a multidwelling or multipurpose building and part of the land upon which it is built. "Homestead" does not include personal property such as furniture, furnishings or appliances, but a manufactured home may be a homestead.

(3) "Household" means the claimant and the claimant's spouse. The term does not include bona fide lessees, tenants, or roomers and boarders on contract. "Household" includes persons described in subsection (8)(b) of this section.

(4) "Household income" means all income received by the claimant and, if married, all income received by the claimant's spouse, in a calendar year.

(5) "Income" means the sum of federal adjusted gross income as defined in the Internal Revenue Code, as defined in section 63-3004, Idaho Code, and to the extent not already included in federal adjusted gross income:

- (a) Alimony;
- (b) Support money;
- (c) Nontaxable strike benefits;

(d) The nontaxable amount of any individual retirement account, pension or annuity, (including railroad retirement benefits, all payments received under the federal social security act except the social security death benefit as specified in this subsection, state unemployment insurance laws, and veterans disability pensions and compensation, excluding any return of principal paid by the recipient of an annuity and excluding rollovers as provided in section 402 or 403 of the Internal Revenue Code);

(e) Nontaxable interest received from the federal government or any of its instrumentalities or a state government or any of its instrumentalities;

(f) Worker's compensation; and

(g) The gross amount of loss of earnings insurance.

It does not include capital gains, gifts from nongovernmental sources or inheritances. To the extent not reimbursed, the cost of medical care as defined in section 213(d) of the Internal Revenue Code, incurred or paid by the claimant and, if married, the claimant's spouse, may be deducted from income. To the extent not reimbursed, personal funeral expenses, including prepaid funeral expenses and premiums on funeral insurance, of the claimant and claimant's spouse only, may be deducted from income up to an annual maximum of five thousand dollars (\$5,000) per claim. "Income" does not include veterans disability pensions received by a person described in subsection (1)(e) who is a claimant or a claimant's spouse if the disability pension is received pursuant to a service-connected disability of a degree of forty percent (40%) or more. "Income" does not include dependency and indemnity

compensation or death benefits paid to a person described in subsection (1) of this section by the United States department of veterans affairs and arising from a service-connected death or disability. "Income" does not include lump sum death benefits made by the social security administration pursuant to 42 U.S.C. section 402(I). Documentation of medical expenses may be required by the county assessor, board of equalization and state tax commission in such form as the county assessor, board of equalization or state tax commission shall determine. "Income" shall be that received in the calendar year immediately preceding the year in which a claim is filed. Where a claimant and/or the claimant's spouse does not file a federal tax return, the claimant's and/or the claimant's spouse's federal adjusted gross income, for purposes of this section, shall be an income equivalent to federal adjusted gross income had the claimant and/or the claimant's spouse filed a federal tax return, as determined by the county assessor. The county assessor, board of equalization or state tax commission may require documentation of income in such form as each shall determine, including, but not limited to: copies of federal or state tax returns and any attachments thereto; and income reporting forms such as the W-2 and 1099.

(6) "Occupied" means actual use and possession.

(7) "Owner" means a person holding title in fee simple or holding a certificate of motor vehicle title (either of which may be subject to mortgage, deed of trust or other lien) or who has retained or been granted a life estate or who is a person entitled to file a claim under section 63-702, Idaho Code. "Owner" shall also include any person who:

(a) Is the beneficiary of a revocable or irrevocable trust which is the owner of such homestead and under which the claimant or the claimant's spouse has the primary right of occupancy of the homestead; or

(b) Is a partner of a limited partnership, member of a limited liability company or shareholder of a corporation if such entity holds title in fee simple or holds a certificate of motor vehicle title and if the person holds at least a five percent (5%) ownership in such entity, as determined by the county assessor; or

(c) Has retained or been granted a life estate.

"Owner" includes a vendee in possession under a land sale contract. Any partial ownership shall be considered as ownership for determining initial qualification for property tax reduction benefits; however, the amount of property tax reduction under section 63-704, Idaho Code, and rules promulgated pursuant to section 63-705, Idaho Code, shall be computed on the value of the claimant's partial ownership. "Partial ownership," for the purposes of this section, means any one (1) person's ownership when property is owned by more than one (1) person or where the homestead is held by an entity, as set forth in this subsection, but more than one (1) person has the right of occupancy of such homestead. A person holding either partial title in fee simple or holding a certificate of motor vehicle title together with another person but who does not occupy the dwelling as his primary dwelling place, shall not be considered an owner for purposes of this section, if such person is a cosignatory of a note secured by the dwelling in question and at least one (1) of the other cosignatories of the note occupies the dwelling as his primary dwelling place. The combined community property interests of both spouses shall not be considered partial ownership so long as the combined community property interests constitute the entire ownership of the homestead, including where the spouses are occupying a homestead owned by an entity, as set forth in this subsection, and the spouses have the primary right of occupancy

of the homestead. The proportional reduction required under this subsection shall not apply to community property interests. Where title to property was held by a person who has died without timely filing a claim for property tax reduction, the estate of the deceased person shall be the "owner," provided that the time periods during which the deceased person held such title shall be attributed to the estate for the computation of any time periods under subsection (8)(a) or (8)(b) of this section.

(8) (a) "Primary dwelling place" means the claimant's dwelling place on January 1 or before April 15 of the year for which the claim is made. The primary dwelling place is the single place where a claimant has his true, fixed and permanent home and principal establishment, and to which whenever the individual is absent he has the intention of returning. A claimant must establish the dwelling to which the claim relates to be his primary dwelling place by clear and convincing evidence or by establishing that the dwelling is where the claimant resided on January 1 or before April 15 and:

(I) At least six (6) months during the prior year; or

(ii) The majority of the time the claimant owned the dwelling if owned by the claimant less than one (1) year; or

(iii) The majority of the time after the claimant first occupied the dwelling if occupied by the claimant for less than one (1) year. The county assessor may require written or other proof of the foregoing in such form as the county assessor may determine.

(b) Notwithstanding the provisions of paragraph (a) of this subsection, the property upon which the claimant makes application shall be deemed to be the claimant's primary dwelling place if the claimant is otherwise qualified and resides in a care facility and does not allow the property upon which the claimant has made application to be occupied by persons paying a consideration to occupy the dwelling. Payment of utilities shall not be payment of a consideration to occupy the dwelling. A claimant's spouse who resides in a care facility shall be deemed to reside at the claimant's primary dwelling place and to be a part of the claimant's household. A care facility is a hospital, nursing facility or intermediate care facility for the mentally retarded as defined in section 39-1301, Idaho Code, or a facility as defined in section 39-3302(14), Idaho Code, or a dwelling other than the one upon which the applicant makes application where a claimant who is unable to reside in the dwelling upon which the application is made lives and receives help in daily living, protection and security.";

and in line 35, delete "SECTION 2" and insert: "SECTION 3".

#### CORRECTION TO TITLE

On page 1, in line 6, following "CORRECTIONS;" insert: "AMENDING SECTION 63-701, IDAHO CODE, TO REVISE THE DEFINITION OF "INCOME";".

#### AMENDMENT TO THE BILL

On page 1 of the printed bill, following line 34, insert: "SECTION 2. That Section 63-701, Idaho Code, be, and the same is hereby amended to read as follows:

63-701. DEFINITIONS. As used in this chapter:

(1) "Claimant" means a person who has filed an application under section 63-602G, Idaho Code, and has filed a claim under the provisions of sections 63-701 through 63-710, Idaho Code. Except as provided in section 63-702(2), Idaho Code, on January 1, or before April 15, of the year in which the claimant first filed

a claim on the homestead in question, a claimant must be an owner of the homestead and on January 1 of said year a claimant must be:

- (a) Not less than sixty-five (65) years old; or
- (b) A child under the age of eighteen (18) years who is fatherless or motherless or who has been abandoned by any surviving parent or parents; or
- (c) A widow or widower; or
- (d) A disabled person who is recognized as disabled by the social security administration pursuant to title 42 of the United States Code, or by the railroad retirement board pursuant to title 45 of the United States Code, or by the office of management and budget pursuant to title 5 of the United States Code; or
- (e) A disabled veteran of any war engaged in by the United States, whose disability is recognized as a service-connected disability of a degree of ten percent (10%) or more, or who has a pension for nonservice-connected disabilities, in accordance with laws and regulations administered by the United States department of veterans affairs; or
- (f) A person, as specified in 42 U.S.C. 1701, who was or is entitled to receive benefits because he is known to have been taken by a hostile force as a prisoner, hostage or otherwise; or
- (g) Blind.

(2) "Homestead" means the dwelling, owner-occupied by the claimant as described in this chapter and used as the primary dwelling place of the claimant and may be occupied by any members of the household as their home, and so much of the land surrounding it, not exceeding one (1) acre, as is reasonably necessary for the use of the dwelling as a home. It may consist of a part of a multidwelling or multipurpose building and part of the land upon which it is built. "Homestead" does not include personal property such as furniture, furnishings or appliances, but a manufactured home may be a homestead.

(3) "Household" means the claimant and the claimant's spouse. The term does not include bona fide lessees, tenants, or roomers and boarders on contract. "Household" includes persons described in subsection (8)(b) of this section.

(4) "Household income" means all income received by the claimant and, if married, all income received by the claimant's spouse, in a calendar year.

(5) "Income" means the sum of federal adjusted gross income as defined in the Internal Revenue Code, as defined in section 63-3004, Idaho Code, and to the extent not already included in federal adjusted gross income:

- (a) Alimony;
- (b) Support money;
- (c) Nontaxable strike benefits;
- (d) The nontaxable amount of any individual retirement account, pension or annuity, (including railroad retirement benefits, all payments received under the federal social security act except the social security death benefit as specified in this subsection, state unemployment insurance laws, and veterans disability pensions and compensation, excluding rollovers as provided in section 402 or 403 of the Internal Revenue Code);
- (e) Nontaxable interest received from the federal government or any of its instrumentalities or a state government or any of its instrumentalities;
- (f) Worker's compensation; and
- (g) The gross amount of loss of earnings insurance.

It does not include capital gains, gifts from nongovernmental sources or inheritances. To the extent not reimbursed, the cost of medical care as defined in section 213(d) of the Internal Revenue

Code, incurred or paid by the claimant and, if married, the claimant's spouse, may be deducted from income. To the extent not reimbursed, personal funeral expenses, including prepaid funeral expenses and premiums on funeral insurance, of the claimant and claimant's spouse only, may be deducted from income up to an annual maximum of five thousand dollars (\$5,000) per claim. "Income" does not include veterans disability pensions received by a person described in subsection (1)(e) who is a claimant or a claimant's spouse if the disability pension is received pursuant to a service-connected disability of a degree of forty percent (40%) or more. "Income" does not include dependency and indemnity compensation or death benefits paid to a person described in subsection (1) of this section by the United States department of veterans affairs and arising from a service-connected death or disability. "Income" does not include lump sum death benefits made by the social security administration pursuant to 42 U.S.C. section 402(I). Documentation of medical expenses may be required by the county assessor, board of equalization and state tax commission in such form as the county assessor, board of equalization or state tax commission shall determine. "Income" shall be that received in the calendar year immediately preceding the year in which a claim is filed. Where a claimant and/or the claimant's spouse does not file a federal tax return, the claimant's and/or the claimant's spouse's federal adjusted gross income, for purposes of this section, shall be an income equivalent to federal adjusted gross income had the claimant and/or the claimant's spouse filed a federal tax return, as determined by the county assessor. The county assessor, board of equalization or state tax commission may require documentation of income in such form as each shall determine, including, but not limited to: copies of federal or state tax returns and any attachments thereto; and income reporting forms such as the W-2 and 1099.

(6) "Occupied" means actual use and possession.

(7) "Owner" means a person holding title in fee simple or holding a certificate of motor vehicle title (either of which may be subject to mortgage, deed of trust or other lien) or who has retained or been granted a life estate or who is a person entitled to file a claim under section 63-702, Idaho Code. "Owner" shall also include any person who:

(a) Is the beneficiary of a revocable or irrevocable trust which is the owner of such homestead and under which the claimant or the claimant's spouse has the primary right of occupancy of the homestead; or

(b) Is a partner of a limited partnership, member of a limited liability company or shareholder of a corporation if such entity holds title in fee simple or holds a certificate of motor vehicle title and if the person holds at least a five percent (5%) ownership in such entity, as determined by the county assessor; or

(c) Has retained or been granted a life estate.

"Owner" includes a vendee in possession under a land sale contract. Any partial ownership shall be considered as ownership for determining initial qualification for property tax reduction benefits; however, the amount of property tax reduction under section 63-704, Idaho Code, and rules promulgated pursuant to section 63-705, Idaho Code, shall be computed on the value of the claimant's partial ownership. "Partial ownership," for the purposes of this section, means any one (1) person's ownership when property is owned by more than one (1) person or where the homestead is held by an entity, as set forth in this subsection, but more than one (1) person has the right of occupancy of such homestead. A person holding either partial title in fee simple or holding a certificate of motor vehicle title together with another



person but who does not occupy the dwelling as his primary dwelling place, shall not be considered an owner for purposes of this section, if such person is a cosignatory of a note secured by the dwelling in question and at least one (1) of the other cosignatories of the note occupies the dwelling as his primary dwelling place. The combined community property interests of both spouses shall not be considered partial ownership so long as the combined community property interests constitute the entire ownership of the homestead, including where the spouses are occupying a homestead owned by an entity, as set forth in this subsection, and the spouses have the primary right of occupancy of the homestead. The proportional reduction required under this subsection shall not apply to community property interests. Where title to property was held by a person who has died without timely filing a claim for property tax reduction, the estate of the deceased person shall be the "owner," provided that the time periods during which the deceased person held such title shall be attributed to the estate for the computation of any time periods under subsection (8)(a) or (8)(b) of this section.

(8) (a) "Primary dwelling place" means the claimant's dwelling place on January 1 or before April 15 of the year for which the claim is made. The primary dwelling place is the single place where a claimant has his true, fixed and permanent home and principal establishment, and to which whenever the individual is absent he has the intention of returning. A claimant must establish the dwelling to which the claim relates to be his primary dwelling place by clear and convincing evidence or by establishing that the dwelling is where the claimant resided on January 1 or before April 15 and:

(i) At least six (6) months during the prior year;

or

(ii) The majority of the time the claimant owned the dwelling if owned by the claimant less than one (1) year; or

(iii) The majority of the time after the claimant first occupied the dwelling if occupied by the claimant for less than one (1) year. The county assessor may require written or other proof of the foregoing in such form as the county assessor may determine.

(b) Notwithstanding the provisions of paragraph (a) of this subsection, the property upon which the claimant makes application shall be deemed to be the claimant's primary dwelling place if the claimant is otherwise qualified and resides in a care facility and does not allow the property upon which the claimant has made application to be occupied by persons paying a consideration to occupy the dwelling. Payment of utilities shall not be payment of a consideration to occupy the dwelling. A claimant's spouse who resides in a care facility shall be deemed to reside at the claimant's primary dwelling place and to be a part of the claimant's household. A care facility is a hospital, nursing facility or intermediate care facility for the mentally retarded as defined in section 39-1301, Idaho Code, or a facility as defined in section 39-3302(14), Idaho Code, or a dwelling other than the one upon which the applicant makes application where a claimant who is unable to reside in the dwelling upon which the application is made lives and receives help in daily living, protection and security.";

and in line 35, delete "SECTION 2" and insert: "SECTION 3".

#### CORRECTION TO TITLE

On page 1, in line 6, following "CORRECTIONS;" insert: "AMENDING SECTION 63-701, IDAHO CODE, TO REVISE THE DEFINITIONS OF "CLAIMANT" AND "INCOME";".

#### AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 13 through 19 and insert: "the income limitations, and property tax reduction amounts to reflect cost-of-living fluctuations. The adjustments shall effect changes in each income limitation by a percentage equal as near as practicable to the annual cost-of-living percentage modification as determined by the secretary of health and human services pursuant to 42 USC 415(f) which shall be the greater of: (a) an individual's income as defined in section 63-701, Idaho Code, of not more than twenty-eight thousand dollars (\$28,000) per household for tax year 2006, and each tax year thereafter; or (b) one hundred eighty-five percent (185%) of the federal poverty guidelines for a household of two (2) for tax year 2006, and each tax year thereafter. The lowest".

#### CORRECTION TO TITLE

On page 1, delete lines 3 and 4 and insert: "63-705, IDAHO CODE, TO DELETE ADJUSTMENTS TO INCOME LIMITATIONS, TO PROVIDE FOR A MAXIMUM INCOME LIMITATION OF THE GREATER OF TWENTY-EIGHT THOUSAND DOLLARS FOR TAX YEAR 2006, AND EACH TAX YEAR THEREAFTER OR ONE HUNDRED EIGHTY-FIVE PERCENT OF THE FEDERAL POVERTY GUIDELINES FOR A HOUSEHOLD OF TWO FOR TAX YEAR 2006, AND EACH TAX YEAR THEREAFTER, AND TO PROVIDE FOR A MAXIMUM TAX".

The Committee also has **S 1387**, **S 1241**, **S 1441**, and **H 713**, as amended, under consideration, reports progress, and begs leave to sit again.

S'TEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Malepeai, the report was adopted by voice vote.

**H 421**, as amended in the Senate, and **H 422**, 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.

**H 678** and **H 679** were filed for second reading.

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

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 1:45 p.m. until the hour of 9:30 a.m., Monday, March 20, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

**SEVENTY-FIRST LEGISLATIVE DAY  
MONDAY, MARCH 20, 2006**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senator Marley, absent and formally excused by the Chair; and Senators Little, Pearce, Schroeder, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Denise Evans, 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 16, 2006, and March 17, 2006, were read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

**Petitions, Resolutions, and Memorials**

Senators Little and Schroeder were recorded present at this order of business.

**SCR 133**

**BY STATE AFFAIRS COMMITTEE  
A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND  
AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT  
A COMMITTEE TO UNDERTAKE, CONTINUE AND  
COMPLETE A STUDY OF PROPERTY TAXATION.

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

WHEREAS, the excessive growth in property taxes is a significant concern in many parts of the state; and

WHEREAS, over the past three decades, there has been a cyclic array of property tax capping initiatives, laws and repeals, followed by different legislative enactments that, evidenced by the continued public concern, have not identified and resolved core problems of property tax growth; and

WHEREAS, the Legislature recognizes that property tax problems and consequences are multifaceted and no single purpose law or initiative will solve the diverse problems of excessive growth in property taxes; and

WHEREAS, the 2005 Legislative Interim Committee on Property Taxation received significant testimony throughout the state regarding growth in property taxes and legislation was passed in 2006 addressing certain, but not all, of the concerns; and

WHEREAS, resolution of the property tax problem will require additional investigation and evaluation options by the Legislature including, but not limited to:

(1) Creation of a new category of revenue sharing that would target part of the annual growth in general fund dollars of approximately twenty percent and distribute it to the counties in proportion to each county's share of the total state growth for the same year, measured by individual income tax collections, essentially, returning a portion of the new general fund revenues that a taxing district's residents produced for that year. This new revenue to local taxing districts, including schools, would be distributed to pay targeted costs of growth and backfill property tax cash flow delay, with each year providing a new distribution calculation.

(2) Bring back an improved version of Truth in Taxation. Idaho had this law for three years, in 1992 through 1994, and replaced it with the current three percent property tax cap. With one extraordinary exception, Idaho is the only state which enacted Truth in Taxation and later repealed it.

(3) Consider repealing Section 63-802, Idaho Code, or the three percent budget cap. One size fits all statewide caps cannot solve diverse local problems and needs.

(4) Consider local impact fees with a two-thirds vote for schools, cities and counties.

(5) Expand the local option sales tax law to cover all counties while still requiring a two-thirds vote with fifty percent of the proceeds dedicated for property tax relief.

(6) Consider taking the next step in phasing out personal property taxes by phasing out furniture and fixtures replaced by sales tax as was similarly done in 2001 for agricultural equipment.

(7) Establish a mechanism to evaluate the underlying public policy of each tax exemption to ensure that each one is useful and has not outlived its usefulness.

(8) Access more complete information regarding taxpayer classifications and amounts paid by classification, thus enabling better analysis of the effects and consequences and thus resulting in development of better public policy.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of property taxation with the committee using the work of the 2005 Interim Committee on Property Taxes and the work of the Legislature in 2006 as a starting point. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the advisory committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Fifty-ninth Idaho Legislature.

**SCR 133** 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, 2006

The JUDICIARY AND RULES Committee reports that Senate amendments to **H 421** and **H 422** have been correctly printed.

DARRINGTON, Chairman

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

March 17, 2006

The JUDICIARY AND RULES Committee reports that **S 1250, S 1251, S 1252, S 1299, S 1311, S 1312, S 1318, S 1319, S 1320, S 1322, S 1323, S 1324, S 1326, S 1328, S 1335, S 1336, S 1345, S 1347, S 1362, S 1371, S 1375, S 1385, S 1391, S 1396, S 1416, S 1422, SJR 107, and SJM 118** have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1250, S 1251, S 1252, S 1299, S 1311, S 1312, S 1318, S 1319, S 1320, S 1322, S 1323, S 1324, S 1326, S 1328, S 1335, S 1336, S 1345, S 1347, S 1362, S 1371, S 1375, S 1385, S 1391, S 1396, S 1416, S 1422, SJR 107, and SJM 118** and ordered them transmitted to the House for the signature of the Speaker.

March 17, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1256, S 1258, S 1302, S 1303, and S 1304** were delivered to the Office of the Governor at 3:15 p.m., March 17, 2006.

DARRINGTON, Chairman

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

March 17, 2006

The STATE AFFAIRS Committee reports out **S 1448** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BURTENSHAW, Chairman

There being no objection, **S 1448** was referred to the Fourteenth Order of Business, General Calendar.

March 17, 2006

The FINANCE Committee reports out **H 801, H 802, H 803, H 804, and H 805** with the recommendation that they do pass.

CAMERON, Chairman

**H 801, H 802, H 803, H 804, and H 805** were filed for second reading.

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

#### Messages from the Governor

March 17, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Paul C. Agidius of Moscow, Idaho, was appointed as a member of the State Board of Education to serve a term commencing March 1, 2006, and expiring March 1, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Gubernatorial appointment was referred to the Education Committee.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

Senator Pearce was recorded present at this order of business.

March 17, 2006

Mr. President:

I transmit herewith **H 800, H 736**, as amended, **H 808, H 809, H 810, H 811, H 812, and H 813** which have passed the House.

JUKER, Chief Clerk

**H 800, H 736**, as amended, **H 808, H 809, H 810, H 811, H 812, and H 813** were filed for first reading.

March 17, 2006

The Senate advanced to the Eleventh Order of Business.

Mr. President:

I return herewith **S 1430, S 1431, S 1432, S 1434, S 1435,** and **S 1436** which have passed the House.

JUKER, Chief Clerk

**S 1430, S 1431, S 1432, S 1434, S 1435,** and **S 1436** were referred to the Judiciary and Rules Committee for enrolling.

March 17, 2006

Mr. President:

I transmit herewith Enrolled **HCR 47, HCR 60, HCR 36, HCR 37, HJM 14,** and **HJM 20** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **HCR 47, HCR 60, HCR 36, HCR 37, HJM 14,** and **HJM 20** and ordered them returned to the House.

March 17, 2006

Mr. President:

I return herewith Enrolled **S 1259, S 1260, S 1316, S 1317, S 1348, S 1360,** and **S 1383** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1259, S 1260, S 1316, S 1317, S 1348, S 1360,** and **S 1383** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

**Motions and Resolutions**

Senator Sweet was recorded present at this order of business.

The President Pro Tempore announced that **SP 101** was before the Senate for final consideration, the question being, "Shall the proclamation be adopted?"

On motion by Senator Cameron, seconded by Senator Stennett, **SP 101** was adopted by voice vote and the proclamation ordered filed in the office of the Secretary of the Senate.

The President Pro Tempore announced that **HCR 55** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Werk, seconded by Senator Coiner, **HCR 55** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

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

**S 1456**

**BY FINANCE COMMITTEE**

**AN ACT**

APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN FUNDS FOR CAPITAL OUTLAY; APPROPRIATING MONEYS TO THE LAVA HOT SPRINGS FOUNDATION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND PROVIDING CONDITIONS RELATING TO THE BAYHORSE MINE PROPERTY PURCHASE.

**S 1457**

**BY FINANCE COMMITTEE**

**AN ACT**

APPROPRIATING MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE USE OF SALARY SAVINGS; PROHIBITING THE TRANSFER OF PERSONNEL COST DOLLARS UNLESS AUTHORIZED BY THE BOARD OF EXAMINERS; REQUIRING THE DEPARTMENT OF CORRECTION TO COMPLY WITH THE OPEN COMPETITIVE BID PROCESS UNLESS THE BOARD OF EXAMINERS DECLARES AN EMERGENCY; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO VIDEO-TELECONFERENCING; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES OF THE GENERAL FUND; SETTING FORTH THE CONDITIONS FOR THE REAPPROPRIATION; AND DECLARING AN EMERGENCY FOR SECTION 5 OF THIS ACT.

**S 1456** and **S 1457** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 421,** as amended in the Senate, and **H 422,** as amended in the Senate, by Revenue and Taxation Committee, were read the first time at length and filed for second reading.

**H 800,** by Ways and Means Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

**H 736,** as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

**H 808, H 809, H 810, H 811, H 812,** and **H 813,** by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

**S 1454** and **S 1455**, by Finance Committee, were read the second time at length and filed for third reading.

**H 793**, **H 794**, **H 797**, **H 798**, and **H 799**, by Appropriations Committee, were read the second time at length and filed for third reading.

**H 596**, **H 492**, and **H 466**, by Agricultural Affairs Committee, were read the second time at length and filed for third reading, Consent Calendar.

**H 594**, by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

**H 723**, **H 695**, as amended in the Senate, and **H 717**, as amended in the Senate, as amended in the Senate, by State Affairs Committee, were read the second time at length and filed for third reading.

**H 676**, as amended in the Senate, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

**S 1418**, as amended, by Finance Committee, was read the second time at length and filed for third reading.

**H 678** and **H 679**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

**S 1243**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1243**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

**S 1386**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1386**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

**S 1423**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1423**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

**S 1449** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1449** passed, title was approved, and the bill ordered transmitted to the House.

**S 1450** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1450** passed, title was approved, and the bill ordered transmitted to the House.

**S 1451** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1451** passed, title was approved, and the bill ordered transmitted to the House.

**S 1452** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill,

Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1452** passed, title was approved, and the bill ordered transmitted to the House.

**S 1393** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burkett, Coiner, Gannon, Langhorst, McKenzie, Schroeder, Stennett, Williams. Total - 11.

NAYS--Broadsword, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Little, Lodge, Malepeai, McGee, Pearce, Richardson, Stegner, Sweet, Werk. Total - 23.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared that **S 1393** had failed to pass the Senate and ordered the bill filed in the office of the Secretary of the Senate.

**H 648**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 648**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

**H 624**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 624**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

On request by Senator McGee, granted by unanimous consent, **H 561**, as amended in the Senate, retained its place on the Third Reading Calendar.

**H 673**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Broadsword, Burkett, Burtenshaw, Cameron, Compton, Corder, Davis, Gannon, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Stegner, Stennett, Sweet, Werk. Total - 22.

NAYS--Andreason, Brandt, Bunderson, Coiner, Darrington, Fulcher, Geddes, Hill, Pearce, Richardson, Schroeder, Williams. Total - 12.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 673**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

**H 637**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill,

Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 637** passed, title was approved, and the bill ordered returned to the House.

**H 544**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Cameron, Coiner, Compton, Corder, Davis, Fulcher, Gannon, Goedde, Hill, Jorgenson, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Williams. Total - 19.

NAYS--Andreason, Bunderson, Burkett, Burtenshaw, Darrington, Geddes, Kelly, Keough, Langhorst, Malepeai, Stegner, Stennett, Sweet, Werk. Total - 14.

Absent and excused--Marley, Schroeder. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 544** passed, title was approved, and the bill ordered returned to the House.

**H 472**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 472**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 634**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--McKenzie. Total - 1.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 634**, as amended, passed, title was approved, and the bill ordered returned to the House.

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

#### **Petitions, Resolutions and Memorials**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12 noon until the hour of 4:30 p.m. of this day.

#### **RECESS AFTERNOON SESSION**

The Senate reconvened at 4:30 p.m., pursuant to recess, President Pro Tempore Geddes presiding.

Roll call showed all members present except Senators Marley and Sweet, absent and formally excused by the Chair; and Senators Cameron, Goedde, Keough, Little, Malepeai, Stegner, and Stennett, absent and excused.

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

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

#### **Third Reading of Bills**

On request by Senator McGee, granted by unanimous consent, **H 561**, as amended in the Senate, having been held, was referred to the Fourteenth Order of Business, General Calendar.

Senators Cameron, Goedde, Keough, Little, Malepeai, Stegner, and Stennett were recorded present at this order of business.

**H 788** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Marley, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 788** passed, title was approved, and the bill ordered returned to the House.

**H 652** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Marley, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 652** passed, title was approved, and the bill ordered returned to the House.

**H 653** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Marley, Sweet. Total - 2.

Total - 35.



Whereupon the President Pro Tempore declared **H 653** passed, title was approved, and the bill ordered returned to the House.

**H 722** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Marley, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 722** passed, title was approved, and the bill ordered returned to the House.

**H 514** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Gannon arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Marley, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 514** passed, title was approved, and the bill ordered returned to the House.

**H 515** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Gannon arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill,

Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Marley, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 515** passed, title was approved, and the bill ordered returned to the House.

**H 599** 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--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Marley, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 599** passed, title was approved, and the bill ordered returned to the House.

The President Pro Tempore called Senator Darrington to the Chair.

**H 734** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Marley, Sweet. Total - 2.

Total - 35.

Whereupon the Acting President declared **H 734** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Werk, granted by unanimous consent, **H 712** retained its place on the Third Reading Calendar for one legislative day.

**H 696** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators McKenzie and Stennett arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Marley, Sweet. Total - 2.

Total - 35.

Whereupon the Acting President declared **H 696** passed, title was approved, and the bill ordered returned to the House.

**H 724** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Corder, Fulcher, Geddes, Hill, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Stegner, Werk, Williams. Total - 22.

NAYS--Cameron, Coiner, Compton, Darrington, Davis, Gannon, Goedde, Jorgenson, Richardson, Schroeder. Total - 10.

Absent and excused--Marley, Stennett, Sweet. Total - 3.

Total - 35.

Whereupon the Acting President declared **H 724** passed, title was approved, and the bill ordered returned to the House.

**H 688** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Werk, Williams. Total - 29.

NAYS--Cameron, Little, Lodge, Stegner. Total - 4.

Absent and excused--Marley, Sweet. Total - 2.

Total - 35.

Whereupon the Acting President declared **H 688** passed, title was approved, and the bill ordered returned to the House.

**H 706** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Werk, Williams. Total - 28.

NAYS--Coiner, Little, Lodge, Stegner. Total - 4.

Absent and excused--Brandt, Marley, Sweet. Total - 3.

Total - 35.

Whereupon the Acting President declared **H 706** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, 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 House bills.

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

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 6:05 p.m. until the hour of 9:30 a.m., Tuesday, March 21, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

SEVENTY-SECOND LEGISLATIVE DAY  
TUESDAY, MARCH 21, 2006

Senate Chamber

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

Roll call showed all members present except Senators Bunderson, Burkett, Pearce, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Emily Kuhl, 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 20, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

#### Reports of Standing Committees

March 21, 2006

The JUDICIARY AND RULES Committee reports that **S 1456**, **S 1457**, and **SCR 133** have been correctly printed.

DARRINGTON, Chairman

**S 1456** and **S 1457** were referred to the Finance Committee.

**SCR 133** 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, 2006

The JUDICIARY AND RULES Committee reports that **S 1430**, **S 1431**, **S 1432**, **S 1434**, **S 1435**, and **S 1436** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1430**, **S 1431**, **S 1432**, **S 1434**, **S 1435**, and **S 1436** and ordered them transmitted to the House for the signature of the Speaker.

March 20, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1259**, **S 1260**, **S 1316**, **S 1317**, **S 1348**, **S 1360**, and **S 1383** were delivered to the Office of the Governor at 2:15 p.m., March 20, 2006.

DARRINGTON, Chairman

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

March 20, 2006

The STATE AFFAIRS Committee reports out **H 743** with the recommendation that it do pass.

BURTENSHAW, Chairman

**H 743** was filed for second reading.

Senator Bunderson was recorded present at this order of business.

March 20, 2006

The FINANCE Committee reports out **H 808**, **H 809**, **H 810**, **H 811**, **H 812**, and **H 813** with the recommendation that they do pass.

CAMERON, Chairman

**H 808**, **H 809**, **H 810**, **H 811**, **H 812**, and **H 813** were filed for second reading.

March 21, 2006

The FINANCE Committee reports out **S 1456** and **S 1457** with the recommendation that they do pass.

CAMERON, Chairman

**S 1456** and **S 1457** were filed for second reading.

March 20, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **HCR 59**, **HJM 21**, and **H 650**, as amended, with the recommendation that they do pass.

SCHROEDER, Chairman

**HCR 59** and **HJM 21** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

**H 650**, as amended, was filed for second reading.

March 20, 2006

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:

Jeffrey L. Bowen to the Bingo-Raffle Advisory Board, term to expire January 27, 2008.

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.

March 20, 2006

The HEALTH AND WELFARE Committee reports out **H 776** with the recommendation that it do pass.

COMPTON, Chairman

**H 776** was filed for second reading.

March 20, 2006

March 20, 2006

The EDUCATION Committee reports out **HJM 18**, as amended, with the recommendation that it do pass.

GOEDDE, Chairman

**HJM 18**, as amended, 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 Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

**Messages from the House**

Senator Burkett was recorded present at this order of business.

March 21, 2006

Mr. President:

I transmit herewith **H 819, H 764, H 728, H 780, H 781, H 771, H 772, H 773, H 774, H 775, HJR 6, and HJR 7** which have passed the House.

JUKER, Chief Clerk

**H 819, H 764, H 728, H 780, H 781, H 771, H 772, H 773, H 774, and H 775** were filed for first reading.

Upon presentation of a petition signed by Senate Leadership, the President waived the provisions of Joint Rule 20, pertaining to the transmittal of proposed constitutional amendments after the fifty-fifth Legislative Day, and **HJR 6** and **HJR 7** were filed for first reading. The correspondence was ordered filed in the office of the Secretary of the Senate.

March 20, 2006

Mr. President:

I transmit herewith Enrolled **HCR 56, H 707, H 694, H 526, H 529, H 766, H 767, H 782, H 783, H 716, H 567, H 517, H 659, H 727, H 613**, as amended, **H 646, H 649, H 520, H 521, H 433, H 522, H 524, H 525, H 527, H 528, H 639, H 636, H 546, and H 576** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 56, H 707, H 694, H 526, H 529, H 766, H 767, H 782, H 783, H 716, H 567, H 517, H 659, H 727, H 613**, as amended, **H 646, H 649, H 520, H 521, H 433, H 522, H 524, H 525, H 527, H 528, H 639, H 636, H 546, and H 576** and ordered them returned to the House.

Mr. President:

I return herewith **S 1442** which has passed the House.

JUKER, Chief Clerk

**S 1442** was referred to the Judiciary and Rules Committee for enrolling.

March 20, 2006

Mr. President:

I return herewith Enrolled **S 1250, S 1251, S 1252, S 1299, S 1311, S 1312, S 1318, S 1319, S 1320, S 1322, S 1323, S 1324, S 1326, S 1328, S 1335, S 1336, S 1345, S 1347, S 1362, S 1371, S 1375, S 1385, S 1391, S 1396, S 1416, and S 1422** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1250, S 1251, S 1252, S 1299, S 1311, S 1312, S 1318, S 1319, S 1320, S 1322, S 1323, S 1324, S 1326, S 1328, S 1335, S 1336, S 1345, S 1347, S 1362, S 1371, S 1375, S 1385, S 1391, S 1396, S 1416, and S 1422** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 20, 2006

Mr. President:

I return herewith Enrolled **SJR 107** and **SJM 118** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **SJR 107** and **SJM 118** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of the State.

On request by Senator Davis, 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 Sweet was recorded present at this order of business.

**S 1458  
BY FINANCE COMMITTEE  
AN ACT**

APPROPRIATING MONEYS FOR THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

**S 1459**  
**BY FINANCE COMMITTEE**  
 AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND TO THE IDAHO STATE INDEPENDENT LIVING COUNCIL FUND FOR THE STATE INDEPENDENT LIVING COUNCIL FOR FISCAL YEAR 2007; AND APPROPRIATING MONEYS FROM THE ECONOMIC RECOVERY RESERVE FUND TO THE IDAHO STATE INDEPENDENT LIVING COUNCIL FUND FOR FISCAL YEAR 2007.

**S 1460**  
**BY FINANCE COMMITTEE**  
 AN ACT

APPROPRIATING MONEYS FROM THE IDAHO MILLENNIUM INCOME FUND AND DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FOR THE PURPOSES AND PROGRAMS SPECIFIED FOR FISCAL YEAR 2007; AND PROVIDING THAT CERTAIN UNEXPENDED AND UNENCUMBERED MONEYS SHALL BE REVERTED.

**S 1461**  
**BY FINANCE COMMITTEE**  
 AN ACT

APPROPRIATING MONEYS FOR THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

**S 1462**  
**BY JUDICIARY AND RULES COMMITTEE**  
 AN ACT

RELATING TO CAPITOL BUILDING PROJECTS; AMENDING CHAPTER 57, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5711E, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE FOR THE USE OF CONSTRUCTION MANAGER AT-RISK SERVICES ON CAPITOL BUILDING PROJECTS AND TO DEFINE TERMS; DECLARING AN EMERGENCY AND PROVIDING A SUNSET DATE.

**S 1463**  
**BY FINANCE COMMITTEE**  
 AN ACT

APPROPRIATING MONEYS FOR PROFESSIONAL-TECHNICAL EDUCATION FOR FISCAL YEAR 2007; REAPPROPRIATING ANY UNEXPENDED AND UNENCUMBERED BALANCES; SETTING FORTH THE CONDITIONS FOR REAPPROPRIATION; EXPRESSING LEGISLATIVE INTENT REGARDING RESOURCE SHARING; EXPRESSING LEGISLATIVE INTENT REGARDING THE CAREER INFORMATION SYSTEM; AND DIRECTING THE USE OF SALARY SAVINGS.

**S 1458, S 1459, S 1460, S 1461, S 1462, and S 1463** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 819**, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

**H 764**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 728**, by State Affairs Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 780 and H 781**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 771, H 772, H 773, H 774, and H 775**, by State Affairs Committee, were introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

**HJR 6 and HJR 7**, by State Affairs Committee, were 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**

**H 801, H 802, H 803, H 804, and H 805**, by Appropriations Committee, were read the second time at length and filed for third reading.

**H 421**, as amended in the Senate, and **H 422**, as amended in the Senate, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

**S 1454** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Pearce. Total - 1.

Total - 35.

Whereupon the President declared **S 1454** passed, title was approved, and the bill ordered transmitted to the House.

**S 1455** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--Schroeder. Total - 1.

Absent and excused--Burkett, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **S 1455** passed, title was approved, and the bill ordered transmitted to the House.

Senator Pearce was recorded present at this order of business.

**S 1418**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Stennett, Sweet, Williams. Total - 29.

NAYS--Darrington, Kelly, Schroeder, Stegner, Werk. Total - 5.

Absent and excused--Burkett. Total - 1.

Total - 35.

Whereupon the President declared **S 1418**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

**H 695**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burkett. Total - 1.

Total - 35.

Whereupon the President declared **H 695**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

On request by Senator McKenzie, granted by unanimous consent, **H 717**, as amended in the Senate, as amended in the Senate, retained its place on the Third Reading Calendar for one legislative day.

The President called President Pro Tempore Geddes to the Chair.

**H 676**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--Burkett. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 676**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Marley, granted by unanimous consent, **H 712**, having been held, retained its place on the Third Reading Calendar for one legislative day.

On request by Senator Little, granted by unanimous consent, **H 545** retained its place on the Third Reading Calendar for one legislative day.

The President returned to the Chair.

**H 640** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--Schroeder. Total - 1.

Total - 35.

Whereupon the President declared **H 640** passed, title was approved, and the bill ordered returned to the House.

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

### Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12 noon until the hour of 4:30 p.m. of this day.

### RECESS AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senator Burtenshaw, absent and formally excused by the Chair; and Senators Andreason, Cameron, Marley, and Williams, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

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

### Third Reading of Bills

Senators Andreason, Cameron, Marley, and Williams were recorded present at this order of business.

**H 602**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Darrington, Lodge, and Kelly arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk. Total - 29.

NAYS--Brandt, Fulcher, Hill, Keough, Williams. Total - 5.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President declared **H 602**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 762** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bunderson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President declared **H 762** passed, title was approved, and the bill ordered returned to the House.

**H 709**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Andreason, Burtenshaw. Total - 2.

Total - 35.

Whereupon the President declared **H 709**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 719**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President declared **H 719**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 738**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Compton and Stegner arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President declared **H 738**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 752** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Stegner, Stennett, Werk. Total - 27.

NAYS--Brandt, Fulcher, Geddes, Pearce, Schroeder, Sweet, Williams. Total - 7.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President declared **H 752** passed, title was approved, and the bill ordered returned to the House.

At this time the Senate considered the Consent Calendar:

**H 562**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis,

Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President declared **H 562**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 513** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President declared **H 513** passed, title was approved, and the bill ordered returned to the House.

**H 412** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President declared **H 412** passed, title was approved, and the bill ordered returned to the House.



**H 541** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President declared **H 541** passed, title was approved, and the bill ordered returned to the House.

**H 638** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President declared **H 638** passed, title was approved, and the bill ordered returned to the House.

**H 684** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Andreason arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President declared **H 684** passed, title was approved, and the bill ordered returned to the House.

**H 596** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President declared **H 596** passed, title was approved, and the bill ordered returned to the House.

**H 492** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President declared **H 492** passed, title was approved, and the bill ordered returned to the House.

**H 466** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Broadsword and Stennett arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President declared **H 466** passed, title was approved, and the bill ordered returned to the House.

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

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 6:10 p.m. until the hour of 10 a.m., Wednesday, March 22, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

**SEVENTY-THIRD LEGISLATIVE DAY  
WEDNESDAY, MARCH 22, 2006**

Senate Chamber

President Risch called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Burkett and Goedde, absent and formally excused by the Chair; and Senators Cameron, Keough, Little, Lodge, Pearce, and Stegner, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Brigitte Harper, 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 21, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

March 22, 2006

The JUDICIARY AND RULES Committee reports that **S 1458, S 1459, S 1460, S 1461, S 1462,** and **S 1463** have been correctly printed.

DARRINGTON, Chairman

**S 1458, S 1459, S 1460, S 1461,** and **S 1463** were referred to the Finance Committee.

**S 1462** was referred to the State Affairs Committee.

March 21, 2006

The JUDICIARY AND RULES Committee reports that **S 1442** has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1442**, and ordered it transmitted to the House for the signature of the Speaker.

March 21, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1250, S 1251, S 1252, S 1299, S 1311, S 1312, S 1318, S 1319, S 1320, S 1322, S 1323, S 1324, S 1326, S 1328, S 1335, S 1336, S 1345, S 1347, S 1362, S 1371, S 1375, S 1385, S 1391, S 1396, S 1416,** and **S 1422** were delivered to the Office of the Governor at 10:55 a.m., March 21, 2006.

DARRINGTON, Chairman

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

March 21, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **SJM 118** and **SJR 107** were delivered to the Office of the Secretary of State at 2:40 p.m., March 21, 2006.

DARRINGTON, Chairman

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

March 21, 2006

The FINANCE Committee reports out **H 819** with the recommendation that it do pass.

CAMERON, Chairman

**H 819** was filed for second reading.

March 21, 2006

The TRANSPORTATION Committee reports out **H 760**, as amended, with the recommendation that it do pass and with the recommendation that it be placed on the Consent Calendar.

BRANDT, Chairman

**H 760**, as amended, was filed for second reading.

Senators Keough, Little, and Stegner were recorded present at this order of business.

March 21, 2006

The HEALTH AND WELFARE Committee reports out **HCR 48**, **HCR 49**, **HCR 51**, and **HCR 52** with the recommendation that they do pass.

COMPTON, Chairman

**HCR 48**, **HCR 49**, **HCR 51**, and **HCR 52** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 22, 2006

The FINANCE Committee reports out **S 1458**, **S 1459**, **S 1460**, **S 1461**, and **S 1463** with the recommendation that they do pass.

CAMERON, Chairman

**S 1458**, **S 1459**, **S 1460**, **S 1461**, and **S 1463** were filed for second reading.

March 21, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 754**, **H 756**, **H 757**, **H 726**, **H 744**, and **H 765** with the recommendation that they do pass.

BUNDERSON, Chairman

**H 754**, **H 756**, **H 757**, **H 726**, **H 744**, and **H 765** were filed for second reading.

March 21, 2006

The EDUCATION Committee reports out **H 770** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, **H 770** was referred to the Fourteenth Order of Business, General Calendar.

March 21, 2006

The EDUCATION Committee reports out **S 1377** with the recommendation that it do pass.

GOEDDE, Chairman

**S 1377** was filed for second reading.

March 22, 2006

The JUDICIARY AND RULES Committee reports out **H 630**, as amended, with the recommendation that it do pass.

DARRINGTON, Chairman

**H 630**, as amended, was filed for second reading.

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

#### Messages from the Governor

March 21, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Burnie Clark of Boise, Idaho, to be Acting State Senator for Legislative District 19, Ada County. This appointment will be effective Wednesday, March 22, 2006, and will continue until such time as Senator Mike Burkett is able to resume his duties.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

#### THE OFFICE OF THE GOVERNOR EXECUTIVE DEPARTMENT BOISE, IDAHO CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that pursuant to the provisions of Section 59-917, *Idaho Code*, Mike Burkett, State Senator, District 19, Ada County, State of Idaho, has nominated Burnie Clark of Boise, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 19, Ada County.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Burnie Clark to the office of State Senator, District 19, Ada County, State of Idaho, for a term commencing on March 22, 2006, and continuing until such time as Senator Mike Burkett is able to resume his duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this twenty-second day of March, in the year of our Lord Two thousand and six and of the Independence of the United States of America, the two hundred and thirtieth year.

/s/ BY THE GOVERNOR DIRK KEMPTHORNE  
/s/ SECRETARY OF STATE BEN YSURSA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

March 21, 2006

The President announced that the Oath of Office had been administered previously to Acting Senator Burnie Clark, and he was recorded present at this order of business.

Mr. President:

I return herewith Enrolled **S 1430, S 1431, S 1432, S 1434, S 1435, and S 1436** which have been signed by the Speaker.

The Senate advanced to the Ninth Order of Business.

JUKER, Chief Clerk

#### Messages from the House

March 21, 2006

Mr. President:

I transmit herewith **H 737**, as amended, **H 817, H 818, H 826, H 827, H 828, H 474**, as amended, **H 791, HCR 62, H 745, HCR 45**, and **H 795** which have passed the House.

JUKER, Chief Clerk

**H 737**, as amended, **H 817, H 818, H 826, H 827, H 828, H 474**, as amended, **H 791, HCR 62, H 745, HCR 45**, and **H 795** were filed for first reading.

March 21, 2006

Mr. President:

I return herewith **S 1417, S 1443, S 1444, S 1445, S 1446**, and **S 1447** which have passed the House.

JUKER, Chief Clerk

**S 1417, S 1443, S 1444, S 1445, S 1446**, and **S 1447** were referred to the Judiciary and Rules Committee for enrolling.

March 21, 2006

Mr. President:

I return herewith **S 1389**, as amended in the House, which has passed the House.

JUKER, Chief Clerk

On request by Senator Stegner, granted by unanimous consent, **S 1389**, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

March 21, 2006

Mr. President:

I transmit herewith Enrolled **HCR 38, HCR 58**, and **HCR 54** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 38, HCR 58**, and **HCR 54** and ordered them returned to the House.

Enrolled **S 1430, S 1431, S 1432, S 1434, S 1435**, and **S 1436** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

The President announced the State Affairs Committee report relative to the gubernatorial appointment of Jeffrey L. Bowen was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Stennett, the gubernatorial appointment of Jeffrey L. Bowen as a member of the Bingo-Raffle Advisory Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

Senators Cameron, Lodge, and Pearce were recorded present at this order of business.

The President announced that **SCR 133** was before the Senate for final consideration.

Moved by Senator Bunderson, seconded by Senator Stennett, that **SCR 133** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Goedde. Total - 1.

Total - 35.

Whereupon the President declared **SCR 133** adopted, title was approved, and the resolution ordered transmitted to the House.

The President announced that **HCR 59** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Williams, seconded by Senator Stennett, **HCR 59** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **HJM 21** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Pearce, seconded by Senator Malepeai, **HJM 21** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **HJM 18**, as amended, retained its place on the calendar for one legislative day.

The President announced that the House amendments to **S 1389**, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1389**, as amended in the House?"

On request by Senator Stegner, granted by unanimous consent, the Senate concurred in the House amendments to **S 1389**, as amended in the House.

**S 1389**, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The Senate advanced to the Eleventh Order of Business.

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

**S 1464**

**BY FINANCE COMMITTEE**  
AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF FINANCE FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND PROVIDING LEGISLATIVE INTENT REGARDING THE SPENDING AUTHORITY RELATING TO LEASE INCREASES.

**S 1465**

**BY FINANCE COMMITTEE**  
AN ACT

APPROPRIATING MONEYS FOR THE IDAHO WOMEN'S COMMISSION FOR FISCAL YEAR 2007; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

**S 1466**

**BY FINANCE COMMITTEE**  
AN ACT

APPROPRIATING MONEYS FOR THE STATE LIQUOR DISPENSARY FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; CREATING THE LIQUOR WAREHOUSE REMODEL FUND; TRANSFERRING MONEYS FROM THE LIQUOR CONTROL

FUND TO THE LIQUOR WAREHOUSE REMODEL FUND; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND DECLARING AN EMERGENCY.

**S 1467**

**BY FINANCE COMMITTEE**  
AN ACT

APPROPRIATING MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND PROVIDING LEGISLATIVE INTENT REGARDING THE SPENDING AUTHORITY RELATING TO LEASE INCREASES.

**S 1464, S 1465, S 1466, and S1467** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 737**, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

**H 817, H 818, H 826, H 827, and H 828**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

**H 474**, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 791**, by Ways and Means Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**HCR 62**, by Ways and Means Committee, was introduced, read at length, and referred to the State Affairs Committee.

**H 745**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**HCR 45**, by Revenue and Taxation Committee, was introduced, read at length, and referred to the Judiciary and Rules Committee.

**H 795**, by Ways and Means 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**

**H 743**, by Ways and Means Committee, was read the second time at length and filed for third reading.

**H 808, H 809, H 810, H 811, H 812, and H 813**, by Appropriations Committee, were read the second time at length and filed for third reading.

**S 1456 and S 1457**, by Finance Committee, were read the second time at length and filed for third reading.

**H 650**, as amended, by Resources and Conservation Committee, was read the second time at length and filed for third reading.

**H 776**, 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

Senator Goedde was recorded present at this order of business.

On request by Senator McKenzie, granted by unanimous consent, **H 717**, as amended in the Senate, as amended in the Senate, having been held, was recommitted to the State Affairs Committee.

The President called Senator Little to the Chair.

**H 712**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Call of the Senate was requested by Senators Darrington, Davis, and Stegner.

Whereupon the President ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present except President Pro Tempore Geddes.

The Acting President directed the Sergeant at Arms to find and present President Pro Tempore Geddes to the Senate.

President Pro Tempore Geddes was recorded present.

On request by Senator Darrington, granted by unanimous consent, the Call was lifted.

The question being, "Shall **H 712** pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 712** passed, title was approved, and the bill ordered returned to the House.

**H 545**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Stegner, Stennett, Sweet, Werk, Williams. Total - 30.

NAYS--Brandt, Broadsword, Goedde, Pearce, Schroeder. Total - 5.

Total - 35.

Whereupon the Acting President declared **H 545** passed, title was approved, and the bill ordered returned to the House.

The President returned to the Chair.

**H 686** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Burtenshaw, Cameron, Clark (Burkett), Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Sweet, Williams. Total - 27.

NAYS--Bunderson, Coiner, Compton, Corder, Kelly, Little, Stegner, Werk. Total - 8.

Total - 35.

Whereupon the President declared **H 686** passed, title was approved, and the bill ordered returned to the House.

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

### Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:10 p.m. until the hour of 4:30 p.m. of this day.

### RECESS AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except President Pro Tempore Geddes and Senators Cameron and Malepeai, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

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

### Third Reading of Bills

**H 687** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

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

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

The question being, "Shall **H 687** pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Malepeai. Total - 1.

Total - 35.

Whereupon the President declared **H 687** passed, title was approved, and the bill ordered returned to the House.

**H 729** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 729** passed, title was approved, and the bill ordered returned to the House.

**H 582** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bunderson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton,

Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 582** passed, title was approved, and the bill ordered returned to the House.

**H 680** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 680** passed, title was approved, and the bill ordered returned to the House.

**H 793** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 793** passed, title was approved, and the bill ordered returned to the House.

**H 794** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 794** passed, title was approved, and the bill ordered returned to the House.

**H 797** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 797** passed, title was approved, and the bill ordered returned to the House.

**H 798** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 798** passed, title was approved, and the bill ordered returned to the House.

**H 799** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 799** passed, title was approved, and the bill ordered returned to the House.

**H 594** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 594** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, 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 Stegner 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 Pro Tempore called the Senate to order.

### Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **H 713**, as amended, **H 561**, as amended in the Senate, and **H 770**, without recommendation, amended as follows:

#### SENATE AMENDMENT TO H 713, As Amended AMENDMENT TO SECTION 1

On page 1 of the engrossed bill, delete lines 16 through 18 and insert: "grounds in this state when the person has reason to believe children under the age of eighteen (18) years are present."; in line 19, delete "remain upon or"; in line 28, delete "sex offender's" and insert: "person's"; delete lines 30 through 39 and insert:

"(2) The provisions of subsections (1)(a) and (1)(b) of this section shall not apply when the person:

(a) Is a student in attendance at the school; or

(b) Is attending an academic conference or other scheduled school event with school officials as a parent or legal guardian of a child who is enrolled in the school and is participating in the conference or event; or

© Resides at a state licensed or certified facility for incarceration, health or convalescent care; or

(d) Is dropping off or picking up a child or children and the person is the child or children's parent or legal guardian; or

(e) Is temporarily on school grounds, during school hours, for the purpose of making a mail, food or other delivery.

(3) Nothing in this section shall prevent a school district from adopting more stringent safety and security requirements for employees and nonemployees while they are in district facilities and/or on district properties."

#### CORRECTION TO TITLE

On page 1, delete line 6, and insert: "EXCEPTIONS, TO PROVIDE A PENALTY AND TO ALLOW MORE STRINGENT SAFETY AND SECURITY REQUIREMENTS BY SCHOOL DISTRICTS; AND DECLARING AN EMERGENCY."

#### SENATE AMENDMENT TO THE SENATE AMENDMENT TO H 561

##### AMENDMENT TO THE AMENDMENTS TO SECTION 1

On page 1 of the printed amendment, in line 3, following "less." insert: "Single tires are prohibited on single axles or within groups of axles except for steering axles, self-steering variable load suspension axles or when equipped with wide-base tires fifteen (15) inches wide or greater."



**SENATE AMENDMENT TO H 770  
AMENDMENT TO SECTION 1**

On page 2 of the printed bill, in line 15, following "schools" insert: "servicing grades nine (9) through twelve (12)"; and in line 16, following "each" insert: "such".

**CORRECTION TO TITLE**

On page 1, in line 3, delete "EACH SEPARATE SECOND-" and in line 4, delete "ARY SCHOOL" and insert: "CERTAIN SEPARATE SECONDARY SCHOOLS".

The Committee also has **S 1387**, **S 1241**, **S 1441**, and **S 1448** under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Malepeai, the report was adopted by voice vote.

**H 713**, as amended, as amended in the Senate, **H 561**, as amended in the Senate, as amended in the Senate, and **H 770**, 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.

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

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 6:10 p.m. until the hour of 9 a.m., Thursday, March 23, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

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**SEVENTY-FOURTH LEGISLATIVE DAY  
THURSDAY, MARCH 23, 2006**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9 a.m.

Roll call showed all members present except Senators Broadsword, Burtenshaw, Coiner, Corder, Fulcher, Gannon, Schroeder, Stegner, Stennett, Sweet, and Williams, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Lana Infanger, 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 22, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

March 23, 2006

The JUDICIARY AND RULES Committee reports that **S 1464**, **S 1465**, **S 1466**, and **S 1467** have been correctly printed.

DARRINGTON, Chairman

**S 1464**, **S 1465**, **S 1466**, and **S 1467** were referred to the Finance Committee.

March 22, 2006

The JUDICIARY AND RULES Committee reports that **S 1417**, **S 1443**, **S 1444**, **S 1445**, **S 1446**, and **S 1447** have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1417**, **S 1443**, **S 1444**, **S 1445**, **S 1446**, and **S 1447**, and ordered them transmitted to the House for the signature of the Speaker.

March 22, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1430**, **S 1431**, **S 1432**, **S 1434**, **S 1435**, and **S 1436** were delivered to the Office of the Governor at 2:40 p.m., March 22, 2006.

DARRINGTON, Chairman

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

Senators Broadsword, Burtenshaw, Coiner, Corder, Fulcher, Stennett, Sweet, and Williams were recorded present at this order of business.

March 22, 2006

The JUDICIARY AND RULES Committee reports that **S 1389**, as amended in the House, has been correctly engrossed.

DARRINGTON, Chairman

**S 1389**, as amended in the House, was filed for first reading.

March 22, 2006

March 22, 2006

The FINANCE Committee reports out **H 817, H 818, H 826, H 827, and H 828** with the recommendation that they do pass.

CAMERON, Chairman

**H 817, H 818, H 826, H 827, and H 828** were filed for second reading.

March 22, 2006

The STATE AFFAIRS Committee reports out **S 1453** with the recommendation that it do pass.

BURTENSHAW, Chairman

**S 1453** was filed for second reading.

March 22, 2006

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:

Brent Baker to the Lake Pend Oreille Basin Commission, term to expire July 24, 2008.

SCHROEDER, 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 22, 2006

The HEALTH AND WELFARE Committee reports out **HCR 53 and H 663**, as amended, with the recommendation that they do pass.

COMPTON, Chairman

**HCR 53** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

**H 663**, as amended, was filed for second reading.

March 22, 2006

The EDUCATION Committee reports out **H 742**, as amended, with the recommendation that it do pass and with the recommendation that it be placed on the Consent Calendar.

GOEDDE, Chairman

**H 742**, as amended, was filed for second reading.

The EDUCATION Committee reports out **S 1438** with the recommendation that it do pass.

GOEDDE, Chairman

**S 1438** was filed for second reading.

March 23, 2006

The FINANCE Committee reports out **S 1464, S 1465, S 1466, and S 1467** with the recommendation that they do pass.

CAMERON, Chairman

**S 1464, S 1465, S 1466, and S 1467** were filed for second reading.

March 23, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 705**, as amended, **H 735**, as amended, **H 758**, and **H 731** with the recommendation that they do pass.

BUNDERSON, Chairman

**H 705**, as amended, **H 735**, as amended, **H 758**, and **H 731** were filed for second reading.

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

**Messages from the House**

Senators Gannon and Schroeder were recorded present at this order of business.

March 22, 2006

Mr. President:

I transmit herewith **H 829, H 830, H 831, H 822, H 825**, and **HCR 50**, as amended, which have passed the House.

JUKER, Chief Clerk

**H 829, H 830, H 831, H 822, H 825**, and **HCR 50**, as amended, were filed for first reading.

March 22, 2006

Mr. President:

I transmit herewith **H 753**, as amended, **H 570**, as amended, **H 778**, as amended, **H 834**, and **H 814**, as amended, which have passed the House.

JUKER, Chief Clerk

**H 753**, as amended, **H 570**, as amended, **H 778**, as amended, **H 834**, and **H 814**, as amended, were filed for first reading.

March 22, 2006

Mr. President:

I return herewith **S 1321, S 1379, S 1351, S 1352, S 1353, S 1296, S 1332**, as amended, **S 1403, S 1331, S 1297, S 1397**, and **S 1374** which have passed the House.

JUKER, Chief Clerk

**S 1321, S 1379, S 1351, S 1352, S 1353, S 1296, S 1332**, as amended, **S 1403, S 1331, S 1297, S 1397**, and **S 1374** were referred to the Judiciary and Rules Committee for enrolling.

President Risch assumed the Chair.

March 22, 2006

Mr. President:

I transmit herewith Enrolled **HCR 55, H 637, H 544, H 472**, as amended, **H 634**, as amended, **H 788, H 652, H 653, H 722, H 514, H 515, H 599, H 734, H 696, H 724, H 688, H 706**, and **H 443**, as amended in the Senate, for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 55, H 637, H 544, H 472**, as amended, **H 634**, as amended, **H 788, H 652, H 653, H 722, H 514, H 515, H 599, H 734, H 696, H 724, H 688, H 706**, and **H 443**, as amended in the Senate, and ordered returned to the House.

March 22, 2006

Mr. President:

I return herewith **S 1363**, as amended in the House, which has passed the House.

JUKER, Chief Clerk

On request by Senator Andreason, granted by unanimous consent, **S 1363**, as amended, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

March 22, 2006

Mr. President:

I return herewith **S 1300**, as amended, as amended in the House, which has passed the House.

JUKER, Chief Clerk

On request by Senator Lodge, granted by unanimous consent, **S 1300**, as amended, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

On request by Senator Davis, 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 1468**

**BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO PROPERTY TAXES; REPEALING SECTION 63-802, IDAHO CODE, RELATING TO LIMITATION OF BUDGET REQUESTS OF TAXING DISTRICTS; AMENDING CHAPTER 8, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-802B, IDAHO CODE, TO REQUIRE NOTICE OF PROPOSED PROPERTY TAX BUDGET INCREASES OF TAXING DISTRICTS BEYOND A CERTAIN LEVEL, TO PROVIDE REQUIREMENTS FOR THE NOTICE, TO DEFINE A TERM, TO PROVIDE ALTERNATIVES TO NEWSPAPER NOTICE, TO PROVIDE FOR STATE TAX COMMISSION RULES AND TO LIMIT LEGAL ACTIONS TO CERTAIN TIME PERIODS AFTER THE ADOPTION OF A TAXING DISTRICT'S BUDGET TO WHICH THE NOTICE RELATED AND THE REGULARITY OF SUCH NOTICE SHALL BE CONCLUSIVELY PRESUMED; AMENDING SECTION 63-308, IDAHO CODE, TO PROVIDE ADDITIONAL INFORMATION TO BE INCLUDED ON VALUATION ASSESSMENT NOTICES FURNISHED TO PROPERTY TAXPAYERS; AND PROVIDING EFFECTIVE DATES.

**S 1469**

**BY FINANCE COMMITTEE**

AN ACT

APPROPRIATING MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE GENERAL BOARDS FOR FISCAL YEAR 2007; APPROPRIATING MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE MEDICAL BOARDS FOR FISCAL YEAR 2007; APPROPRIATING MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE REGULATORY BOARDS FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO PROVIDING AN AUTHORIZED AGENT FOR THE ATHLETIC COMMISSION; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO INTERAGENCY BILL PAYMENTS; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO CERTAIN BALANCES EXISTING ON JULY 1, 2006; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND DECLARING AN EMERGENCY FOR SECTION 5 OF THIS ACT.

**S 1468** and **S 1469** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 713**, as amended, as amended in the Senate, by Education Committee, was read the first time at length and filed for second reading.

**H 561**, as amended in the Senate, as amended in the Senate, by Transportation and Defense Committee, was read the first time at length and filed for second reading.

**H 770**, as amended in the Senate, by Education Committee, was read the first time at length and filed for second reading.

**S 1389**, as amended in the House, by Health and Welfare Committee, was read the first time at length and filed for second reading.

**H 829**, **H 830**, and **H 831**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

**H 822** and **H 825**, by State Affairs Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**HCR 50**, as amended, by State Affairs Committee, was introduced, read at length, and referred to the Health and Welfare Committee.

**H 753**, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 570**, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**H 778**, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 834**, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**H 814**, as amended, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

Senator Stegner was recorded present at this order of business.

**H 819**, by Appropriations Committee, was read the second time at length and filed for third reading.

**H 760**, as amended, by Revenue and Taxation Committee, was read the second time at length and filed for third reading, Consent Calendar.

**S 1458**, **S 1459**, **S 1460**, **S 1461**, and **S 1463**, by Finance Committee, were read the second time at length and filed for third reading.

**H 754**, **H 756**, **H 757**, **H 726**, **H 744**, and **H 765**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

**S 1377**, by Education Committee, was read the second time at length and filed for third reading.

**H 630**, as amended, by Judiciary, Rules, and Administration 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 Goedde, granted by unanimous consent, **H 723** retained its place on the Third Reading Calendar for one legislative day.

On request by Senator Bunderson, granted by unanimous consent, **H 678** and **H 679** were recommitted to the Local Government and Taxation Committee.

**H 801** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 801** passed, title was approved, and the bill ordered returned to the House.

**H 802** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 802** passed, title was approved, and the bill ordered returned to the House.

**H 803** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 803** passed, title was approved, and the bill ordered returned to the House.

**H 804** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 804** passed, title was approved, and the bill ordered returned to the House.

**H 805** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 805** passed, title was approved, and the bill ordered returned to the House.

**H 421**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Langhorst, Corder, and Hill arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Clark (Burkett), Coiner, Compton, Corder, Davis, Fulcher, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Sweet, Werk. Total - 28.

NAYS--Burtenshaw, Cameron, Darrington, Geddes, Little, Stegner, Williams. Total - 7.

Paired and voting included in roll call:

AYE - Bunderson      NAY - Burtenshaw

Total - 35.

Whereupon the President declared **H 421**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

**H 422**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 422**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

**H 743** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators McKenzie and Keough arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Broadsword, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Sweet, Williams. Total - 22.

NAYS--Andreason, Brandt, Clark (Burkett), Gannon, Kelly, Langhorst, Malepeai, Marley, Schroeder, Stegner, Stennett, Werk. Total - 12.

Absent and excused--Bunderson. Total - 1.

Total - 35.

Whereupon the President declared **H 743** passed, title was approved, and the bill ordered returned to the House.

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

### Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:15 p.m. until the hour of 5 p.m. of this day.

### RECESS AFTERNOON SESSION

The Senate reconvened at 5 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senator Gannon, absent and formally excused by the Chair; and Senators Burtenshaw, Schroeder, and Stegner, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

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

### Third Reading of Bills

Senators Burtenshaw, Schroeder and Stegner were recorded present at this order of business.

**H 808** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **H 808** passed, title was approved, and the bill ordered returned to the House.

**H 809** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **H 809** passed, title was approved, and the bill ordered returned to the House.

**H 810** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **H 810** passed, title was approved, and the bill ordered returned to the House.

**H 811** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **H 811** passed, title was approved, and the bill ordered returned to the House.

**H 812** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **H 812** passed, title was approved, and the bill ordered returned to the House.

**H 813** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **H 813** passed, title was approved, and the bill ordered returned to the House.

On request by Senator McGee, granted by unanimous consent, **S 1456** retained its place on the Third Reading Calendar for one legislative day.

**S 1457** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet, Werk, Williams. Total - 32.

NAYS--Schroeder, Stennett. Total - 2.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **S 1457** passed, title was approved, and the bill ordered transmitted to the House.

**H 650**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **H 650**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 776** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Compton, Broadsword, and Darrington arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Brandt, Gannon. Total - 2.

Total - 35.

Whereupon the President declared **H 776** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Goedde, granted by unanimous consent, **H 723** was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, 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 House bills.

On request by Senator Davis, 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 Stegner 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 Pro Tempore called the Senate to order.

### Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **S 1441** without recommendation, amended as follows:

**SENATE AMENDMENT TO S 1441  
AMENDMENTS TO SECTION 1**

On page 1 of the printed bill, in line 8, delete "Chapter 2, Title 5" and insert: "Chapter 8, Title 6"; and in line 10, delete "5-249" and insert: "6-808"; in line 11, delete "5-249" and insert: "6-808"; in line 13, delete "action" and insert: "liability"; and delete lines 17 through 21 and insert:

"(2) The court shall award reasonable attorney's fees and costs incurred by the defendant in any civil action raising any of the affirmative defenses specified in subsection (1) of this section."

**CORRECTIONS TO TITLE**

On page 1, in line 2, delete "CHAPTER 2, TITLE 5" and insert: "CHAPTER 8, TITLE 6"; in line 3, delete "5-249" and insert: "6-808"; in line 4, delete "ACTIONS" and insert: "LIABILITY"; and in line 6, delete "OTHER EXPENSES" and insert: "COSTS".

The Committee also has **S 1387, S 1241, S 1448, and H 723** under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Malepeai, the report was adopted by voice vote.

**S 1441**, as amended, was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

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

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 6:05 p.m. until the hour of 9:30 a.m., Friday, March 24, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

**SEVENTY-FIFTH LEGISLATIVE DAY  
FRIDAY, MARCH 24, 2006**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Cameron, Darrington, Gannon, Stegner, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Kent Johnson, 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 23, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

March 24, 2006

The JUDICIARY AND RULES Committee reports that **S 1468** and **S 1469** have been correctly printed.

DARRINGTON, Chairman

**S 1468** was referred to the Local Government and Taxation Committee.

**S 1469** was referred to the Finance Committee.

March 23, 2006

The JUDICIARY AND RULES Committee reports that **S 1296, S 1297, S 1321, S 1331, S 1332**, as amended, **S 1351, S 1352, S 1353, S 1374, S 1379, S 1397**, and **S 1403** have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1296, S 1297, S 1321, S 1331, S 1332**, as amended, **S 1351, S 1352, S 1353, S 1374, S 1379, S 1397**, and **S 1403** and order them transmitted to the House for the signature of the Speaker.

Senators Darrington and Stegner were recorded present at this order of business.

March 24, 2006

The JUDICIARY AND RULES Committee reports that **S 1441**, as amended, has been correctly engrossed.

DARRINGTON, Chairman

**S 1441**, as amended, was filed for first reading.



March 24, 2006

March 23, 2006

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1441** have been correctly printed.

DARRINGTON, Chairman

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

March 23, 2006

The AGRICULTURAL AFFAIRS Committee reports out **H 771, H 772, H 773, H 774, and H 775** with the recommendation that they do pass and with the recommendation that they be placed on the Consent Calendar.

WILLIAMS, Chairman

**H 771, H 772, H 773, H 774, and H 775** were filed for second reading.

March 23, 2006

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 784** with the recommendation that it do pass.

ANDREASON, Chairman

**H 784** was filed for second reading.

March 23, 2006

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 655** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

ANDREASON, Chairman

There being no objection, **H 655** was referred to the Fourteenth Order of Business, General Calendar.

Senators Cameron, Gannon, and Sweet were recorded present at this order of business.

March 23, 2006

The FINANCE Committee reports out **H 829, H 830, and H 831** with the recommendation that they do pass.

CAMERON, Chairman

**H 829, H 830, and H 831** were filed for second reading.

The HEALTH AND WELFARE Committee reports out **HCR 50**, as amended, with the recommendation that it do pass.

COMPTON, Chairman

**HCR 50**, as amended, was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 24, 2006

The FINANCE Committee reports out **S 1469** with the recommendation that it do pass.

CAMERON, Chairman

**S 1469** was filed for second reading.

March 23, 2006

The EDUCATION Committee reports out **H 750**, as amended, with the recommendation that it do pass.

GOEDDE, Chairman

**H 750**, as amended, was filed for second reading.

March 24, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 763, H 796, H 764, H 728, H 780, H 781, H 474**, as amended, and **H 745** with the recommendation that they do pass.

BUNDERSON, Chairman

**H 763, H 796, H 764, H 728, H 780, H 781, H 474**, as amended, and **H 745** were filed for second reading.

President Risch assumed the Chair.

March 24, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 508** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BUNDERSON, Chairman

There being no objection, **H 508** was referred to the Fourteenth Order of Business, General Calendar.

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

**Messages from the Governor**

March 22, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1251, S 1252, S 1256, S 1258, S 1259,  
S 1260, S 1268, S 1269, S 1270, S 1271,  
S 1272, S 1299, S 1301, S 1302, S 1303,  
S 1304, S 1311, S 1317, S 1319, S 1323,  
S 1324, S 1335, S 1347, S 1348, S 1360,  
S 1383, S 1385, S 1391, and S 1396**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

March 23, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1375, S 1362, and S 1316**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Senate advanced to the Ninth Order of Business.

**Messages from the House**

March 23, 2006

Mr. President:

I transmit herewith **H 816, H 820, and HCR 63** which have passed the House.

JUKER, Chief Clerk

**H 816, H 820, and HCR 63** were filed for first reading.

March 23, 2006

Mr. President:

I return herewith **S 1449, S 1450, S 1451, S 1452, S 1334, S 1399, and S 1395**, as amended, which have passed the House.

JUKER, Chief Clerk

**S 1449, S 1450, S 1451, S 1452, S 1334, S 1399, and S 1395**, as amended, were referred to the Judiciary and Rules Committee for enrolling.

March 23, 2006

Mr. President:

I return herewith **S 1275, S 1400**, as amended, **S 1407, S 1409**, as amended, **S 1295, S 1373, S 1411, S 1413**, and **S 1401** which have passed the House.

JUKER, Chief Clerk

**S 1275, S 1400**, as amended, **S 1407, S 1409**, as amended, **S 1295, S 1373, S 1411, S 1413**, and **S 1401** were referred to the Judiciary and Rules Committee for enrolling.

March 23, 2006

Mr. President:

I transmit herewith Enrolled **H 640, H 602**, as amended, **H 762, H 709**, as amended, **H 719**, as amended, **H 738**, as amended, **H 752, H 562**, as amended, **H 513, H 412, H 541, H 638, H 684, H 596, H 492, H 466, H 671**, as amended in the Senate, and **H 497**, as amended in the Senate, for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 640, H 602**, as amended, **H 762, H 709**, as amended, **H 719**, as amended, **H 738**, as amended, **H 752, H 562**, as amended, **H 513, H 412, H 541, H 638, H 684, H 596, H 492, H 466, H 671**, as amended in the Senate, and **H 497**, as amended in the Senate, and ordered them returned to the House.

March 23, 2006

Mr. President:

I return herewith Enrolled **S 1442, S 1417, S 1443, S 1444, S 1445, S 1446**, and **S 1447** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1442, S 1417, S 1443, S 1444, S 1445, S 1446**, and **S 1447** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 23, 2006

Mr. President:

I return herewith **S 1408** which has failed to pass the House.

JUKER, Chief Clerk

**S 1408** was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

The President announced the Resources and Environment Committee report relative to the Gubernatorial appointment of Brent Baker was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Keough, seconded by Senator Marley, the Gubernatorial appointment of Brent Baker as a member of the Lake Pend Oreille Basin Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that **HJM 18**, as amended, having been held, was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Werk, seconded by Senator Gannon, **HJM 18**, as amended, was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President announced that **HCR 48** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Coiner, seconded by Senator Malepeai, **HCR 48** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **HCR 49** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Broadsword, seconded by Senator Werk, **HCR 49** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **HCR 51** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator McGee, seconded by Senator Malepeai, **HCR 51** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **HCR 52** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Broadsword, seconded by Senator Werk, **HCR 52** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **HCR 53** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Keough, seconded by Senator Kelly, **HCR 53** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that the House amendments to **S 1363**, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1363**, as amended in the House?"

On request by Senator Andreason, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to **S 1363**, as amended in the House.

**S 1363**, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The President announced that the House amendments to **S 1300**, as amended, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1300**, as amended, as amended in the House?"

On request by Senator Lodge, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to **S 1300**, as amended, as amended in the House.

**S 1300**, as amended, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The Senate advanced to the Eleventh Order of Business.

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

#### **S 1470**

#### **BY FINANCE COMMITTEE**

#### **AN ACT**

APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR THE SUPPORT SERVICES PROGRAM FOR FISCAL YEAR 2007.

#### **S 1471**

#### **BY FINANCE COMMITTEE**

#### **AN ACT**

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE COMMUNITY MENTAL HEALTH PROGRAM FOR FISCAL YEARS 2007 AND 2008; RECOGNIZING THE RECOMMENDATIONS OF THE MENTAL HEALTH TASK

FORCE; RECOGNIZING THE RECOMMENDATIONS OF THE MENTAL HEALTH FACILITIES DEVELOPMENT PLAN; AND PROVIDING GUIDANCE TO THE DEPARTMENT OF HEALTH AND WELFARE TO COORDINATE PLANNING ON THE USE OF THE FUNDING.

**S 1470** and **S 1471** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**S 1441**, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

**H 816**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 820**, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

**HCR 63**, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

#### Second Reading of Bills

**H 817, H 818, H 826, H 827, and H 828**, by Appropriations Committee, were read the second time at length and filed for third reading.

**S 1453**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 663**, as amended, by Health and Welfare Committee, was read the second time at length and filed for third reading.

**H 742**, as amended, by Education Committee, was read the second time at length and filed for third reading, Consent Calendar.

**S 1438**, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

**S 1464, S 1465, S 1466, and S 1467**, by Finance Committee, were read the second time at length and filed for third reading.

**H 705**, as amended, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

**H 735**, as amended, and **H 758**, by State Affairs Committee, were read the second time at length and filed for third reading.

**H 731**, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

**H 713**, as amended, as amended in the Senate, by Education Committee, was read the second time at length and filed for third reading.

**H 561**, as amended in the Senate, as amended in the Senate, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

**H 770**, as amended in the Senate, by Education Committee, was read the second time at length and filed for third reading.

**S 1389**, as amended in the House, by Health and Welfare 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

**S 1456**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 34.

NAYS--Stennett. Total - 1.

Total - 35.

Whereupon the President declared **S 1456** passed, title was approved, and the bill ordered transmitted to the House.

**S 1458** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1458** passed, title was approved, and the bill ordered transmitted to the House.

**S 1459** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1459** passed, title was approved, and the bill ordered transmitted to the House.

**S 1460** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1460** passed, title was approved, and the bill ordered transmitted to the House.

The President called President Pro Tempore Geddes to the Chair.

**S 1461** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1461** passed, title was approved, and the bill ordered transmitted to the House.

**S 1463** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1463** passed, title was approved, and the bill ordered transmitted to the House.

The President returned to the Chair.

**S 1377** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Andreason and Bunderson arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bunderson, Clark (Burkett), Coiner, Corder, Fulcher, Gannon, Goedde, Kelly, Langhorst, Little, Malepeai, Marley, Stennett, Sweet, Werk. Total - 16.

NAYS--Brandt, Broadsword, Burtenshaw, Cameron, Compton, Darrington, Davis, Geddes, Hill, Jorgenson, Keough, Lodge, McKenzie, Pearce, Richardson, Schroeder, Stegner, Williams. Total - 18.

Absent and excused--McGee. Total - 1.

Total - 35.

Whereupon the President declared that **S 1377** had failed to pass the Senate and ordered the bill filed in the office of the Secretary of the Senate.

On request by Senator Davis, 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 House bills.

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

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12 noon until the hour of 11 a.m., Monday, March 27, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

#### SEVENTY-EIGHTH LEGISLATIVE DAY MONDAY, MARCH 27, 2006

Senate Chamber

President Risch called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Cameron, Gannon, Pearce, and Stegner, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Lacey Keller, 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 24, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

**Petitions, Resolutions, and Memorials**

Senator Gannon was recorded present at this order of business.

March 27, 2006

The Honorable Jim Risch  
President of the Senate  
Idaho State Senate

Dear Mr. President:

We the undersigned hereby petition the presiding officer of the Senate, pursuant to Joint Rule 20, to waive the provisions of Joint Rule 20 with regard to transmittal of a proposed constitutional amendment after the 55<sup>th</sup> day of the Regular Legislative Session. Your concurrence will allow the introduction of **SJR 108**.

We would appreciate your consideration of this petition.

Sincerely,

/s/ Robert L. Geddes  
President Pro Tempore

/s/ Bart Davis  
Majority Leader

/s/ Joe Stegner  
Assistant Majority Leader

/s/ Brad Little  
Majority Caucus Chairman

Upon presentation of the above petition regarding **SJR 108**, the President waived the provisions of Joint Rule 20 pertaining to the introduction of proposed constitutional amendments after the fifty-fifth Legislative Day. The correspondence was ordered filed in the office of the Secretary of the Senate.

**SJR 108**

**BY STATE AFFAIRS COMMITTEE**

**A JOINT RESOLUTION**

**PROPOSING AN AMENDMENT TO ARTICLE VII, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO FINANCE AND REVENUE BY THE ADDITION OF A NEW**

SECTION 18, ARTICLE VII, OF THE CONSTITUTION OF THE STATE OF IDAHO, TO PROVIDE THAT ON AND AFTER JANUARY 1, 2007, NO TAXES SHALL BE LEVIED AGAINST REAL OR PERSONAL PROPERTY FOR MAINTENANCE AND OPERATION OF THE PUBLIC SCHOOLS BY NONCHARTER SCHOOL DISTRICTS, TO PROVIDE THAT THE LEGISLATURE SHALL APPROPRIATE SUFFICIENT FUNDS FROM SALES AND USE TAXES TO ENSURE THAT SCHOOL DISTRICTS CONTINUE TO RECEIVE STATE FUNDS AS ENTITLED BY LAW, INCLUDING THE PORTION OF SUCH ENTITLEMENT FORMERLY COMPRISED BY SUCH MAINTENANCE AND OPERATION FUNDS, BUT NOT INCLUDING SUCH MAINTENANCE AND OPERATION FUNDS FORMERLY RAISED BY SCHOOL DISTRICTS IN EXCESS OF THE AMOUNT OF FUNDS SCHOOL DISTRICTS ARE ENTITLED TO RECEIVE UNDER PUBLIC SCHOOL FUNDING FORMULAS PRESCRIBED BY LAW AND TO PROVIDE THAT THIS PROHIBITION SHALL NOT APPLY TO TAX LEVIES APPROVED BY QUALIFIED ELECTORS AT AN ELECTION AS PROVIDED BY LAW OR TO OTHER TAX LEVIES AS MAY BE PROVIDED BY LAW; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

**SJR 108** was introduced, read the first time 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**

Senator Stegner was recorded present at this order of business.

March 27, 2006

The JUDICIARY AND RULES Committee reports that **S 1470** and **S 1471** have been correctly printed.

DARRINGTON, Chairman

**S 1470** and **S 1471** were referred to the Finance Committee.

March 24, 2006

The JUDICIARY AND RULES Committee reports that **S 1275**, **S 1295**, **S 1334**, **S 1373**, **S 1395**, as amended, **S 1399**, **S 1400**, as amended, **S 1401**, **S 1407**, **S 1409**, as amended, **S 1411**, **S 1413**, **S 1449**, **S 1450**, **S 1451**, and **S 1452** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1275**, **S 1295**, **S 1334**, **S 1373**, **S 1395**, as amended, **S 1399**, **S 1400**, as amended, **S 1401**, **S 1407**, **S 1409**, as amended, **S 1411**, **S 1413**, **S 1449**, **S 1450**, **S 1451**, and **S 1452** and ordered them transmitted to the House for the signature of the Speaker.

March 24, 2006

The JUDICIARY AND RULES Committee reports that **S 1363**, as amended in the House, and **S 1300**, as amended, as amended in the House, have been correctly engrossed.

DARRINGTON, Chairman

**S 1363**, as amended in the House, and **S 1300**, as amended, as amended in the House, were filed for first reading.

March 27, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1417**, **S 1442**, **S 1443**, **S 1444**, **S 1445**, **S 1446**, and **S 1447** were delivered to the Office of the Governor at 1:20 p.m., March 24, 2006.

DARRINGTON, Chairman

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

March 24, 2006

The STATE AFFAIRS Committee reports out **HJM 22** and **HCR 62** with the recommendation that they do pass.

BURTENSHAW, Chairman

**HJM 22** and **HCR 62** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 27, 2006

The FINANCE Committee reports out **S 1470** and **S 1471** with the recommendation that they do pass.

CAMERON, Chairman

**S 1470** and **S 1471** were filed for second reading.

March 24, 2006

The STATE AFFAIRS Committee reports out **H 714**, as amended, with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BURTENSHAW, Chairman

There being no objection, **H 714**, as amended, was referred to the Fourteenth Order of Business, General Calendar.

March 27, 2006

The STATE AFFAIRS Committee reports out **H 791** with the recommendation that it do pass.

BURTENSHAW, Chairman

**H 791** was filed for second reading.

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

### Messages from the Governor

March 24, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1250, S 1312, S 1318, S 1320, S 1322, S 1326, S 1328, S 1336, S 1345, S 1371, S 1416, S 1422, S 1430, S 1431, S 1432, S 1434, S 1435, and S 1436**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Senate advanced to the Ninth Order of Business.

### Messages from the House

March 24, 2006

Mr. President:

I transmit herewith **H 837, H 838, H 839, H 836, H 833, and H 841** which have passed the House.

JUKER, Chief Clerk

**H 837, H 838, H 839, H 836, H 833, and H 841** were filed for first reading.

March 24, 2006

Mr. President:

I return herewith **S 1454, S 1455, S 1266**, as amended, **S 1412**, as amended, **SCR 125, SCR 126, S 1350**, as amended, **SCR 129, S 1327, S 1414, S 1428, S 1314**, as amended, **S 1356**, as amended, **SJM 119, S 1338, S 1339, S 1343**, and **SCR 130** which have passed the House.

JUKER, Chief Clerk

**S 1454, S 1455, S 1266**, as amended, **S 1412**, as amended, **SCR 125, SCR 126, S 1350**, as amended, **SCR 129, S 1327, S 1414, S 1428, S 1314**, as amended, **S 1356**, as amended, **SJM 119, S 1338, S 1339, S 1343**, and **SCR 130** were referred to the Judiciary and Rules Committee for enrolling.

March 24, 2006

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

Mr. President:

I transmit herewith Enrolled **HCR 59, HJM 21, H 712, H 545, H 686, H 687, H 729, H 582, H 680, H 793, H 794, H 797, H 798, H 799,** and **H 594** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 59, HJM 21, H 712, H 545, H 686, H 687, H 729, H 582, H 680, H 793, H 794, H 797, H 798, H 799,** and **H 594** and ordered them returned to the House.

March 24, 2006

Mr. President:

I return herewith Enrolled **S 1296, S 1297, S 1321, S 1331, S 1332,** as amended, **S 1351, S 1352, S 1353, S 1374, S 1379, S 1397,** and **S 1403** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1296, S 1297, S 1321, S 1331, S 1332,** as amended, **S 1351, S 1352, S 1353, S 1374, S 1379, S 1397,** and **S 1403** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 24, 2006

Mr. President:

I return herewith **S 1342** which has failed to pass the House.

JUKER, Chief Clerk

**S 1342** was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Tenth Order of Business.

**Motions and Resolutions**

Senators Cameron and Pearce were recorded present at this order of business.

The President announced that **HCR 50,** as amended, was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Coiner, seconded by Senator Kelly, **HCR 50,** as amended, was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

**S 1472**

**BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO LEGISLATIVE DISTRICT CENTRAL COMMITTEES; AMENDING SECTION 34-503, IDAHO CODE, TO PROVIDE THAT THE PRECINCT COMMITTEEMEN WITHIN EACH LEGISLATIVE DISTRICT SHALL MEET WITHIN THE LEGISLATIVE DISTRICT OR AT A CONVENIENT LOCATION IN A LEGISLATIVE DISTRICT CONTIGUOUS TO THE LEGISLATIVE DISTRICT, OR AT A CONVENIENT LOCATION IN A COUNTY IN WHICH ANY PORTION OF THE LEGISLATIVE DISTRICT SITS, WITHIN ELEVEN DAYS AFTER THE PRIMARY ELECTION; AND DECLARING AN EMERGENCY.

**S 1473**

**BY FINANCE COMMITTEE**

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR DISTRICT COURT JUDGES AND COURT REPORTERS FOR FISCAL YEAR 2007.

**S 1474**

**BY FINANCE COMMITTEE**

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR PURCHASING ADDITIONAL YEARS OF SERVICE IN THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO FOR CERTAIN RETIRING MAGISTRATE JUDGES FOR FISCAL YEAR 2007.

**S 1475**

**BY FINANCE COMMITTEE**

AN ACT

RELATING TO APPROPRIATIONS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2007, TO COMMENCE A NORTHERN IDAHO WATER RIGHTS ADJUDICATION; AUTHORIZING THE DEPARTMENT OF WATER RESOURCES ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2007; PROVIDING LEGISLATIVE INTENT WITH REGARD TO THE USE OF THE MONEYS AND UNEXPENDED MONEYS; AND AMENDING SECTION 42-1777, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE WATER RESOURCES ADJUDICATION ACCOUNT, TO PROVIDE CORRECT TERMINOLOGY AND TO AUTHORIZE THE STATE CONTROLLER TO ESTABLISH MULTIPLE FUND DETAILS WITHIN THE FUND.

**S 1476**

**BY FINANCE COMMITTEE**

AN ACT

APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.



**S 1477**  
**BY FINANCE COMMITTEE**  
 AN ACT

APPROPRIATING MONEYS TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

**S 1478**  
**BY FINANCE COMMITTEE**  
 AN ACT

APPROPRIATING MONEYS FOR THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AUTHORIZING FUND DEPOSITS; DIRECTING THE ALLOCATION OF SALARY SAVINGS; DIRECTING THAT THE SCHOOL ONLY OPERATE THE NECESSARY NUMBER OF COTTAGES; GRANTING AUTHORITY TO MAKE CERTAIN FUND TRANSFERS; AND DECLARING AN EMERGENCY FOR SECTION 6 OF THIS ACT.

**S 1479**  
**BY FINANCE COMMITTEE**  
 AN ACT

APPROPRIATING MONEYS FOR THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

**S 1480**  
**BY FINANCE COMMITTEE**  
 AN ACT

APPROPRIATING MONEYS FOR THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT REGARDING RESOURCE SHARING; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

**S 1481**  
**BY FINANCE COMMITTEE**  
 AN ACT

APPROPRIATING MONEYS FOR THE IDAHO EDUCATIONAL PUBLIC BROADCASTING SYSTEM FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

**S 1482**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO ABORTIONS; AMENDING SECTION 18-604, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE ADDITIONAL TERMS; REPEALING SECTION 2, CHAPTER 393, LAWS OF 2005, RELATING TO DEFINITIONS; AMENDING SECTION 18-609, IDAHO CODE, TO REVISE PROCEDURES, TO PROVIDE FOR DISCIPLINE AND TO PROVIDE FOR A CIVIL PENALTY; AND PROVIDING SEVERABILITY.

**S 1483**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO ABORTION; REPEALING CHAPTER 393, LAWS OF 2005, RELATING TO ABORTION; AMENDING SECTION 9-340G, IDAHO CODE, TO REVISE A PUBLIC RECORDS EXEMPTION AND TO PROVIDE FOR A CORRECT CODE REFERENCE; AMENDING SECTION 18-604, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE ADDITIONAL TERMS; AMENDING SECTION 18-605, IDAHO CODE, TO PROVIDE FOR CRIMINAL ACT STATE OF MIND; REPEALING SECTION 18-609A, IDAHO CODE, RELATING TO CONSENT REQUIRED FOR ABORTIONS FOR MINORS; AMENDING CHAPTER 6, TITLE 18, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 18-609A, 18-609F AND 18-609G, IDAHO CODE, TO PROVIDE PROCEDURES FOR OBTAINING CONSENT FOR ABORTIONS FOR MINORS, TO PROVIDE FOR REPORTING BY COURTS AND TO PROVIDE FOR STATISTICAL RECORDS; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

**S 1472, S 1473, S 1474, S 1475, S 1476, S 1477, S 1478, S 1479, S 1480, S 1481, S 1482, and S 1483** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**S 1363**, as amended in the House, by Commerce and Human Resources Committee, was read the first time at length and filed for second reading.

**S 1300**, as amended, as amended in the House, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

**H 837, H 838, H 839, and H 836**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

**H 833**, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

**H 841**, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**H 771, H 772, H 773, H 774, and H 775**, by State Affairs Committee, were read the second time at length and filed for third reading, Consent Calendar.

**H 784**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 829, H 830, and H 831**, by Appropriations Committee, were read the second time at length and filed for third reading.

**S 1469**, by Finance Committee, was read the second time at length and filed for third reading.

**H 750**, as amended, by Education Committee, was read the second time at length and filed for third reading.

**H 763**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 796** and **H 764**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

**H 728**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 780, H 781, H 474**, as amended, and **H 745**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

**S 1441**, as amended, by Judiciary and Rules 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 Brandt, granted by unanimous consent, **H 770**, as amended in the Senate, was referred to the Fourteenth Order of Business, General Calendar.

**S 1453** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 31.

NAYS--Andreason, Brandt, Pearce, Sweet. Total - 4.

Total - 35.

Whereupon the President declared **S 1453** passed, title was approved, and the bill ordered transmitted to the House.

**S 1438** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Clark (Burkett), Coiner, Compton, Corder, Gannon, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Malepeai, Marley, Schroeder, Stegner, Stennett, Werk. Total - 20.

NAYS--Brandt, Burtenshaw, Cameron, Darrington, Davis, Fulcher, Geddes, Hill, Lodge, McGee, McKenzie, Pearce, Richardson, Sweet, Williams. Total - 15.

Total - 35.

Whereupon the President declared **S 1438** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, 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 House bills.

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

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:15 p.m. until the hour of 9 a.m., Tuesday, March 28, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

### SEVENTY-NINTH LEGISLATIVE DAY TUESDAY, MARCH 28, 2006

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9 a.m.

Roll call showed all members present except Senators Bunderson, Cameron, Gannon, Pearce, Schroeder, Stegner, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Emily Kuhl, 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 27, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

**Petitions, Resolutions, and Memorials**

**SCR 134**

**BY JUDICIARY AND RULES COMMITTEE**

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING PENDING RULES OF THE STATE BOARD OF EDUCATION GOVERNING THOROUGHNESS.

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 pending rules of the State Board of Education governing thoroughness are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 08.02.03, pending rules of the State Board of Education governing thoroughness, adopted as pending rules under Docket Number 08-0203-0506, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

**SCR 134** 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**

Senator Pearce was recorded present at this order of business.

March 28, 2006

The JUDICIARY AND RULES Committee reports that **S 1472, S 1473, S 1474, S 1475, S 1476, S 1477, S 1478, S 1479, S 1480, S 1481, S 1482, S 1483, and SJR 108** have been correctly printed.

DARRINGTON, Chairman

**S 1472, S 1482, S 1483, and SJR 108** were referred to the State Affairs Committee.

**S 1473, S 1474, S 1475, S 1476, S 1477, S 1478, S 1479, S 1480, and S 1481** were referred to the Finance Committee.

March 27, 2006

The JUDICIARY AND RULES Committee reports that **S 1266**, as amended, **S 1314**, as amended, **S 1327, S 1338, S 1339, S 1343, S 1350**, as amended, **S 1356**, as amended,

**S 1412**, as amended, **S 1414, S 1428, S 1454, S 1455, SCR 125, SCR 126, SCR 129, SCR 130**, and **SJM 119** have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1266**, as amended, **S 1314**, as amended, **S 1327, S 1338, S 1339, S 1343, S 1350**, as amended, **S 1356**, as amended, **S 1412**, as amended, **S 1414, S 1428, S 1454, S 1455, SCR 125, SCR 126, SCR 129, SCR 130**, and **SJM 119** and ordered them transmitted to the House for the signature of the Speaker.

Senators Bunderson, Schroeder, and Sweet were recorded present at this order of business.

March 27, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1296, S 1297, S 1321, S 1331, S 1332**, as amended, **S 1351, S 1352, S 1353, S 1374, S 1379, S 1397**, and **S 1403** were delivered to the Office of the Governor at 2:10 p.m., March 27, 2006.

DARRINGTON, Chairman

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

March 27, 2006

The FINANCE Committee reports out **H 836, H 837, H 838**, and **H 839** with the recommendation that they do pass.

CAMERON, Chairman

**H 836, H 837, H 838**, and **H 839** were filed for second reading.

March 27, 2006

The JUDICIARY AND RULES Committee reports out **HCR 45** and **H 814**, as amended, with the recommendation that they do pass.

DARRINGTON, Chairman

**HCR 45** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

**H 814**, as amended, was filed for second reading.

President Risch assumed the Chair.

March 28, 2006

The FINANCE Committee reports out **S 1473, S 1474, S 1475, S 1476, S 1477, S 1478, S 1479, S 1480**, and **S 1481** with the recommendation that they do pass.

CAMERON, Chairman

**S 1473, S 1474, S 1475, S 1476, S 1477, S 1478, S 1479, S 1480, and S 1481** were filed for second reading.

March 27, 2006

The STATE AFFAIRS Committee reports out **S 1472** with the recommendation that it do pass.

BURTENSHAW, Chairman

**S 1472** was filed for second reading.

Senator Stegner was recorded present at this order of business.

March 28, 2006

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:

Marc Brinkmeyer to the Lake Pend Oreille Basin Commission, term to expire July 24, 2008.

SCHROEDER, 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 28, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **H 736**, as amended, **H 737**, as amended, and **H 800** with the recommendation that they do pass.

SCHROEDER, Chairman

**H 736**, as amended, **H 737**, as amended, and **H 800** were filed for second reading.

The Senate advanced to the Ninth Order of Business.

**Messages from the House**

March 27, 2006

Mr. President:

I transmit herewith **HJM 25, HCR 64, H 844, HCR 65, and HCR 66** which have passed the House.

JUKER, Chief Clerk

**HJM 25, HCR 64, H 844, HCR 65, and HCR 66** were filed for first reading.

March 27, 2006

Mr. President:

I return herewith **S 1388, SJM 120, S 1415, SCR 128, S 1340**, as amended, **S 1386**, as amended, **S 1423**, as amended, and **S 1457** which have passed the House.

JUKER, Chief Clerk

**S 1388, SJM 120, S 1415, SCR 128, S 1340**, as amended, **S 1386**, as amended, **S 1423**, as amended, and **S 1457** were referred to the Judiciary and Rules Committee for enrolling.

March 28, 2006

Mr. President:

I transmit herewith Enrolled **H 801, H 802, H 803, H 804, H 805, H 743, H 808, H 809, H 810, H 811, H 812, H 813, H 650**, as amended, **H 776, H 648**, as amended in the Senate, and **H 624**, as amended in the Senate, for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 801, H 802, H 803, H 804, H 805, H 743, H 808, H 809, H 810, H 811, H 812, H 813, H 650**, as amended, **H 776, H 648**, as amended in the Senate, and **H 624**, as amended in the Senate, and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

**Motions and Resolutions**

Senator Gannon was recorded present at this order of business.

The President announced that **HJM 22** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Stennett, **HJM 22** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

Senator Cameron was recorded present at this order of business.

The President announced that **HCR 62** was before the Senate for final consideration.

Moved by President Pro Tempore Geddes, seconded by Senator Stennett, that **HCR 62** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **HCR 62** adopted, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

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

**S 1484**

**BY FINANCE COMMITTEE**

AN ACT

APPROPRIATING MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION/STATE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

**S 1485**

**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO THE OFFICE OF THE STATE BOARD OF EDUCATION; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 56, TITLE 33, IDAHO CODE, TO PROVIDE FOR A SHORT TITLE, TO SET FORTH PURPOSES, TO PROVIDE DEFINITIONS, TO AUTHORIZE CREATION OF A MATHEMATICS AND SCIENCE SCHOLARSHIP EDUCATION FUND, TO PROVIDE FOR DETERMINATION OF THE NUMBER OF SCHOLARSHIPS AND TO PROVIDE FOR THE ADMINISTRATION OF THE SCHOLARSHIPS.

**S 1486**

**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO THE IDAHO HOSPITAL CONTRIBUTION ACT; AMENDING TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 14, TITLE 56, IDAHO CODE, TO PROVIDE A SHORT TITLE AND SET FORTH LEGISLATIVE INTENT, TO DEFINE TERMS, TO ESTABLISH THE HOSPITAL CONTRIBUTION FUND, TO PROVIDE FOR CONTRIBUTIONS, TO PROVIDE FOR A REVIEW OF THE ANNUAL CONTRIBUTION AMOUNT, TO PROVIDE FOR INPATIENT AND OUTPATIENT ADJUSTMENT PAYMENTS, TO PROVIDE FOR TIMING OF PAYMENTS AND CONTRIBUTIONS, TO PROVIDE AN EXCEPTION, TO PROVIDE FOR MULTI-HOSPITAL LOCATIONS, HOSPITAL CLOSURES AND NEW HOSPITALS AND TO PROVIDE APPLICABILITY; AND PROVIDING A SUNSET DATE.

**S 1484, S 1485, and S 1486** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**HJM 25**, by Ways and Means Committee, was introduced, read at length, and referred to the Resources and Environment Committee.

**HCR 64**, by State Affairs Committee, was introduced, read at length, and referred to the Resources and Environment Committee.

**H 844**, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

**HCR 65**, by Ways and Means Committee, was introduced, read at length, and referred to the Commerce and Human Resources Committee.

**HCR 66**, by Education Committee, was introduced, read at length, and referred to the Education Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**S 1470 and S 1471**, by Finance Committee, were read the second time at length and filed for third reading.

**H 791**, by Ways and Means Committee, was read the second time at length and filed for third reading.

**S 1363**, as amended in the House, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

**S 1300**, as amended, as amended in the House, by Judiciary and Rules 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**

**S 1464** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1464** passed, title was approved, and the bill ordered transmitted to the House.

**S 1465** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1465** passed, title was approved, and the bill ordered transmitted to the House.

**S 1466** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1466** passed, title was approved, and the bill ordered transmitted to the House.

**S 1467** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total -35.

Whereupon the President declared **S 1467** passed, title was approved, and the bill ordered transmitted to the House.

**S 1389**, as amended in the House, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde,

Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1389**, as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

**S 1469** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1469** passed, title was approved, and the bill ordered transmitted to the House.

**S 1441**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1441**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

**H 713**, as amended, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Goedde and Jorgenson arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 713**, as amended, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

The President called President Pro Tempore Geddes to the Chair.

**H 561**, as amended in the Senate, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 561**, as amended in the Senate, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

**H 819** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 819** passed, title was approved, and the bill ordered returned to the House.

**H 754** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 754** passed, title was approved, and the bill ordered returned to the House.

**H 756** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 756** passed, title was approved, and the bill ordered returned to the House.

**H 757** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Burtenshaw, Clark (Burkett), Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Schroeder, Stennett, Sweet, Williams. Total - 26.

NAYS--Brandt, Bunderson, Cameron, Compton, Hill, Little, Richardson, Stegner, Werk. Total - 9.

Total - 35.

Whereupon the President Pro Tempore declared **H 757** passed, title was approved, and the bill ordered returned to the House.

**H 726** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Clark (Burkett), Coiner, Compton, Corder, Davis, Gannon, Goedde, Hill, Jorgenson, Keough, Langhorst, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Sweet, Williams. Total - 26.

NAYS--Cameron, Darrington, Fulcher, Geddes, Kelly, Little, Lodge, Stegner, Werk. Total - 9.

Total - 35.

Whereupon the President Pro Tempore declared **H 726** passed, title was approved, and the bill ordered returned to the House.

**H 744** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Burtenshaw, Clark (Burkett), Corder, Davis, Goedde, Keough, Langhorst, Malepeai, Marley, McGee, McKenzie, Pearce, Schroeder, Stennett, Williams. Total - 17.

NAYS--Andreason, Bunderson, Cameron, Coiner, Compton, Darrington, Fulcher, Gannon, Geddes, Hill, Jorgenson, Kelly, Little, Lodge, Richardson, Stegner, Sweet, Werk. Total - 18.

Total - 35.

Whereupon the President Pro Tempore declared that **H 744** had failed to pass the Senate and ordered the bill returned to the House.

**H 765** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Williams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Burtenshaw, Clark (Burkett), Coiner, Compton, Corder, Davis, Fulcher, Gannon, Goedde, Hill, Jorgenson, Keough, Langhorst, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Sweet, Williams. Total - 26.

NAYS--Bunderson, Cameron, Darrington, Geddes, Kelly, Little, Lodge, Stegner, Werk. Total - 9.

Total - 35.

Whereupon the President Pro Tempore declared **H 765** passed, title was approved, and the bill ordered returned to the House.

**H 630**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Bunderson and Marley arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 31.

NAYS--Brandt, Fulcher, McKenzie, Sweet. Total - 4.

Total - 35.

Whereupon the President Pro Tempore declared **H 630**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 817** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 817** passed, title was approved, and the bill ordered returned to the House.

**H 818** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 818** passed, title was approved, and the bill ordered returned to the House.

**H 826** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 826** passed, title was approved, and the bill ordered returned to the House.

**H 827** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.



Whereupon the President Pro Tempore declared **H 827** passed, title was approved, and the bill ordered returned to the House.

The President returned to the Chair.

**H 828** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 828** passed, title was approved, and the bill ordered returned to the House.

**H 663**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Compton and McGee arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 663**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 705**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Lodge and McKenzie arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 705**, as amended, passed, title was approved, and the bill ordered returned to the House.

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

### Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:05 p.m. until the hour of 1:30 p.m. of this day.

### RECESS AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senator Sweet, absent and formally excused by the Chair; and Senators Cameron and Fulcher, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

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

### Third Reading of Bills

The President called Senator Compton to the Chair.

Senators Cameron and Fulcher were recorded present at this order of business.

**H 735**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Williams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 735**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 758** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 758** passed, title was approved, and the bill ordered returned to the House.

**H 731** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Burtenshaw, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Williams. Total - 29.

NAYS--Bunderson, Cameron, Little, Stegner, Werk. Total - 5.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 731** passed, title was approved, and the bill ordered returned to the House.

**H 784** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 784** passed, title was approved, and the bill ordered returned to the House.

**H 829** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 829** passed, title was approved, and the bill ordered returned to the House.

**H 830** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 830** passed, title was approved, and the bill ordered returned to the House.

**H 831** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 831** passed, title was approved, and the bill ordered returned to the House.

**H 750**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 31.

NAYS--Brandt, Fulcher, McKenzie. Total - 3.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 750**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 763** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 763** passed, title was approved, and the bill ordered returned to the House.

The President returned to the Chair.

**H 796** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Williams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--Bunderson. Total - 1.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 796** passed, title was approved, and the bill ordered returned to the House.

**H 764** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 764** passed, title was approved, and the bill ordered returned to the House.

**H 728** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 728** passed, title was approved, and the bill ordered returned to the House.

**H 780** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 780** passed, title was approved, and the bill ordered returned to the House.

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

#### Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 3 p.m. until the hour of 4 p.m. of this day.

#### RECESS AFTERNOON SESSION

The Senate reconvened at 4 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senator Sweet, absent and formally excused by the Chair; and Senators Andreason, Broadsword, Cameron, Fulcher, Jorgenson, Keough, Marley, Schroeder, and Stennett, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

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

#### Third Reading of Bills

Senators Andreason, Broadsword, Cameron, Fulcher, Jorgenson, Keough, Marley, Schroeder, and Stennett were recorded present at this order of business.

**H 781** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 781** passed, title was approved, and the bill ordered returned to the House.

**H 474**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 474**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 745** was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Clark arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Werk, Williams. Total - 32.

NAYS--Little, Stegner. Total - 2.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 745** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, 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 Stegner 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 Pro Tempore called the Senate to order.

### Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **S 1448, H 723, H 655, H 508, H 714**, as amended, and **H 770**, as amended in the Senate, without recommendation, amended as follows:

#### SENATE AMENDMENTS TO S 1448

##### AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 17 through 43 and on page 2, delete lines 1 through 3 and insert:

"72-1502. MEMBERS. The president pro tempore of the senate, the speaker of the house of representatives, and the minority leaders of the senate and the house of representatives shall each designate one (1) member of the commission and the state chairmen of the two (2) largest political parties, determined by the vote cast for governor in the last gubernatorial election, shall each designate one (1) member of the commission. Appointing authorities should give consideration to achieving To provide geographic representation in appointments to the commission, no more than one (1) commission member residing in any single county may be appointed from each political party. If an appointing authority does not select the members within fifteen (15) calendar days following the secretary of state's order to form the commission, such members shall be appointed by the supreme court.

Should a vacancy on the commission occur during the tenure of a commission, the secretary of state shall issue an order officially recognizing such vacancy. The vacancy shall be filled by the original appointing authority within fifteen (15) days of the order. Should the original appointing authority fail to make the appointment within fifteen (15) days, the vacancy shall be filled by the supreme court.

No person may serve on the commission who:

- (1) Is not a registered voter of the state at the time of selection; or
- (2) Is or has been within one (1) year a registered lobbyist; or
- (3) Is or has been within two (2) years prior to selection an elected official or elected legislative district, county or state party officer. The provisions of this subsection do not apply to the office of precinct committee person.

A person who has served on a commission for reapportionment shall be precluded from serving in either house of the legislature for five (5) years following such service on the commission."

##### AMENDMENT TO SECTION 2

On page 2, in line 35, delete "ninety (90)" and insert: "one hundred twenty (120)".

#### AMENDMENT TO SECTION 3

On page 2 delete lines 47 through 49 and insert: "to comply with all applicable federal standards and statutes."

On page 3, in line 8, delete "~~should shall~~" and insert: "should" and delete lines 11 through 15 and insert:

"~~(87)~~ Counties shall not be divided to protect a particular political party or a particular incumbent."

#### CORRECTION TO TITLE

On page 1, delete lines 3 through 9 and insert: "AMENDING SECTION 72-1502, IDAHO CODE, TO PROVIDE THAT FOR GEOGRAPHIC REPRESENTATION IN APPOINTMENTS TO THE COMMISSION, NO MORE THAN ONE COMMISSION MEMBER RESIDING IN ANY SINGLE COUNTY MAY BE APPOINTED FROM EACH POLITICAL PARTY; AMEND-".

#### SENATE AMENDMENT TO H 723

##### AMENDMENTS TO THE BILL

On page 1 of the printed bill, following line 12 insert:

"SECTION 1. That Chapter 5, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-523, Idaho Code, and to read as follows:

54-523. USE OF TERMINOLOGY LIMITED -- BARBER POLES. Only a person licensed pursuant to the provisions of this chapter may:

(1) Hold himself out to the public, solicit business or advertise as a licensed barber or as operating a licensed barbershop;

(2) Use the title or designation "barber" or "barbershop" under circumstances that would create or tend to create the impression to members of the general public that the person is a licensed barber or is operating a licensed barbershop; or

(3) Place a barber pole in a location that would create or tend to create the impression to members of the general public that a business located near the barber pole is a barbershop unless the business is a licensed cosmetological establishment that is leasing space to or employing a licensed barber. As used in this subsection (3), "barber pole" means a red and white striped vertical cylinder with a ball located on top of the cylinder or any object of a similar nature, regardless of its actual shape or coloring, that would create or tend to create the impression to members of the general public that a business located near the object is a barbershop."; and renumber subsequent sections of the bill accordingly.

#### CORRECTION TO TITLE

On page 1, in line 2, delete "COSMETOLOGY;" and insert: "PROFESSIONS, VOCATIONS AND BUSINESSES; AMENDING CHAPTER 5, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-523, IDAHO CODE, TO RESTRICT THE USE OF CERTAIN TERMINOLOGY AND BARBER POLES;".

#### SENATE AMENDMENTS TO H 655

##### AMENDMENTS TO SECTION 2

On page 3 of the printed bill, in line 14, delete "twenty percent (20%)" and insert: "fifteen percent (15%)"; in line 15, following "business" insert: "regulated by this chapter"; in line 27, delete "and"; and in line 36, delete "coverage." and insert: "coverage; and

(v) Offer the new products at rates that comply with section 41-4706(1)©, Idaho Code."

## AMENDMENTS TO SECTION 3

On page 4, in line 36, delete "twenty percent (20%)" and insert: "fifteen percent (15%)"; in line 37, following "business" insert: "regulated by this chapter"; in line 48, delete "and"; and in line 51, delete "coverage." and insert: "coverage; and

(v) Offer the new products at rates that comply with section 41-5206(1)(b), Idaho Code."

## SENATE AMENDMENT TO H 508

## AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 8 through 43, and on page 2 delete lines 1 through 53 and insert:

"SECTION 1. That Chapter 8, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-802B, Idaho Code, and to read as follows:

63-802B. TRUTH IN TAXATION -- NOTICE OF INCREASES IN PROPERTY TAXES. (1) No taxing district shall certify to the board of county commissioners or to the state tax commission an amount of property tax revenues to finance its annual budget that exceeds by more than three percent (3%) of the amount of the property tax rate or of the property tax revenues certified to finance that district's annual budget for the tax year preceding the current tax year until the taxing district shall advertise its intent to adopt such a budget or increase in tax rate in a newspaper qualified for publication of legal notices by that taxing district under section 60-106, Idaho Code.

(2) The notice shall be published in a prominent location in the main news section of the newspaper once each week for the two (2) weeks preceding the date, if any, of the budget hearing set pursuant to section 63-802A, Idaho Code, or if no budget hearing is required, the adoption of the final budget.

(3) The notice shall include:

(a) A prominent bold typeface heading in type larger than the text of the notice, the words: "NOTICE OF TAX INCREASE, ...(name of taxing district)...". The taxing district shall supply an estimate in the notice for typical homes with a one hundred thousand dollar (\$100,000) taxable value, typical farms with a one hundred fifty thousand dollar (\$150,000) taxable value and typical businesses with a two hundred thousand dollar (\$200,000) taxable value, all valued during the past tax year with the following estimates: last year's taxable value, this year's estimated taxable value, last year's actual taxes and this year's estimated taxes. The taxing district may consult with the state tax commission in obtaining necessary estimates for purposes of this notice.

(b) The fact that the taxing district has proposed to increase the amount of property tax revenue to fund its annual budget and the percentage of the increase over the prior year's budget;

(c) The total amount of property tax revenue certified and approved by the district under section 63-803, Idaho Code, for the prior year and the total amount proposed to be so certified for the current year; and

(d) The time and place of the district's budget hearing, if a hearing is required, that the hearings shall be open to the public, and, whether or not a hearing is required, the means by which any person may submit written comments on the budget at or before the time of the hearing.

(4) As used in this section, the term "amount of property tax revenues" means the amount determined without regard to

amounts applicable to voter approved levies. The amount of property tax revenues to finance an annual budget does not include revenues from nonproperty tax sources, and does not include revenue from levies that are voter approved for bonds, override levies or supplemental levies, plant facilities reserve fund levies, school emergency fund levies or for levies applicable to newly annexed property or for levies applicable to new construction as evidenced by the value of property subject to the occupancy tax pursuant to section 63-317, Idaho Code, for the preceding tax year. As used in this section "taxing district" means any county, any political subdivision of the state, any municipal corporation, including specially chartered cities, any school districts, including specially chartered school districts, any quasi-municipal corporation, or any other public corporation authorized by law to levy taxes, now or hereafter organized.

(5) Alternatively to the required newspaper notice, a taxing district may substitute a single mailing notice to all district residents, providing that the same information is given and providing that the notice shall be mailed at least fourteen (14) days before the budget hearing set pursuant to section 63-802A, Idaho Code, or if no budget hearing is required, the adoption of the final budget.

(6) The state tax commission may by rule establish additional requirements relating to content or form of the notice required by this section.

(7) No direct or collateral action attacking or otherwise questioning the validity of any notice under this section shall be brought in any court by any person for any cause whatsoever, after the expiration of thirty (30) days from the adoption of the budget to which the notice related and the regularity of such notice shall be conclusively presumed.

SECTION 2. That Section 63-308, Idaho Code, be, and the same is hereby amended to read as follows:

63-308. VALUATION ASSESSMENT NOTICE TO BE FURNISHED TAXPAYER. (1) The valuation assessment notice required under the provisions of this chapter shall be delivered to the taxpayer, or to his agent or representative, or mailed to the taxpayer, or to his agent or representative at his last known post office address no later than the first Monday in June. The original valuation assessment notice so mailed or delivered must contain notices of all meetings of the board of equalization prescribed by this title for the purposes of equalizing assessments of property, and for granting exemptions from taxation. The notice shall, in clear terms, inform the taxpayer of the assessed market value for assessment purposes of his property for the current year, and his right to appeal to the county board of equalization. The notice, at a minimum, shall show last year's assessed market value for assessment purposes of the property, this year's assessed market value for assessment purposes, last year's actual taxes and this year's estimated taxes. The state tax commission may require that other data or information be shown on the form.

(2) In case any changes or corrections are made by the assessor from the original valuation assessment notice, the assessor shall immediately deliver or mail a corrected valuation assessment notice to the taxpayer, or his agent or representative.

(3) If the taxpayer is one other than the equitable titleholder, such as an escrowee, trustee of trust deed or other third party, the taxpayer shall deliver to the equitable titleholder a true copy of the valuation assessment notice on or before the second Monday in June.

(4) For property entered and assessed on the subsequent property roll pursuant to section 63-311, Idaho Code, the valuation assessment notice shall be delivered to the taxpayer, his agent or representative, or mailed to the taxpayer, or to his agent or representative at his last known post office address as soon as possible after it is prepared, but not later than the fourth Monday in November.

(5) For property entered and assessed on the missed property roll pursuant to section 63-311, Idaho Code, the valuation assessment notice shall be delivered to the taxpayer, his agent or representative, or mailed to the taxpayer, or to his agent or representative at his last known post office address as soon as possible after it is prepared, but not later than the first Monday of January of the following year.

SECTION 3. This act shall be in full force and effect on and after January 1, 2007."

#### CORRECTION TO TITLE

On page 1, delete lines 2 through 6 and insert:  
 "RELATING TO BUDGETS OF TAXING DISTRICTS;  
 AMENDING CHAPTER 8, TITLE 63, IDAHO CODE, BY THE  
 ADDITION OF A NEW SECTION 63-802B, IDAHO CODE,  
 TO REQUIRE NOTICE OF PROPOSED PROPERTY TAX  
 BUDGET INCREASES OR PROPERTY TAX RATE  
 INCREASES OF TAXING DISTRICTS BEYOND A CERTAIN  
 LEVEL, TO PROVIDE REQUIREMENTS FOR THE NOTICE,  
 TO DEFINE TERMS, TO PROVIDE ALTERNATIVES TO  
 NEWSPAPER NOTICE, TO PROVIDE FOR STATE TAX  
 COMMISSION RULES AND TO LIMIT LEGAL ACTIONS TO  
 CERTAIN TIME PERIODS AFTER THE ADOPTION OF A  
 TAXING DISTRICT'S BUDGET TO WHICH THE NOTICE  
 RELATED AND THE REGULARITY OF SUCH NOTICE  
 SHALL BE CONCLUSIVELY PRESUMED; AMENDING  
 SECTION 63-308, IDAHO CODE, TO PROVIDE  
 ADDITIONAL INFORMATION ON THE VALUATION  
 ASSESSMENT NOTICE FURNISHED TO THE PROPERTY  
 TAXPAYER; AND PROVIDING AN EFFECTIVE DATE."

#### SENATE AMENDMENT TO H 714, As Amended AMENDMENTS TO SECTION 1

On page 1 of the engrossed bill, in line 40, delete "in order to participate" and insert: "for the sole purpose of participating"; on page 2, delete lines 1 through 3 and insert:

"(a) To modify by rule the license renewal dates set forth in section 26-3111(3) and (4), Idaho Code;  
 in line 4, following "establish" insert: "by rule"; and in line 21, delete "(d) Nothing in" and insert:

"(3) Nothing in subsection (2) of".

#### SENATE AMENDMENT TO H 770, As Amended in the Senate AMENDMENT TO THE BILL

On page 2 of the printed bill, delete lines 33 through 53 and delete page 3.

#### CORRECTION TO TITLE

On page 1, in line 4, delete "; AND AMENDING SECTION"; and delete lines 5 and 6 and insert: ".".

The Committee also has **S 1387** and **S 1241** under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Malepeai, the report was adopted by voice vote.

**S 1448**, as amended, was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

**H 723**, as amended in the Senate, **H 655**, as amended in the Senate, **H 508**, as amended in the Senate, **H 714**, as amended, as amended in the Senate, and **H 770**, 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.

The Senate advanced to the Fifteenth Order of Business.

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 5:20 p.m. until the hour of 10 a.m., Wednesday, March 29, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

#### EIGHTIETH LEGISLATIVE DAY WEDNESDAY, MARCH 29, 2006

Senate Chamber

President Risch called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Cameron, Gannon, Hill, Keough, Lodge, Marley, McGee, Pearce, Richardson, Schroeder, Stegner, Sweet, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Jessie McLeod, 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 28, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

March 28, 2006

March 29, 2006

The JUDICIARY AND RULES Committee reports that **S 1484, S 1485, S 1486,** and **SCR 134** have been correctly printed.

DARRINGTON, Chairman

**S 1484** was referred to the Finance Committee.

**S 1485** was referred to the Education Committee.

**S 1486** was referred to the Judiciary and Rules Committee.

**SCR 134** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 28, 2006

The JUDICIARY AND RULES Committee reports that **S 1340,** as amended, **S 1386,** as amended, **S 1388, S 1389,** as amended in the House, **S 1415, S 1423,** as amended, **S 1457, SJM 120,** and **SCR 128** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1340,** as amended, **S 1386,** as amended, **S 1388, S 1389,** as amended in the House, **S 1415, S 1423,** as amended, **S 1457, SJM 120,** and **SCR 128** and ordered them transmitted to the House for the signature of the Speaker.

Senators Gannon and Schroeder were recorded present at this order of business.

March 28, 2006

The JUDICIARY AND RULES Committee reports that **S 1448,** as amended, has been correctly engrossed.

DARRINGTON, Chairman

**S 1448,** as amended, was filed for first reading.

March 29, 2006

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1448, H 723, H 655, H 508, H 714,** as amended, and **H 770,** as amended in the Senate, have been correctly printed.

DARRINGTON, Chairman

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

The FINANCE Committee reports out **H 844** with the recommendation that it do pass.

CAMERON, Chairman

**H 844** was filed for second reading.

March 29, 2006

The FINANCE Committee reports out **S 1484** with the recommendation that it do pass.

CAMERON, Chairman

**S 1484** was filed for second reading.

March 29, 2006

The EDUCATION committee reports out **H 739** with the recommendation that it do pass.

GOEDDE, Chairman

**H 739** was filed for second reading.

March 28, 2006

The HEALTH AND WELFARE Committee reports out **H 833** with the recommendation that it do pass.

COMPTON, Chairman

**H 833** was filed for second reading.

March 29, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 816** and **H 778,** as amended, with the recommendation that they do pass.

BUNDERSON, Chairman

**H 816** and **H 778,** as amended, were filed for second reading.

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

**Messages from the House**

March 28, 2006

Mr. President:

I transmit herewith **H 845, H 846, H 847,** and **H 848** which have passed the House.

JUKER, Chief Clerk

**H 845, H 846, H 847,** and **H 848** were filed for first reading.



March 28, 2006

Mr. President:

I transmit herewith Enrolled **HJM 18**, as amended, **HCR 48, HCR 49, HCR 51, HCR 52, HCR 53, H 695**, as amended in the Senate, and **H 676**, as amended in the Senate, for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HJM 18**, as amended, **HCR 48, HCR 49, HCR 51, HCR 52, HCR 53, H 695**, as amended in the Senate, and **H 676**, as amended in the Senate, and ordered them returned to the House.

March 28, 2006

Mr. President:

I return herewith Enrolled **S 1275, S 1295, S 1334, S 1373, S 1395**, as amended, **S 1399, S 1400**, as amended, **S 1401, S 1407, S 1409**, as amended, **S 1411, S 1413, S 1449, S 1450, S 1451**, and **S 1452** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1275, S 1295, S 1334, S 1373, S 1395**, as amended, **S 1399, S 1400**, as amended, **S 1401, S 1407, S 1409**, as amended, **S 1411, S 1413, S 1449, S 1450, S 1451**, and **S 1452** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

Senators Hill, Keough, Lodge, McGee, Marley, Pearce, Richardson, Sweet, and Werk were recorded present at this order of business.

The President announced the Resources and Environment Committee report relative to the Gubernatorial appointment of Marc Brinkmeyer was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Keough, seconded by Senator Stennett, the Gubernatorial appointment of Marc Brinkmeyer as a member of the Lake Pend Oreille Basin Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Davis, 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 Stegner was recorded present at this order of business.

#### S 1487 BY FINANCE COMMITTEE AN ACT

APPROPRIATING MONEYS FOR THE STATE LIBRARY BOARD FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

**S 1487** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 723**, as amended in the Senate, by State Affairs Committee, was read the first time at length and filed for second reading.

**H 655**, as amended in the Senate, by Business Committee, was read the first time at length and filed for second reading.

**H 508**, as amended in the Senate, by Revenue and Taxation Committee, was read the first time at length and filed for second reading.

**H 714**, as amended, as amended in the Senate, by State Affairs Committee, was read the first time at length and filed for second reading.

**H 770**, as amended in the Senate, as amended in the Senate, by Education Committee, was read the first time at length and filed for second reading.

**S 1448**, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

**H 845, H 846, H 847, and H 848**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

#### Second Reading of Bills

**H 836, H 837, H 838, and H 839**, by Appropriations Committee, were read the second time at length and filed for third reading.

**H 814**, as amended, by Ways and Means Committee, was read the second time at length and filed for third reading.

**S 1473, S 1474, S 1475, S 1476, S 1477, S 1478, S 1479, S 1480, and S 1481**, by Finance Committee, were read the second time at length and filed for third reading.

**S 1472**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 736**, as amended, and **H 737**, as amended, by State Affairs Committee, were read the second time at length and filed for third reading.

**H 800**, by Ways and Means 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

Senator Cameron was recorded present at this order of business.

The President called Senator Stegner to the Chair.

**S 1470** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1470** passed, title was approved, and the bill ordered transmitted to the House.

**S 1471** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1471** passed, title was approved, and the bill ordered transmitted to the House.

**S 1363**, as amended in the House, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Andreason, McGee, and Kelly arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1363**, as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

**S 1300**, as amended, as amended in the House, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1300**, as amended, as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

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

### Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:15 p.m. until the hour of 2:15 p.m. of this day.

### RECESS AFTERNOON SESSION

The Senate reconvened at 2:15 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senators Burtenshaw, Cameron, Malepeai, Pearce, Schroeder, and Williams, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

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

### Third Reading of Bills

Senators Burtenshaw, Cameron, Malepeai, Pearce, Schroeder, and Williams were recorded present at this order of business.

**H 791** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 30.

NAYS--Broadsword, Fulcher, Geddes, McKenzie, Sweet. Total - 5.

Total - 35.

Whereupon the President declared **H 791** passed, title was approved, and the bill ordered returned to the House.

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 836** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 836** was read the third time at length, section by section, and put upon its final passage.

**H 836** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 836** passed, title was approved, and the bill ordered returned to the House.

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 837** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 837** was read the third time at length, section by section, and put upon its final passage.

**H 837** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 837** passed, title was approved, and the bill ordered returned to the House.

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 838** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 838** was read the third time at length, section by section, and put upon its final passage.

The President called Senator Cameron to the Chair.

**H 838** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 838** passed, title was approved, and the bill ordered returned to the House.

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 839** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 839** was read the third time at length, section by section, and put upon its final passage.

**H 839** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 839** passed, title was approved, and the bill ordered returned to the House.

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 814**, as amended, were suspended, and 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 were dispensed with, this being a case of urgency, and **H 814**, as amended, was read the third time at length, section by section, and put upon its final passage.

**H 814**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Goedde, Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Sweet, Williams. Total - 29.

NAYS--Brandt, Keough, Pearce, Werk. Total - 4.

Absent and excused--Geddes, Stennett. Total - 2.

Total - 35.

Whereupon the Acting President declared **H 814**, as amended, passed, title was approved, and the bill ordered returned to the House.

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1473** were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1473** was read the third time at length, section by section, and put upon its final passage.

**S 1473** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1473** passed, title was approved, and the bill ordered transmitted to the House.

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1474** were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1474** was read the third time at length, section by section, and put upon its final passage.

**S 1474** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton,

Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1474** passed, title was approved, and the bill ordered transmitted to the House.

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1475** were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1475** was read the third time at length, section by section, and put upon its final passage.

**S 1475** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Stegner, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--Brandt, Broadsword, Schroeder. Total - 3.

Absent and excused--Geddes. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1475** passed, title was approved, and the bill ordered transmitted to the House.

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1476** were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1476** was read the third time at length, section by section, and put upon its final passage.

**S 1476** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1476** passed, title was approved, and the bill ordered transmitted to the House.

### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1477** were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1477** was read the third time at length, section by section, and put upon its final passage.

**S 1477** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1477** passed, title was approved, and the bill ordered transmitted to the House.

### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1478** were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1478** was read the third time at length, section by section, and put upon its final passage.

**S 1478** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1478** passed, title was approved, and the bill ordered transmitted to the House.

### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1479** were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1479** was read the third time at length, section by section, and put upon its final passage.

**S 1479** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator

Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1479** passed, title was approved, and the bill ordered transmitted to the House.

### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1480** were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1480** was read the third time at length, section by section, and put upon its final passage.

**S 1480** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--Schroeder. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1480** passed, title was approved, and the bill ordered transmitted to the House.

### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1481** were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1481** was read the third time at length, section by section, and put upon its final passage.

The President returned to the Chair.

**S 1481** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--Marley, Richardson, Schroeder. Total - 3.

Total - 35.

Whereupon the President declared **S 1481** passed, title was approved, and the bill ordered transmitted to the House.

### Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1472** were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1472** was read the third time at length, section by section, and put upon its final passage.

**S 1472** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1472** passed, title was approved, and the bill ordered transmitted to the House.

At this time the Senate considered the Consent Calendar:

**H 760**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 760**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 742**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration.

Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 742**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 771** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Gannon arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 771** passed, title was approved, and the bill ordered returned to the House.

**H 772** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Gannon arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 772** passed, title was approved, and the bill ordered returned to the House.

**H 773** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Gannon arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 773** passed, title was approved, and the bill ordered returned to the House.

**H 774** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Gannon arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 774** passed, title was approved, and the bill ordered returned to the House.

**H 775** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 775** passed, title was approved, and the bill ordered returned to the House.

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

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 4:35 p.m. until the hour of 9 a.m., Thursday, March 30, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

#### EIGHTY-FIRST LEGISLATIVE DAY THURSDAY, MARCH 30, 2006

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9 a.m.

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

Senators Brandt, Burkett, Broadsword, Cameron, Gannon, and Langhorst, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Kyle Raese, 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 29, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

#### Petitions, Resolutions, and Memorials

##### SCR 135

##### BY STATE AFFAIRS COMMITTEE

##### A CONCURRENT RESOLUTION

STATING THE FINDINGS OF THE LEGISLATURE AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF EXCISE TAXES IN THE STATE OF IDAHO.

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

WHEREAS, Idaho imposes excise taxes on kilowatt hours, cigarettes, tobacco, and beer and wine sold through private licensed wholesale distributors; and

WHEREAS, the public policy underlying each excise tax, the basis on which each excise tax is levied, and the reasonableness and adequacy of each excise tax to defray public costs associated with the products on which the tax is imposed, has not been reevaluated and justified since the taxes were imposed several decades ago; and

WHEREAS, the excise tax on kilowatt hours dates back to the beginning of the nineteenth century and the underlying purposes of the tax should be reevaluated; and

WHEREAS, the bases on which excise taxes are imposed on similar products are inconsistent and result in product discrimination and favoritism by state government, with the excise tax on tobacco based on price, the excise tax on cigarettes based on volume, and the excise tax on beer and wine based on the equivalent number of barrels and gallons sold, respectively; and

WHEREAS, the excise tax on beer has been frozen since 1961, and the excise tax on wine has been frozen since 1971; and

WHEREAS, the societal cost of alcohol abuse has increased significantly in recent decades, placing sharply increased costs on local and state law enforcement, including prosecutions, courts, jails, and prisons, and on medicaid and certain other programs administered by the Department of Health and Welfare; and

WHEREAS, spirits, wine and beer sold through the Idaho State Liquor Dispensary are sold at market price plus a 2% surcharge to raise money for drug courts but beer and wine sold through private licensed wholesale distributors do not have such a surcharge; and

WHEREAS, the excise tax and surcharge on beer and wine sold through private licensed wholesale distributors has not increased commensurate with the rise in alcohol abuse related costs, although there has been such an increase relating to the sales of spirits, wine and beer sold through the Idaho State Liquor Dispensary; and

WHEREAS, in the face of increasing costs, the excise tax base on beer and wine, as a percentage of price, has actually eroded over 85% and such erosion aggregates over \$21 million annually; and

WHEREAS, the favorable volume-based excise tax on beer and wine sold through private licensed wholesale distributors, and the 2% surcharge on Idaho State Liquor Dispensary sales, has given private licensed wholesale distributors an increasingly competitive price advantage over the Idaho State Liquor Dispensary and has resulted in shifting market share to private licensed wholesale distributors.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the public policy underlying each excise tax within the state of Idaho, the basis on which each excise tax is levied, and the reasonableness and adequacy of each excise tax to defray public costs associated with the products upon which the tax is levied, should be reevaluated and justified.

BE IT FURTHER RESOLVED, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of excise taxes in the state of Idaho and report its findings to the First Regular Session of the Fifty-ninth Idaho Legislature. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED, that nonlegislative advisory members may be appointed to the committee by the cochairs of the committee. Nonlegislative advisory members shall not be reimbursed from legislative funds for per diem, mileage, or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

**SCR 135** 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 30, 2006

The JUDICIARY AND RULES Committee reports that **S 1487** has been correctly printed.

DARRINGTON, Chairman

**S 1487** was referred to the Finance Committee.

March 29, 2006

The JUDICIARY AND RULES Committee reports that **S 1300**, as amended, as amended in the House, and **S 1363**, as amended in the House, have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1300**, as amended, as amended in the House, and **S 1363**, as amended in the House, and ordered them transmitted to the House for the signature of the Speaker.

March 29, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1275**, **S 1295**, **S 1334**, **S 1373**, **S 1395**, as amended, **S 1399**, **S 1400**, as amended, **S 1401**, **S 1407**, **S 1409**, as amended, **S 1411**, **S 1413**, **S 1449**, **S 1450**, **S 1451**, and **S 1452** were delivered to the Office of the Governor at 2:35 p.m., March 29, 2006.

DARRINGTON, Chairman

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

Senator Cameron was recorded present at this order of business.

March 29, 2006

The STATE AFFAIRS Committee reports out **H 834** with the recommendation that it do pass and with the recommendation that it be placed on the Consent Calendar.

BURTENSHAW, Chairman

**H 834** was filed for second reading.

March 29, 2006

The STATE AFFAIRS Committee reports out **S 1462**, **H 570**, as amended, and **H 795** with the recommendation that they do pass.

BURTENSHAW, Chairman

**S 1462**, **H 570**, as amended, and **H 795** were filed for second reading.

March 29, 2006

The STATE AFFAIRS Committee reports out **SJR 108** without recommendation.

BURTENSHAW, Chairman

**SJR 108** was filed for second reading.



March 30, 2006

The FINANCE Committee reports out **S 1487** with the recommendation that it do pass.

CAMERON, Chairman

**S 1487** was filed for second reading.

March 29, 2006

The FINANCE Committee reports out **H 845**, **H 846**, **H 847**, and **H 848** with the recommendation that they do pass.

CAMERON, Chairman

**H 845**, **H 846**, **H 847**, and **H 848** were filed for second reading.

Senators Broadsword, Burkett, Gannon, and Langhorst were recorded present at this order of business.

March 29, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **HJM 25**, **HCR 64**, and **H 841** with the recommendation that they do pass.

SCHROEDER, Chairman

**HJM 25** and **HCR 64** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

**H 841** was filed for second reading.

March 29, 2006

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

Paul C. Agidius to the State Board of Education, term to expire March 1, 2011.

GOEDDE, 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.

President Risch assumed the Chair.

March 29, 2006

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 822**, **H 825**, **HCR 65**, and **H 753**, as amended, with the recommendation that they do pass.

ANDREASON, Chairman

**H 822**, **H 825**, and **H 753**, as amended, were filed for second reading.

**HCR 65** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 29, 2006

The TRANSPORTATION Committee reports out **H 820** with the recommendation that it do pass.

BRANDT, Chairman

**H 820** was filed for second reading.

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

#### Messages from the House

March 29, 2006

Mr. President:

I transmit herewith **H 849**, **H 851**, and **H 852** which have passed the House.

JUKER, Chief Clerk

**H 849**, **H 851**, and **H 852** were filed for first reading.

March 29, 2006

Mr. President:

I return herewith **S 1456**, **S 1458**, **S 1459**, **S 1460**, **S 1461**, **S 1463**, **S 1367**, and **SCR 124** which have passed the House.

JUKER, Chief Clerk

**S 1456**, **S 1458**, **S 1459**, **S 1460**, **S 1461**, **S 1463**, **S 1367**, and **SCR 124** were referred to the Judiciary and Rules Committee for enrolling.

March 29, 2006

Mr. President:

I transmit herewith Enrolled **HCR 50**, as amended, for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 50**, as amended, and ordered it returned to the House.

March 29, 2006

**Motions and Resolutions**

Mr. President:

I return herewith Enrolled **S 1266**, as amended, **S 1314**, as amended, **S 1327, S 1338, S 1339, S 1343, S 1350**, as amended, **S 1356**, as amended, **S 1414, S 1428, S 1454, S 1455, S 1412**, as amended, **SCR 125, SCR 126, SCR 129, SCR 130**, and **SJM 119** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1266**, as amended, **S 1314**, as amended, **S 1327, S 1338, S 1339, S 1343, S 1350**, as amended, **S 1356**, as amended, **S 1414, S 1428, S 1454, S 1455**, and **S 1412**, as amended, were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Enrolled **SCR 125, SCR 126, SCR 129, SCR 130**, and **SJM 119** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

March 29, 2006

Mr. President:

I return herewith Enrolled **S 1340**, as amended, **S 1386**, as amended, **S 1388, S 1389**, as amended in the House, **S 1415, S 1423**, as amended, **S 1457, SJM 120**, and **SCR 128** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1340**, as amended, **S 1386**, as amended, **S 1388, S 1389**, as amended in the House, **S 1415, S 1423**, as amended, and **S 1457** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Enrolled **SJM 120** and **SCR 128** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

March 29, 2006

Mr. President:

I return herewith **S 1390**, as amended, which has failed to pass the House.

JUKER, Chief Clerk

**S 1390**, as amended, was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Tenth Order of Business.

The President announced that **HCR 45** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Richardson, seconded by Senator Kelly, **HCR 45** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

Senator Brandt was recorded present at this order of business.

The President announced that **SCR 134** was before the Senate for final consideration.

Moved by Senator Schroeder, seconded by Senator Marley, that **SCR 134** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Burkett, Burtenshaw, Cameron, Corder, Darrington, Davis, Fulcher, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, Pearce, Richardson, Schroeder, Stennett, Sweet, Werk, Williams. Total - 24.

NAYS--Broadsword, Bunderson, Coiner, Compton, Gannon, Geddes, Goedde, Little, McGee, McKenzie, Stegner. Total - 11.

Paired and voting included in roll call:

AYE - Malepeai            NAY - Bunderson

Total - 35.

Whereupon the President declared **SCR 134** adopted, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

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

**S 1488  
BY STATE AFFAIRS COMMITTEE  
AN ACT**

RELATING TO POWERS AND DUTIES OF THE STATE TAX COMMISSION REGARDING PROPERTY TAX; AMENDING SECTION 63-105A, IDAHO CODE, TO PROVIDE THAT THE STATE TAX COMMISSION SHALL PROMULGATE RULES TO ESTABLISH PROPERTY TAX INFORMATION REPORTING STANDARDS THAT WILL AID IN MAKING SOUND PUBLIC POLICY AND TO MAKE A TECHNICAL CORRECTION.

**S 1489  
BY STATE AFFAIRS COMMITTEE  
AN ACT**

RELATING TO THE STATE TAX COMMISSION; AMENDING CHAPTER 1, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-105B, IDAHO CODE, TO PROVIDE ADDITIONAL DUTIES OF THE STATE TAX COMMISSION

FOR CONDUCTING AN ANALYSIS, OVER A TEN YEAR PERIOD, ON EACH IDAHO CODE SECTION THAT PROVIDES A SALES TAX EXEMPTION, A PROPERTY TAX EXEMPTION OR AN INCOME TAX CREDIT, TO PROVIDE ANNUAL REPORTING REQUIREMENTS, TO PROVIDE FOR ASSIGNMENT OF EACH YEAR'S ANALYSES TO STANDING COMMITTEES OF EACH LEGISLATIVE BODY FOR LEGISLATIVE REVIEW, CONSIDERATION AND RECOMMENDATION, IF ANY, AND TO PROVIDE FOR SUBMISSION OF COMMITTEE REVIEWS TO LEADERSHIP BY MARCH 1 OF EACH LEGISLATIVE SESSION.

**S 1490**  
**BY FINANCE COMMITTEE**  
**AN ACT**

APPROPRIATING ADDITIONAL MONEYS TO THE STATE CONTROLLER FOR FISCAL YEAR 2007.

**S 1488, S 1489, and S 1490** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 849, H 851, and H 852**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**H 844**, by Appropriations Committee, was read the second time at length and filed for third reading.

**S 1484**, by Finance Committee, was read the second time at length and filed for third reading.

**H 739**, by Education Committee, was read the second time at length and filed for third reading.

**H 833**, by Ways and Means Committee, was read the second time at length and filed for third reading.

**H 816 and H 778**, as amended, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

**H 723**, as amended in the Senate, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 655**, as amended in the Senate, by Business Committee, was read the second time at length and filed for third reading.

**H 508**, as amended in the Senate, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

**H 714**, as amended, as amended in the Senate, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 770**, as amended in the Senate, as amended in the Senate, by Education Committee, was read the second time at length and filed for third reading.

**S 1448**, as amended, 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**

**H 736**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Williams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Bunderson, Hill. Total - 2.

Total - 35.

Whereupon the President declared **H 736**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 737**, as amended, 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--Andreason, Brandt, Broadsword, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Bunderson, Hill. Total - 2.

Total - 35.

Whereupon the President declared **H 737**, as amended, passed, title was approved, and the bill ordered returned to the House.

Senator Bunderson was recorded present at this order of business.

**H 800** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Burtenshaw and Williams arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Burtenshaw, Cameron, Corder, Darrington, Davis, Geddes, Hill, Keough, Marley, Pearce, Richardson, Stegner, Stennett, Williams. Total - 14.

NAYS--Andreason, Brandt, Broadsword, Bunderson, Burkett, Coiner, Compton, Fulcher, Gannon, Goedde, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Schroeder, Sweet, Werk. Total - 21.

Total - 35.

Whereupon the President declared that **H 800** had failed to pass the Senate and ordered the bill returned to the House.

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

#### Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 2:15 p.m. until the hour of 3:15 p.m. of this day.

#### RECESS AFTERNOON SESSION

The Senate reconvened at 3:15 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senator Sweet, absent and formally excused by the Chair; and Senators Burkett, Fulcher, Goedde, and Pearce, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

March 30, 2006

The FINANCE Committee reports out **H 849**, **H 851**, and **H 852** with the recommendation that they do pass.

CAMERON, Chairman

**H 849**, **H 851**, and **H 852** were filed for second reading.

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

#### Third Reading of Bills

Senators Burkett, Fulcher, Goedde, and Pearce were recorded present at this order of business.

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 844** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 844** was read the third time at length, section by section, and put upon its final passage.

**H 844** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Williams. Total - 27.

NAYS--Burkett, Kelly, Langhorst, Malepeai, Marley, Stennett, Werk. Total - 7.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 844** passed, title was approved, and the bill ordered returned to the House.

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1484** were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1484** was read the third time at length, section by section, and put upon its final passage.

**S 1484** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **S 1484** passed, title was approved, and the bill ordered transmitted to the House.

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 739** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 739** was read the third time at length, section by section, and put upon its final passage.

**H 739** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 739** passed, title was approved, and the bill ordered returned to the House.

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 833** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 833** was read the third time at length, section by section, and put upon its final passage.

**H 833** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 833** passed, title was approved, and the bill ordered returned to the House.

On request by Senator McKenzie, granted by unanimous consent, **H 816** was recommitted to the Local Government and Taxation Committee.

#### Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 778**, as amended, were suspended, and 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 were dispensed with, this being a case of urgency, and **H 778**, as amended, was read the third time at length, section by section, and put upon its final passage.

**H 778**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 778**, as amended, passed, title was approved, and the bill ordered returned to the House.

#### Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 723**, as amended in the Senate, were suspended, and 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 were dispensed with, this being a case of urgency, and **H 723**, as amended in the Senate, was read the third time at length, section by section, and put upon its final passage.

**H 723**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 723**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 655**, as amended in the Senate, were suspended, and 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 were dispensed with, this being a case of urgency, and **H 655**, as amended in the Senate, was read the third time at length, section by section, and put upon its final passage.

**H 655**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 655**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 508**, as amended in the Senate, were suspended, and 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 were dispensed with, this being a case of urgency, and **H 508**, as amended in the Senate, was read the third time at length, section by section, and put upon its final passage.

**H 508**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burkett, Burtenshaw, Corder, Darrington, Davis, Fulcher, Goedde, Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Stegner, Stennett, Werk, Williams. Total - 25.

NAYS--Broadsword, Compton, Gannon, Geddes, Keough, Pearce, Schroeder. Total - 7.

Absent and excused--Cameron, Coiner, Sweet. Total - 3.

Total - 35.

Whereupon the President declared **H 508**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 714**, as amended, as amended in the Senate, were suspended, and 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 were dispensed with, this being a case of urgency, and **H 714**, as amended, as amended in the Senate, was read the third time at length, section by section, and put upon its final passage.

**H 714**, as amended, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 714**, as amended, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 770**, as amended in the Senate, as amended in the Senate, were suspended, and 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 were dispensed with, this being a case of urgency, and **H 770**, as amended in the Senate, as amended in the Senate, was read the third time at length, section by section, and put upon its final passage.

**H 770**, as amended in the Senate, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 770**, as amended in the Senate, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

On request by President Pro Tempore Geddes, granted by unanimous consent, **S 1448**, as amended, was recommitted to the State Affairs Committee.

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

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 4:50 p.m. until the hour of 9:30 a.m., Friday, March 31, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

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**EIGHTY-SECOND LEGISLATIVE DAY**  
**FRIDAY, MARCH 31, 2006**

Senate Chamber

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

Roll call showed all members present except Senators Marley and Sweet, absent and formally excused by the Chair; and Senator Cameron, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Katie Twiggs, 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 30, 2006, was read and approved as corrected.

DARRINGTON, 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 Stegner, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

### Petitions, Resolutions, and Memorials

#### SCR 136

#### BY STATE AFFAIRS COMMITTEE

#### A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND REQUESTING THE IDAHO WATER RESOURCE BOARD TO PREPARE AND SUBMIT A COMPREHENSIVE AQUIFER MANAGEMENT PLAN FOR THE EASTERN SNAKE RIVER PLAIN AQUIFER FOR LEGISLATIVE REVIEW AND APPROVAL.

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

WHEREAS, the extended drought, changes in irrigation practices and ground water pumping have resulted in reduced spring discharges and reach gains from the Eastern Snake River Plain Aquifer and areas of declining aquifer levels; and

WHEREAS, declining aquifer levels have resulted in insufficient water supplies to satisfy existing beneficial uses; and

WHEREAS, declining aquifer levels have lead to conflicts between holders of water rights diverting from surface and ground water; and

WHEREAS, the conflict between water users poses a significant threat to the state's economy; and

WHEREAS, the welfare of the people of the state of Idaho is dependent upon the management of the Eastern Snake River Plain Aquifer in accordance with state law; and

WHEREAS, the Idaho Legislature has enacted legislation to create water measurement districts for gathering and reporting of water diversion data; and

WHEREAS, the Idaho Legislature has enacted legislation authorizing the creation of ground water districts for the purpose of implementing mitigation plans; and

WHEREAS, the Idaho Department of Water Resources has expanded and created new water districts for water sources hydraulically connected to the Eastern Snake River Plain Aquifer for the purpose of conjunctively administering all surface and ground water rights diverting from the interconnected sources; and

WHEREAS, the Idaho Legislature provided funding to facilitate implementation of water supply projects through the Idaho Department of Commerce and to ground water users for implementation of the Sandy Pipeline Project in 2004; and

WHEREAS, the Idaho Legislature's Natural Resource Interim Committee in 2004 and 2005 sought resolution of the Eastern Snake River Plain Aquifer water supply conflicts and has provided support for voluntary mediation between affected parties; and

WHEREAS, Section 42-1734, Idaho Code, provides authority to the Idaho Water Resource Board to cooperate in water studies, planning and research; and

WHEREAS, the Idaho Water Resource Board prepared an inventory of data and information as part of the Board's comprehensive basin planning study of the Eastern Snake River Plain Aquifer and tributary basins entitled the "Resource Inventory Upper Snake River Basin," in 1998, which provides information for the development of a comprehensive aquifer management plan; and

WHEREAS, the state of Idaho has taken initial steps to address the Eastern Snake River Plain water supply conflict through funding and development of, among other things, a Conservation Reserve Enhancement Program; and

WHEREAS, the Idaho Legislature enacted Section 42-620, Idaho Code, in 2005, to provide for funding necessary to support and to expand the Eastern Snake River Plain monitoring and data gathering activities of the Idaho Department of Water Resources; and

WHEREAS, certain holders of surface and ground water rights have been engaged in good faith negotiations to develop a potential framework for resolution of the Eastern Snake River Plain surface/ground water rights conflict; and

WHEREAS, the Idaho Legislature is determined to facilitate and encourage a resolution of the surface/ground water rights conflict that respects existing water rights.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we request that the Idaho Water Resource Board expeditiously pursue, with support from the Idaho Department of Water Resources, development of a comprehensive aquifer management plan for the Eastern Snake River Plain Aquifer for submission to and approval by the Idaho Legislature.

BE IT FURTHER RESOLVED that the Idaho Water Resource Board receive public input regarding the development of goals, objectives and methods for management of the Eastern Snake River Plain Aquifer from affected water right holders, cities and counties, the general public and relevant state and federal agencies; and

BE IT FURTHER RESOLVED that the Idaho Water Resource Board is requested to report to the First Regular Session of the Fifty-ninth Idaho Legislature on the status of the development of the comprehensive Eastern Snake River Plain Aquifer management plan. The report should set forth a framework for the plan, including appropriate interim goals and objectives in accordance with state law, a method to fund implementation of the plan and a time schedule for finalization of the plan.

**SCR 136** 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 31, 2006

The JUDICIARY AND RULES Committee reports that **S 1488, S 1489, S 1490**, and **SCR 135** have been correctly printed.

DARRINGTON, Chairman

**S 1488** and **S 1489** were referred to the Local Government and Taxation Committee.

**S 1490** was referred to the Finance Committee.

**SCR 135** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 30, 2006

The JUDICIARY AND RULES Committee reports that **S 1367, S 1456, S 1458, S 1459, S 1460, S 1461, S 1463**, and **SCR 124** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1367, S 1456, S 1458, S 1459, S 1460, S 1461, S 1463**, and **SCR 124** and ordered them transmitted to the House for the signature of the Speaker.

March 30, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1266**, as amended, **S 1314**, as amended, **S 1327, S 1338, S 1339, S 1340**, as amended, **S 1343, S 1350**, as amended, **S 1356**, as amended, **S 1386**, as amended, **S 1388, S 1389**, as amended in the House, **S 1412**, as amended, **S 1414, S 1415, S 1423**, as amended, **S 1428, S 1454, S 1455**, and **S 1457** were delivered to the Office of the Governor at 2:35 p.m., March 30, 2006.

DARRINGTON, Chairman

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

March 30, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **SCR 125, SCR 126, SCR 128, SCR 129, SCR 130, SJM 119**, and **SJM 120** were delivered to the Office of the Secretary of State at 9:40 a.m., March 30, 2006.

DARRINGTON, Chairman

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

March 31, 2006

The FINANCE Committee reports out **S 1490** with the recommendation that it do pass.

CAMERON, Chairman



**S 1490** was filed for second reading.

March 30, 2006

March 31, 2006

The STATE AFFAIRS Committee reports out **S 1482** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BURTENSHAW, Chairman

There being no objection, **S 1482** was referred to the Fourteenth Order of Business, General Calendar.

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

### Messages from the Governor

March 30, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1275, S 1295, S 1296, S 1297, S 1321, S 1331, S 1332, as amended, S 1334, S 1351, S 1352, S 1353, S 1373, S 1374, S 1379, S 1395, as amended, S 1397, S 1399, S 1400, as amended, S 1401, S 1403, S 1407, S 1409, as amended, S 1411, S 1413, S 1417, S 1442, S 1443, S 1444, S 1445, S 1446, and S 1447**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Senate advanced to the Ninth Order of Business.

### Messages from the House

March 30, 2006

Mr. President:

I transmit herewith **HCR 67, H 857, H 761**, as amended, **H 832**, as amended, **H 858**, and **H 853** which have passed the House.

JUKER, Chief Clerk

**HCR 67, H 857, H 761**, as amended, **H 832**, as amended, **H 858**, and **H 853** were filed for first reading.

Mr. President:

I return herewith **S 1370, S 1464, S 1465, S 1466, S 1467, S 1469, S 1427, S 1470, S 1471, S 1473, S 1474, S 1475, S 1476, S 1477, S 1478, S 1479, S 1480, and S 1481** which have passed the House.

JUKER, Chief Clerk

**S 1370, S 1464, S 1465, S 1466, S 1467, S 1469, S 1427, S 1470, S 1471, S 1473, S 1474, S 1475, S 1476, S 1477, S 1478, S 1479, S 1480, and S 1481** were referred to the Judiciary and Rules Committee for enrolling.

March 30, 2006

Mr. President:

I transmit herewith Enrolled **HJM 22, HCR 62, H 819, H 754, H 756, H 757, H 726, H 765, H 630**, as amended, **H 817, H 818, H 826, H 827, H 828, H 663**, as amended, **H 705**, as amended, **H 735**, as amended, **H 758, H 731, H 784, H 829, H 830, H 831, H 750**, as amended, **H 763, H 796, H 764, H 728, H 780, H 781, H 474**, as amended, and **H 745** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HJM 22, HCR 62, H 819, H 754, H 756, H 757, H 726, H 765, H 630**, as amended, **H 817, H 818, H 826, H 827, H 828, H 663**, as amended, **H 705**, as amended, **H 735**, as amended, **H 758, H 731, H 784, H 829, H 830, H 831, H 750**, as amended, **H 763, H 796, H 764, H 728, H 780, H 781, H 474**, as amended, and **H 745** and ordered them returned to the House.

March 30, 2006

Mr. President:

I return herewith **S 1425**, as amended in the House, which has passed the House.

JUKER, Chief Clerk

On request by Senator Darrington, granted by unanimous consent, **S 1425**, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

Senator Cameron was recorded present at this order of business.

The President announced the Education Committee report relative to the Gubernatorial appointment of Paul C. Agidius was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Schroeder, seconded by Senator Burkett, the Gubernatorial appointment of Paul C. Agidius as a member of the State Board of Education was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Stegner, granted by unanimous consent, **HJM 25** retained its place on the calendar.

The President announced that **HCR 64** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Pearce, seconded by Senator Stegner, **HCR 64** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **HCR 65** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Andreason, seconded by Senator Malepeai, **HCR 65** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that the House amendments to **S 1425**, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1425**, as amended in the House?"

On request by Senator Darrington, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to **S 1425**, as amended in the House.

**S 1425**, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The Senate advanced to the Eleventh Order of Business.

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

**HCR 67**, by Ways and Means Committee, was introduced, read at length, and referred to the State Affairs Committee.

**H 857**, by Ways and Means Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**H 761**, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 832**, as amended, and **H 858**, by Ways and Means Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

**H 853**, by Ways and Means 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**

**H 834**, by State Affairs Committee, was read the second time at length and filed for third reading.

**S 1462**, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

**H 570**, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 795**, by Ways and Means Committee, was read the second time at length and filed for third reading.

**SJR 108**, by State Affairs Committee, was read the second time at length and filed for third reading.

**S 1487**, by Finance Committee, was read the second time at length and filed for third reading.

**H 845, H 846, H 847, and H 848**, by Appropriations Committee, were read the second time at length and filed for third reading.

**H 841**, by Ways and Means Committee, was read the second time at length and filed for third reading.

**H 822, H 825, and H 753**, as amended, by State Affairs Committee, were read the second time at length and filed for third reading.

**H 820**, by Ways and Means Committee, was read the second time at length and filed for third reading.

**H 849, H 851, and H 852**, by Appropriations Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

#### **Third Reading of Bills**

##### **Suspension of Rules**

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 834** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 834** was read the third time at length, section by section, and put upon its final passage.

**H 834** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 30.

NAYS--None.

Absent and excused--Compton, Davis, Geddes, Marley, Sweet. Total - 5.

Total - 35.

Whereupon the President declared **H 834** passed, title was approved, and the bill ordered returned to the House.

#### Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1462** were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1462** was read the third time at length, section by section, and put upon its final passage.

**S 1462** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 30.

NAYS--None.

Absent and excused--Compton, Davis, Geddes, Marley, Sweet. Total - 5.

Total - 35.

Whereupon the President declared **S 1462** passed, title was approved, and the bill ordered transmitted to the House.

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 570**, as amended, were suspended, and 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 were dispensed with, this being a case of urgency, and **H 570**, as amended, was read the third time at length, section by section, and put upon its final passage.

**H 570**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 30.

NAYS--None.

Absent and excused--Compton, Davis, Geddes, Marley, Sweet. Total - 5.

Total - 35.

Whereupon the President declared **H 570**, as amended, passed, title was approved, and the bill ordered returned to the House.

#### Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 795** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 795** was read the third time at length, section by section, and put upon its final passage.

**H 795** was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 32.

NAYS--Keough. Total - 1.

Absent and excused--Marley, Sweet. Total - 2.

Total - 35.

Whereupon the President declared **H 795** passed, title was approved, and the bill ordered returned to the House.

#### Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1487** were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1487** was read the third time at length, section by section, and put upon its final passage.

**S 1487** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Marley, Sweet. Total - 2.

Total - 35.

Whereupon the President declared **S 1487** passed, title was approved, and the bill ordered transmitted to the House.

#### Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 846** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 846** was read the third time at length, section by section, and put upon its final passage.

**H 846** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Stegner, Williams. Total - 26.

NAYS--Burkett, Kelly, Langhorst, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 8.

Absent and excused--Sweet. Total - 1.

Paired and voting included in roll call:

AYE - McKenzie            NAY - Marley

Total - 35.

Whereupon the President declared **H 846** passed, title was approved, and the bill ordered returned to the House.

#### Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 847** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 847** was read the third time at length, section by section, and put upon its final passage.

**H 847** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Marley, Sweet. Total - 2.

Total - 35.

Whereupon the President declared **H 847** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Schroeder, granted by unanimous consent, **H 841** was recommitted to the Resources and Environment Committee.

#### Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 822** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 822** was read the third time at length, section by section, and put upon its final passage.

**H 822** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Marley, Sweet. Total - 2.

Total - 35.

Whereupon the President declared **H 822** passed, title was approved, and the bill ordered returned to the House.

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

#### Miscellaneous Business

On motion by Senator Stegner, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:15 p.m. until the hour of 10 a.m., Monday, April 3, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

#### EIGHTY-FIFTH LEGISLATIVE DAY MONDAY, APRIL 3, 2006

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Stegner, Stennett, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Denise Evans, 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 31, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

#### Petitions, Resolutions, and Memorials

##### SR 108

#### BY JUDICIARY AND RULES COMMITTEE

##### A SENATE RESOLUTION

PROVIDING FOR THE AMENDMENT OF RULE 20 OF THE RULES OF THE SENATE.

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

WHEREAS, the Senate deems it necessary and desirable to amend Rule 20 of the Rules of the Senate.

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled in the Second Regular Session of the Fifty-eighth Idaho Legislature, that Rule 20 of the Rules of the Senate shall be amended to read as follows:

##### RULE 20

Committees--Quorum.--(A) Committees shall not proceed to the transaction of business except upon a quorum being present when the committee convenes, nor thereafter if any member objects to a lack of a quorum. A quorum shall consist of a majority of the committee membership.

Committee Meetings.--(B) No committee shall meet during the session of the Senate, nor at any time occupy the Senate Chamber, without leave of the Senate.

Committees--Rules and Procedure.--(C) Unless otherwise specified, general rules of procedure governing the Senate shall govern procedure in all committees and subcommittees, except there may be no call of any committee or of the Senate while in the Committee of the Whole. A motion to adjourn shall not be in order in the Committee of the Whole.

Committee ~~Hearings~~ Meetings to be Open.--(D) All ~~proceedings of the Senate and the Committee of the Whole shall be open~~ Hearings held by meetings of any standing, select, or special committee shall be open to the public at all times, and any person may attend any hearing of such committee, but may participate in the committee only with the approval of the committee itself. The committee chairman, or the acting chairman, shall announce the subject of the matter under inquiry and proceed with hearing testimony or examining witnesses. Each person testifying before the committee shall state his name, address, business, or occupation, and special interest in the matter being heard.

~~Committee Meetings Attendance~~.--(E) All persons may attend any meeting of any standing, select, or special committee, but may participate in deliberations or discussions only with the approval of the committee. Nothing contained in this rule shall be construed to prevent, upon a two-thirds vote recorded in the minutes of the meeting of the committee, the committee from holding an executive session during any meeting, at which time persons who are not members of the legislature may be excluded, provided however, that during such executive session, no votes or official action may be taken.

Committee Meetings, Executive Sessions.--(E) Executive sessions of a standing, special or select committee shall be limited

and undertaken only when necessitated by extraordinary circumstances as provided in this rule. A request to go into executive session may be considered by a committee only after the committee has given public notice at least twenty-four hours in advance of the meeting that the committee will have before it a request to meet in executive session, has listed the person(s) or agency that has requested the executive session, and has described the reason(s) for which an executive session has been requested. Only after the committee chairman has identified the reason(s) for holding the executive session and only upon a two-thirds vote recorded in the minutes of the meeting of the committee, shall a committee be allowed to hold an executive session during any meeting, at which time persons who are not members of the legislature may be excluded. Executive sessions shall be held only when and to the extent necessary to: discuss records that are exempt from public disclosure by statute, court decision or court rule; consider pending litigation, mediation or arbitration; consider personnel decisions involving a legislative employee; consider charges brought against or the discipline or dismissal of a member when public disclosure would harm an innocent third party; discuss the security of or threats against state citizens, resources or facilities; or discuss acquiring an interest in real property which is not owned by a public agency. Under no circumstances, however, shall an executive session be authorized or held for the purpose of taking any final action or making any final decision, and during such executive session, no votes or official action may be taken.

Disruption of Meetings.--(F) Nothing in this rule shall prohibit the removal of any person who willfully disrupts a meeting to the extent that orderly conduct is seriously compromised.

Objection to Testimony.--(FG) If any member of the committee shall object to the testimony, or any part thereof, of any witness, the chair of the committee may overrule the objection, require the witness to refrain from the objectionable testimony, or may disallow further testimony and otherwise maintain order. The chair of the committee shall decide all questions of order subject to appeal.

Buck Slips.--(GH) Buck slips may be used for committee action on the introduction of or recommendations on bills, but only in instances where committee meetings are impractical. The objection to the use of a buck slip by one committee member shall preclude its use in that instance. All committee members, who are not absent and excused from attendance in the Senate on that day, shall be required to sign their names indicating their aye or nay vote on the matter being considered.

### SR 109

#### BY JUDICIARY AND RULES COMMITTEE

#### A SENATE RESOLUTION

PROVIDING FOR THE AMENDMENT OF RULE 53 OF THE RULES OF THE SENATE.

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

WHEREAS, the Senate deems it necessary and desirable to amend Rule 53 of the Rules of the Senate.

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled in the Second Regular Session of the Fifty-eighth Idaho Legislature, that Rule 53 of the Rules of the Senate shall be amended to read as follows:

### RULE 53

Committee on Ethics.--(A) The President Pro Tempore shall receive written, signed complaints from any Senator concerning the alleged violation of the Rules of the Senate or the provisions of applicable law by a member of the Senate. Whenever such a complaint is received, the President Pro Tempore shall appoint a committee on ethics of six members, consisting of a chairman and five members, three of whom must be appointed with the concurrence of the leader of the party opposite to the party of the President Pro Tempore.

(B) The committee shall notify the person against whom the complaint was brought and shall provide such person with a copy of the complaint. The person complained against may submit a written answer to the committee. The committee shall make a preliminary investigation of the complaint. If, after investigation, the committee determines no violation has occurred, the complaint shall be dismissed. If, after investigation, the committee determines probable cause exists that a violation may have occurred, the committee shall so notify the person complained against. Such person may request a hearing before the committee, before which he shall be entitled to appear, present evidence, cross-examine witnesses, and be represented by counsel. The committee shall have the power to take testimony under oath and to issue subpoenas and subpoenas duces tecum in the manner provided in Section 67-407, Idaho Code.

~~(C) All proceedings of the committee shall be governed by the provisions of Section 67-2345, Idaho Code.~~

~~(D)~~ The committee may make recommendations to the Senate based upon the investigations conducted and hearings held pursuant to this rule. The committee may recommend dismissal of the charges, reprimand, censure, or expulsion. Expulsion of a Senate member shall require the affirmative vote of two-thirds of the members elected to the Senate, as provided by Section 11 of Article III of the Constitution. Reprimand or censure of a member shall require the affirmative vote of a majority of the members elected to the Senate. Action of the Senate pursuant to this rule is final and not subject to court review.

~~(E)~~ The committee may retain such counsel and may hire such investigators as it deems necessary for the performance of its duties under this rule, or may request an advisory opinion from the Attorney General. All expenditures incurred pursuant to this subsection ~~(E)~~ shall be approved by the President Pro Tempore and paid by vouchers and warrants drawn as provided by law from appropriations made to the Legislative Account.

~~(F)~~ The committee may adopt rules of procedure for the orderly conduct of committee meetings, investigations, and hearings, which rules shall be consistent with this rule and other applicable rules and statutes.

~~(G)~~ If the written signed complaint concerns misconduct of the President Pro Tempore, then the duties of the President Pro Tempore in this rule shall be the duties of the floor leader of the same party as the President Pro Tempore.

SR 108 and SR 109 were 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**

April 3, 2006

The JUDICIARY AND RULES Committee reports that **SCR 136** has been correctly printed.

DARRINGTON, Chairman

**SCR 136** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 31, 2006

The JUDICIARY AND RULES Committee reports that **S 1370, S 1427, S 1464, S 1465, S 1466, S 1467, S 1469, S 1470, S 1471, S 1473, S 1474, S 1475, S 1476, S 1477, S 1478, S 1479, S 1480, and S 1481** have been correctly enrolled.

The President Pro Tempore signed Enrolled **S 1370, S 1427, S 1464, S 1465, S 1466, S 1467, S 1469, S 1470, S 1471, S 473, S 1474, S 1475, S 1476, S 1477, S 1478, S 1479, S 1480, and S 1481**, and ordered them transmitted to the House for the signature of the Speaker.

March 31, 2006

The JUDICIARY AND RULES Committee reports that **S 1425**, as amended in the House, has been correctly engrossed.

DARRINGTON, Chairman

**S 1425**, as amended in the House, was filed for first reading.

March 31, 2006

The HEALTH AND WELFARE Committee reports out **H 832**, as amended, and **H 858** with the recommendation that they do pass.

COMPTON, Chairman

**H 832**, as amended, and **H 858** were filed for second reading.

April 3, 2006

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:

William L. Swift to the Idaho Commission on Human Rights, term to expire July 1, 2008.

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 Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

**Messages from the Governor**

March 31, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

**S 1389**, as amended in the House

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Senate advanced to the Ninth Order of Business.

**Messages from the House**

Senators Stegner and Stennett were recorded present at this order of business.

March 31, 2006

Mr. President:

I transmit herewith **H 860** and **H 862** which have passed the House.

JUKER, Chief Clerk

**H 860** and **H 862** were filed for first reading.

March 31, 2006

Mr. President:

I return herewith **S 1472** which has passed the House.

JUKER, Chief Clerk

**S 1472** was referred to the Judiciary and Rules Committee for enrolling.

March 31, 2006

Mr. President:

I transmit herewith Enrolled **H 791, H 836, H 837, H 838, H 839, H 814**, as amended, **H 760**, as amended, **H 742**, as amended, **H 771, H 772, H 773, H 774**, and **H 775** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **H 791, H 836, H 837, H 838, H 839, H 814**, as amended, **H 760**, as amended, **H 742**, as amended, **H 771, H 772, H 773, H 774**, and **H 775** and ordered them returned to the House.

March 31, 2006

Mr. President:

I return herewith Enrolled **S 1300**, as amended, as amended in the House, and **S 1363**, as amended in the House, which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1300**, as amended, as amended in the House, and **S 1363**, as amended in the House, were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, 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 1491**

**BY FINANCE COMMITTEE  
AN ACT**

RELATING TO CAPITOL RESTORATION AND RELOCATION; PROVIDING A SHORT TITLE; STATING FINDINGS OF THE LEGISLATURE; AUTHORIZING THE TRANSFER OF MONEYS FROM THE ECONOMIC RECOVERY RESERVE FUND TO THE PERMANENT BUILDING FUND; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION AND PUBLIC WORKS AND TO THE LEGISLATIVE COUNCIL FOR THE LEGISLATIVE SERVICES OFFICE FOR FISCAL YEAR 2006; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION FOR FISCAL YEAR 2007; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR PUBLIC WORKS, TO THE LEGISLATIVE COUNCIL FOR THE LEGISLATIVE SERVICES OFFICE AND TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2007; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE DEPARTMENT OF ADMINISTRATION FOR PUBLIC WORKS AND FOR THE IDAHO STATE CAPITOL COMMISSION, AND TO THE LEGISLATIVE COUNCIL FOR THE LEGISLATIVE SERVICES OFFICE; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT LIMITED SERVICE POSITIONS; AND DECLARING AN EMERGENCY FOR SECTIONS 3 AND 4 OF THIS ACT.

**S 1492**

**BY JUDICIARY AND RULES COMMITTEE  
AN ACT**

RELATING TO MEETINGS; PROVIDING LEGISLATIVE INTENT; AND REPEALING SECTION 67-2346, IDAHO CODE, RELATING TO OPEN LEGISLATIVE MEETINGS.

**S 1491** and **S 1492** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**S 1425**, as amended in the House, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

**H 860** and **H 862**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**S 1490**, by Finance 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 Davis, granted by unanimous consent, **SJR 108** retained its place on the Third Reading Calendar.

**H 845** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 845** passed, title was approved, and the bill ordered returned to the House.

The President Pro Tempore called Senator Darrington to the Chair.

**H 848** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:



AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 848** passed, title was approved, and the bill ordered returned to the House.

**H 825** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 825** passed, title was approved, and the bill ordered returned to the House.

**H 753**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 753**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 820** was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 820** passed, title was approved, and the bill ordered returned to the House.

**H 849** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 849** passed, title was approved, and the bill ordered returned to the House.

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

### Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:05 p.m. until the hour of 1:30 p.m. of this day.

### RECESS AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., pursuant to recess, President Pro Tempore Geddes presiding.

Roll call showed all members present except Senator Gannon, absent and formally excused by the Chair; and Senators Coiner and Sweet, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

April 3, 2006

The JUDICIARY AND RULES Committee reports that **S 1491**, **S 1492**, **SR 108**, and **SR 109** have been correctly printed.

DARRINGTON, Chairman

**S 1491** was referred to the Finance Committee.

**S 1492** was referred to the Judiciary and Rules Committee.

**SR 108** and **SR 109** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

April 3, 2006

The JUDICIARY AND RULES Committee reports that **S 1472** has been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1472** and ordered it transmitted to the House for the signature of the Speaker.

April 3, 2006

The FINANCE Committee reports out **H 860** and **H 862** with the recommendation that they do pass.

CAMERON, Chairman

**H 860** and **H 862** were filed for second reading.

April 3, 2006

The STATE AFFAIRS Committee reports out **HCR 67**, **H 857** and **H 853** with the recommendation that they do pass.

BURTENSHAW, Chairman

**HCR 67** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

**H 857** and **H 853** were filed for second reading.

April 3, 2006

The FINANCE Committee reports out **S 1491** with the recommendation that it do pass.

CAMERON, Chairman

**S 1491** was filed for second reading.

April 3, 2006

The JUDICIARY AND RULES Committee reports out **S 1492** with the recommendation that it do pass.

DARRINGTON, Chairman

**S 1492** was filed for second reading.

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

**Messages from the Governor**

March 31, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1266**, as amended, **S 1314**, as amended, **S 1327**, **S 1338**, **S 1339**, **S 1340**, as amended, **S 1343**, **S 1350**, as amended, **S 1356**, as amended, **S 1386**, as amended, **S 1388**, **S 1412**, as amended, **S 1414**, **S 1415**, **S 1423**, as amended, **S 1428**, **S 1449**, **S 1450**, **S 1451**, **S 1452**, **S 1454**, **S 1455**, and **S 1457**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

Senator Coiner was recorded present at this order of business.

The Senate advanced to the Ninth Order of Business.

**Messages from the House**

April 3, 2006

Mr. President:

I transmit herewith Enrolled **HCR 45**, **H 736**, as amended, **H 737**, as amended, **H 844**, **H 739**, **H 833**, **H 778**, as amended, **H 713**, as amended, as amended in the Senate, and **H 561**, as amended in the Senate, as amended in the Senate, for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **HCR 45**, **H 736**, as amended, **H 737**, as amended, **H 844**, **H 739**, **H 833**, **H 778**, as amended, **H 713**, as amended, as amended in the Senate, and **H 561**, as amended in the Senate, as amended in the Senate, and ordered them returned to the House.

April 3, 2006

Mr. President:

I return herewith Enrolled **S 1367**, **S 1456**, **S 1458**, **S 1459**, **S 1460**, **S 1461**, **S 1463**, and **SCR 124** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1367**, **S 1456**, **S 1458**, **S 1459**, **S 1460**, **S 1461**, and **S 1463** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Enrolled **SCR 124** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

The President Pro Tempore announced that **HJM 25**, having been held, was before the Senate for final consideration.

Moved by Senator Brandt, seconded by Senator Williams, that **HJM 25** be adopted. The question being, "Shall the memorial be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Williams. Total - 26.

NAYS--Burkett, Kelly, Langhorst, Malepeai, Marley, Stennett, Werk. Total - 7.

Absent and excused--Gannon, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **HJM 25** adopted, title was approved, and the memorial ordered returned to the House.

The President Pro Tempore announced that **SCR 135** was before the Senate for final consideration.

Moved by Senator Bunderson, seconded by Senator Malepeai, that **SCR 135** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Gannon, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **SCR 135** adopted, title was approved, and the resolution ordered transmitted to the House.

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

#### Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, **H 852** was placed before the Senate at this time.

**H 852** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Gannon, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 852** passed, title was approved, and the bill ordered returned to the House.

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1490** were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1490** was read the third time at length, section by section, and put upon its final passage.

**S 1490** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Gannon, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1490** passed, title was approved, and the bill ordered transmitted to the House.

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

#### General Calendar

The President Pro Tempore declared the Senate resolved into the Committee of the Whole and called Senator Stegner 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 Pro Tempore called the Senate to order.

#### Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **S 1482**, without recommendation, amended as follows:

#### SENATE AMENDMENTS TO S 1482

##### AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 16, delete "abortions" and insert: "abortion"; delete lines 32 through 34 and insert: "and substantially complete explanation of: ~~each fact pertinent to making the decision. Facts pertinent to making the decision shall include, but not be limited to:~~"; in line 38, delete "and" and insert: "and"; in line 41, delete "and" and insert: "."; delete lines 42 and 43; and on page 2, delete line 1.

##### AMENDMENTS TO SECTION 3

On page 3, delete lines 7 through 9 and insert: "anatomical characteristics; ~~brain and heart function, and the presence of external members and internal organs during the applicable stages of development;~~ and"; and delete lines 16 and 17 and insert: "attending physician's agent ~~(i) confirms or verifies a positive pregnancy test and informs the pregnant patient of a positive pregnancy test, and (ii) certi-~~".

The Committee also has **S 1387** and **S 1241** under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Malepeai, the report was adopted by voice vote.

**S 1482**, as amended, was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

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

#### Reports of Standing Committees

Senator Sweet was recorded present at this order of business.

The President Pro Tempore called Senator Cameron to the Chair.

April 3, 2006

The JUDICIARY AND RULES Committee reports that **S 1482**, as amended, has been correctly engrossed.

DARRINGTON, Chairman

**S 1482**, as amended, was filed for first reading.

April 3, 2006

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1482** have been correctly printed.

DARRINGTON, Chairman

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

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

#### Messages from the House

April 3, 2006

Mr. President:

I transmit herewith **H 863** and **H 864** which have passed the House.

JUKER, Chief Clerk

**H 863** and **H 864** were filed for first reading.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate consideration of **SCR 136** were suspended.

The Acting President announced that **SCR 136** was now before the Senate for final consideration.

Moved by President Pro Tempore Geddes, seconded by Senator Stennett, that **SCR 136** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Gannon, Stegner. Total - 2.

Total - 35.

Whereupon the Acting President declared **SCR 136** adopted, title was approved, and the resolution ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate consideration of **HCR 67** were suspended.

The Acting President announced that **HCR 67** was now before the Senate for final consideration.

Moved by President Pro Tempore Geddes, seconded by Senator Stennett, that **HCR 67** be adopted. The question being, "Shall the resolution be adopted?"

Roll call vote was requested by President Pro Tempore Geddes and Senators Davis and Stennett.

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Fulcher, Gannon, Stegner. Total - 3.

Total - 35.

Whereupon the Acting President declared **HCR 67** adopted, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

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

**S 1482**, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

**H 863**, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

**H 864**, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 832**, as amended, were suspended, and 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 were dispensed with, this being a case of urgency, and **H 832**, as amended, was read the second time by title and the third time at length, section by section, and put upon its final passage.

**H 832**, as amended, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Fulcher, Gannon, Geddes. Total - 3.

Total - 35.

Whereupon the Acting President declared **H 832**, as amended, passed, title was approved, and the bill ordered returned to the House.

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 858** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 858** was read the second time by title and the third time at length, section by section, and put upon its final passage.

**H 858** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Fulcher, Gannon, Geddes. Total - 3.

Total - 35.

Whereupon the Acting President declared **H 858** passed, title was approved, and the bill ordered returned to the House.

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1425**, as amended in the House, were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1425**, as amended in the House, was read the second time by title and the third time at length, section by section, and put upon its final passage.

**S 1425**, as amended in the House, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Fulcher, Gannon, Geddes. Total - 3.

Total - 35.

Whereupon the Acting President declared **S 1425**, as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

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

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 5:05 p.m. until the hour of 9:30 a.m., Tuesday, April 4, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

#### EIGHTY-SIXTH LEGISLATIVE DAY TUESDAY, APRIL 4, 2006

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Cameron, Kelly, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Brigitte Harper, 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 April 3, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

#### Reports of Standing Committees

April 4, 2006

The JUDICIARY AND RULES Committee reports that **S 1425**, as amended in the House, has been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1425**, as amended in the House, and ordered it transmitted to the House for the signature of the Speaker.

April 3, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1300**, as amended, as amended in the House, **S 1363**, as amended in the House, **S 1367, S 1456, S 1458, S 1459, S 1460, S 1461, and S 1463** were delivered to the Office of the Governor at 2:15 p.m., April 3, 2006.

DARRINGTON, Chairman

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

April 3, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **SCR 124** was delivered to the Office of the Secretary of State at 3 p.m., April 3, 2006.

DARRINGTON, Chairman

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

April 3, 2006

The FINANCE Committee reports out **H 864** with the recommendation that it do pass.

CAMERON, Chairman

**H 864** was filed for second reading.

Senator Sweet was recorded present at this order of business.

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

#### Messages from the House

April 3, 2006

Mr. President:

I return herewith **S 1484** which has passed the House.

JUKER, Chief Clerk

**S 1484** was referred to the Judiciary and Rules Committee for enrolling.

April 3, 2006

Mr. President:

I return herewith Enrolled **S 1370, S 1427, S 1464, S 1465, S 1466, S 1467, S 1469, S 1470, S 1471, S 1473, S 1474, S 1475, S 1476, S 1477, S 1478, S 1479, S 1480, and S 1481** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1370, S 1427, S 1464, S 1465, S 1466, S 1467, S 1469, S 1470, S 1471, S 1473, S 1474, S 1475, S 1476,**

**S 1477, S 1478, S 1479, S 1480, and S 1481** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

The President Pro Tempore announced the State Affairs Committee report relative to the Gubernatorial appointment of William L. Swift was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator McKenzie, seconded by Senator Stennett, the Gubernatorial appointment of William L. Swift as a member of the Idaho Commission on Human Rights was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Davis, 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 1493**

**BY FINANCE COMMITTEE**

AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE ECONOMIC RECOVERY RESERVE FUND; AND APPROPRIATING ADDITIONAL MONEYS TO THE SOIL CONSERVATION COMMISSION FOR FISCAL YEAR 2007 THROUGH FISCAL YEAR 2008.

**S 1494**

**BY FINANCE COMMITTEE**

AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE ECONOMIC RECOVERY RESERVE FUND; DIRECTING THE TRANSFER OF MONEYS FROM THE ECONOMIC RECOVERY RESERVE FUND TO THE TREASURE VALLEY AIR QUALITY TRUST FUND; AND APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2007 THROUGH FISCAL YEAR 2008.

**S 1495**

**BY FINANCE COMMITTEE**

AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE ECONOMIC RECOVERY RESERVE FUND; AND APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2007 THROUGH FISCAL YEAR 2008.

**S 1496**  
**BY FINANCE COMMITTEE**  
AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE ECONOMIC RECOVERY RESERVE FUND; AND DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE ECONOMIC RECOVERY RESERVE FUND TO THE WATER MANAGEMENT FUND.

**S 1497**  
**BY FINANCE COMMITTEE**  
AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE ECONOMIC RECOVERY RESERVE FUND; AND APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2007 THROUGH FISCAL YEAR 2008.

**S 1498**  
**BY FINANCE COMMITTEE**  
AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE ECONOMIC RECOVERY RESERVE FUND; CREATING THE RURAL BROADBAND DEVELOPMENT MATCHING FUND; DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE ECONOMIC RECOVERY RESERVE FUND TO THE RURAL BROADBAND DEVELOPMENT MATCHING FUND; AND APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF COMMERCE AND LABOR FOR FISCAL YEAR 2007 THROUGH FISCAL YEAR 2008.

**S 1499**  
**BY FINANCE COMMITTEE**  
AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE ECONOMIC RECOVERY RESERVE FUND; CREATING THE BUSINESS AND JOBS DEVELOPMENT FUND; DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE ECONOMIC RECOVERY RESERVE FUND TO THE BUSINESS AND JOBS DEVELOPMENT FUND; AND APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF COMMERCE AND LABOR FOR FISCAL YEAR 2007 THROUGH FISCAL YEAR 2008.

**S 1500**  
**BY FINANCE COMMITTEE**  
AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE ECONOMIC RECOVERY RESERVE FUND; AND APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF COMMERCE AND LABOR FOR FISCAL YEAR 2007.

**S 1493, S 1494, S 1495, S 1496, S 1497, S 1498, S 1499,** and **S 1500** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**H 860** and **H 862**, by Appropriations Committee, were read the second time at length and filed for third reading.

**H 857** and **H 853**, by Ways and Means Committee, were read the second time at length and filed for third reading.

**S 1491**, by Finance Committee, was read the second time at length and filed for third reading.

**S 1492**, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

**S 1482**, as amended, 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**

Senators Cameron and Kelly were recorded present at this order of business.

**SJR 108**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the resolution and opened the debate. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie. Total - 18.

NAYS--Andreason, Burkett, Corder, Davis, Fulcher, Kelly, Langhorst, Malepeai, Marley, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 17.

Total - 35.

Less than two-thirds having voted in the affirmative, the President Pro Tempore declared that the Senate had failed to adopt **SJR 108** and ordered the resolution filed in the office of the Secretary of the Senate.

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

**Reports of Standing Committees**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:10 p.m. until the hour of 1:30 p.m. of this day.



**RECESS  
AFTERNOON SESSION**

The Senate reconvened at 1:30 p.m., pursuant to recess, President Pro Tempore Geddes presiding.

Roll call showed all members present except Senator Darrington, absent and formally excused by the Chair; and Senators Cameron, Keough, and Little, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

April 4, 2006

The JUDICIARY AND RULES Committee reports that **S 1493, S 1494, S 1495, S 1496, S 1497, S 1498, S 1499, and S 1500** have been correctly printed.

DARRINGTON, Chairman

**S 1493, S 1494, S 1495, S 1496, S 1497, S 1498, S 1499, and S 1500** were referred to the Finance Committee.

Senator Cameron was recorded present at this order of business.

April 4, 2006

The JUDICIARY AND RULES Committee reports that **S 1484** has been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1484**, and ordered it transmitted to the House for the signature of the Speaker.

April 4, 2006

The FINANCE Committee reports out **S 1493, S 1494, S 1495, S 1496, S 1497, S 1498, S 1499, and S 1500** with the recommendation that they do pass.

DARRINGTON, Chairman

**S 1493, S 1494, S 1495, S 1496, S 1497, S 1498, S 1499, and S 1500** were filed for second reading.

April 4, 2006

The EDUCATION Committee reports out **HCR 66** with the recommendation that it do pass.

GOEDDE, Chairman

**HCR 66** 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 Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

**Messages from the House**

April 4, 2006

Mr. President:

I transmit herewith **H 866, H 868, H 865, and H 861** which have passed the House.

JUKER, Chief Clerk

**H 866, H 868, H 865, and H 861** were filed for first reading.

April 4, 2006

Mr. President:

I transmit herewith Enrolled **HCR 64, HCR 65, H 834, H 570**, as amended, **H 795, H 846, H 847, H 822, H 845, H 848, H 825, H 753**, as amended, **H 820**, and **H 849** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **HCR 64, HCR 65, H 834, H 570**, as amended, **H 795, H 846, H 847, H 822, H 845, H 848, H 825, H 753**, as amended, **H 820**, and **H 849** and ordered them returned to the House.

April 4, 2006

Mr. President:

I transmit herewith Enrolled **HJM 25, H 852, HCR 67, H 832**, as amended, and **H 858** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **HJM 25, H 852, HCR 67, H 832**, as amended, and **H 858** and ordered them returned to the House.

April 4, 2006

Mr. President:

I return herewith Enrolled **S 1472** which has been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1472** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

April 4, 2006

Mr. President:

I return herewith **S 1441**, as amended, as amended in the House, which has passed the House.

JUKER, Chief Clerk

On request by Senator Richardson, granted by unanimous consent, **S 1441**, as amended, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

April 4, 2006

Mr. President:

I return herewith **S 1490** and **S 1487** which have passed the House.

JUKER, Chief Clerk

**S 1490** and **S 1487** were referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

#### **Motions and Resolutions**

Senator Little was recorded present at this order of business.

The President Pro Tempore announced that the House amendments to **S 1441**, as amended, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1441**, as amended, as amended in the House?"

On request by Senator Richardson, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to **S 1441**, as amended, as amended in the House.

**S 1441**, as amended, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The Senate advanced to the Eleventh Order of Business.

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

**H 866** and **H 868**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

**H 865**, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**H 861**, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

#### **Second Reading of Bills**

**H 864**, by Appropriations 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**

The President Pro Tempore called Senator Little to the Chair.

#### **Suspension of Rules**

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 860** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 860** was read the third time at length, section by section, and put upon its final passage.

**H 860** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 29.

NAYS--Brandt, Fulcher, Pearce, Sweet. Total - 4.

Absent and excused--Darrington, Keough. Total - 2.

Total - 35.

Whereupon the Acting President declared **H 860** passed, title was approved, and the bill ordered returned to the House.

#### **Suspension of Rules**

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 862** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 862** was read the third time at length, section by section, and put upon its final passage.

**H 862** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Darrington, Davis, Keough. Total - 3.

Total - 35.

Whereupon the Acting President declared **H 862** passed, title was approved, and the bill ordered returned to the House.

#### Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 857** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 857** was read the third time at length, section by section, and put upon its final passage.

Senator Keough was recorded present at this order of business.

**H 857** was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--Schroeder. Total - 1.

Absent and excused--Darrington, Keough. Total - 2.

Total - 35.

Whereupon the Acting President declared **H 857** passed, title was approved, and the bill ordered returned to the House.

#### Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 853** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 853** was read the third time at length, section by section, and put upon its final passage.

**H 853** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Burkett, Coiner, Compton, Corder, Gannon, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Schroeder, Stegner, Stennett, Werk. Total - 22.

NAYS--Andreason, Bunderson, Burtenshaw, Cameron, Darrington, Davis, Fulcher, Geddes, Hill, Pearce, Richardson, Sweet, Williams. Total - 13.

Paired and voting included in roll call:

AYE - Kelly            NAY - Darrington

Total - 35.

Whereupon the Acting President declared **H 853** passed, title was approved, and the bill ordered returned to the House.

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1491** were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1491** was read the third time at length, section by section, and put upon its final passage.

**S 1491** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--Schroeder. Total - 1.

Absent and excused--Darrington, Keough. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1491** passed, title was approved, and the bill ordered transmitted to the House.

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1482**, as amended, were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1482**, as amended, was read the third time at length, section by section, and put upon its final passage.

**S 1482**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bunderson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet, Williams. Total - 30.

NAYS--Kelly, Langhorst, Schroeder, Stennett, Werk. Total- 5.

Paired and voting included in roll call:

AYE - Darrington      NAY - Kelly

Total - 35.

Whereupon the Acting President declared **S 1482**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

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

#### Reports of Standing Committees

The President Pro Tempore returned to the Chair.

April 4, 2006

The JUDICIARY AND RULES Committee reports that **S 1487** and **S 1490** have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1487** and **S 1490** and ordered them transmitted to the House for the signature of the Speaker.

April 4, 2006

The JUDICIARY AND RULES Committee reports that **S 1441**, as amended, as amended in the House, has been correctly engrossed.

DARRINGTON, Chairman

**S 1441**, as amended, as amended in the House, was filed for first reading.

April 4, 2006

The FINANCE Committee reports out **H 861**, **H 866**, and **H 868** with the recommendation that they do pass.

CAMERON, Chairman

**H 861**, **H 866**, and **H 868** were filed for second reading.

April 4, 2006

The STATE AFFAIRS Committee reports out **H 865** with the recommendation that it do pass.

BURTENSHAW, Chairman

**H 865** was filed for second reading.

On request by Senator Davis, 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 1441**, as amended, as amended in the House, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

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

#### Third Reading of Bills

##### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 864** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 864** was read the third time at length, section by section, and put upon its final passage.

**H 864** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet, Williams. Total - 25.

NAYS--Burkett, Kelly, Langhorst, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 8.

Absent and excused--Darrington, Fulcher. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 864** passed, title was approved, and the bill ordered returned to the House.

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

**Second Reading of Bills****Suspension of Rules**

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1493** were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1493** was read the second time by title and the third time at length, section by section, and put upon its final passage.

**S 1493** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Davis, Gannon, Geddes, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 29.

NAYS--Andreason, Brandt, Hill, Sweet. Total - 4.

Absent and excused--Darrington, Fulcher. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1493** passed, title was approved, and the bill ordered transmitted to the House.

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

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 4:10 p.m. until the hour of 9 a.m., Wednesday, April 5, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

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**EIGHTY-SEVENTH LEGISLATIVE DAY  
WEDNESDAY, APRIL 5, 2006**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9 a.m.

Roll call showed all members present except Senator Lodge, absent and formally excused by the Chair; and Senators Cameron, Langhorst, and Little, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Lana Infanger, Page.

The Senate advanced to the Third Order of Business.

**Reading and Correction of the Journal**

Senator Langhorst was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of April 4, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

Senator Little was recorded present at this order of business.

April 4, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1370, S 1427, S 1464, S 1465, S 1466, S 1467, S 1469, S 1470, S 1471, S 1473, S 1474, S 1475, S 1476, S 1477, S 1478, S 1479, S 1480, and S 1481** were delivered to the Office of the Governor at 1:30 p.m., April 4, 2006.

DARRINGTON, Chairman

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

April 4, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1472** was delivered to the Office of the Governor at 3:30 p.m., April 4, 2006.

DARRINGTON, Chairman

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

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

**Messages from the House**

April 4, 2006

Mr. President:

I transmit herewith Enrolled **H 723**, as amended in the Senate, **H 655**, as amended in the Senate, **H 714**, as amended, as amended in the Senate, and **H 770**, as amended in the Senate, for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **H 723**, as amended in the Senate, **H 655**, as amended in the Senate, **H 714**, as amended, as amended in the Senate, and **H 770**, as amended in the Senate, as amended in the Senate, and ordered them returned to the House.

April 4, 2006

Mr. President:

I return herewith Enrolled **S 1425**, as amended in the House, **S 1484**, **S 1487**, and **S 1490** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1425**, as amended in the House, **S 1484**, **S 1487**, and **S 1490** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

**Motions and Resolutions**

Senator Cameron was recorded present at this order of business.

On request by Senator Stegner, granted by unanimous consent, **SR 108** and **SR 109** retained their place on the calendar.

The President Pro Tempore announced that **HCR 66** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Burkett, seconded by Senator Gannon, **HCR 66** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

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

**Second Reading of Bills****Suspension of Rules**

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1494** were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1494** was read the second time by title and the third time at length, section by section, and put upon its final passage.

**S 1494** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senators Werk and Langhorst arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Gannon, Geddes, Goedde, Kelly, Keough, Langhorst, Little, Malepeai, Marley, McGee, Schroeder, Stennett, Werk. Total - 21.

NAYS--Andreason, Brandt, Burtenshaw, Fulcher, Hill, Jorgenson, McKenzie, Pearce, Richardson, Stegner, Sweet, Williams. Total - 12.

Absent and excused--Davis, Lodge. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1494** passed, title was approved, and the bill ordered transmitted to the House.

**Suspension of Rules**

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1495** were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1495** was read the second time by title and the third time at length, section by section, and put upon its final passage.

**S 1495** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Werk. Total - 26.

NAYS--Andreason, Brandt, Fulcher, Hill, Pearce, Sweet, Williams. Total - 7.

Absent and excused--Lodge, Stennett. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1495** passed, title was approved, and the bill ordered transmitted to the House.

### Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1496** were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1496** was read the second time by title and the third time at length, section by section, and put upon its final passage.

**S 1496** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Williams. Total - 31.

NAYS--None.

Absent and excused--Little, Lodge, Stennett, Werk. Total - 4.

Total - 35.

Whereupon the President Pro Tempore declared **S 1496** passed, title was approved, and the bill ordered transmitted to the House.

### Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1497** were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1497** was read the second time by title and the third time at length, section by section, and put upon its final passage.

The President Pro Tempore called Senator Brandt to the Chair.

**S 1497** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Werk, Williams. Total - 30.

NAYS--Pearce, Sweet. Total - 2.

Absent and excused--Cameron, Lodge, Stennett. Total - 3.

Total - 35.

Whereupon the Acting President declared **S 1497** passed, title was approved, and the bill ordered transmitted to the House.

### Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1498** were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1498** was read the second time by title and the third time at length, section by section, and put upon its final passage.

**S 1498** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 32.

NAYS--Pearce, Sweet. Total - 2.

Absent and excused--Lodge. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1498** passed, title was approved, and the bill ordered transmitted to the House.

### Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1499** were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1499** was read the second time by title and the third time at length, section by section, and put upon its final passage.

**S 1499** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Malepeai, Marley, McGee, Richardson, Schroeder, Stennett, Williams. Total - 25.

NAYS--Corder, Kelly, Langhorst, Little, McKenzie, Pearce, Stegner, Sweet, Werk. Total - 9.

Absent and excused--Lodge. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1499** passed, title was approved, and the bill ordered transmitted to the House.

### Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1500** were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1500** was read the second time by title and the third time at length, section by section, and put upon its final passage.

**S 1500** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Malepeai, Marley, McGee, Richardson, Schroeder, Stennett, Werk, Williams. Total - 28.

NAYS--Brandt, Little, McKenzie, Pearce, Stegner, Sweet. Total - 6.

Absent and excused--Lodge. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1500** passed, title was approved, and the bill ordered transmitted to the House.

### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 865** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 865** was read the second time by title and the third time at length, section by section, and put upon its final passage.

**H 865** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, McGee, McKenzie, Pearce, Richardson, Stegner, Williams. Total - 23.

NAYS--Brandt, Burkett, Fulcher, Kelly, Langhorst, Malepeai, Schroeder, Stennett, Sweet, Werk. Total - 10.

Absent and excused--Lodge, Marley. Total - 2.

Total - 35.

Whereupon the Acting President declared **H 865** passed, title was approved, and the bill ordered returned to the House.

The President Pro Tempore returned to the Chair.

### Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 861** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 861** was read the second time by title and the third time at length, section by section, and put upon its final passage.

**H 861** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, McGee, McKenzie, Pearce, Richardson, Stegner, Williams. Total - 23.

NAYS--Brandt, Burkett, Fulcher, Kelly, Langhorst, Malepeai, Schroeder, Stennett, Sweet, Werk. Total - 10.

Absent and excused--Lodge, Marley. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 861** passed, title was approved, and the bill ordered returned to the House.

### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of



**H 866** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 866** was read the second time by title and the third time at length, section by section, and put upon its final passage.

**H 866** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Lodge. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 866** passed, title was approved, and the bill ordered returned to the House.

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

#### Messages from the House

April 5, 2006

Mr. President:

I transmit herewith Enrolled **H 860, H 862, H 857, H 853,** and **H 864** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **H 860, H 862, H 857, H 853,** and **H 864** and ordered them returned to the House.

On request by Senator Davis, 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 1501

##### BY STATE AFFAIRS COMMITTEE

##### AN ACT

RELATING TO PROPERTY TAX FUNDING MAINTENANCE AND OPERATIONS OF PUBLIC SCHOOLS AND REPLACEMENT FUNDS; STATING LEGISLATIVE

FINDINGS, SUBMITTING AN ADVISORY VOTE TO THE ELECTORS, DIRECTING THE SECRETARY OF STATE AND ATTORNEY GENERAL TO PERFORM SPECIFIED DUTIES, STATING THE QUESTION TO BE SUBMITTED, DECLARING THE ADVISORY QUESTION A MEASURE, AND MAKING APPLICABLE CERTAIN PROVISIONS GOVERNING ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.

**S 1501** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

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

#### Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:20 p.m. until the hour of 1:45 p.m. of this day.

#### RECESS AFTERNOON SESSION

The Senate reconvened at 1:45 p.m., pursuant to recess, President Pro Tempore Geddes presiding.

Roll call showed all members present except Senators Burkett, Cameron, Goedde, Kelly, and Langhorst, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

April 5, 2006

The JUDICIARY AND RULES Committee reports that **S 1501** has been correctly printed.

DARRINGTON, Chairman

**S 1501** was referred to the Local Government and Taxation Committee.

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

#### Second Reading of Bills

Senators Burkett, Cameron, Goedde, Kelly, and Langhorst were recorded present at this order of business.

#### Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 868** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 868** was read the second time by title and the third time at length, section by section, and put upon its final passage.

**H 868** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Darrington, Gannon, Goedde, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stennett, Werk. Total - 22.

NAYS--Andreason, Burtenshaw, Compton, Corder, Davis, Fulcher, Geddes, Hill, Jorgenson, Pearce, Stegner, Sweet, Williams. Total - 13.

Total - 35.

Whereupon the President Pro Tempore declared **H 868** passed, title was approved, and the bill ordered returned to the House.

**Suspension of Rules**

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1441**, as amended, as amended in the House, were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1441**, as amended, as amended in the House, was read the second time by title and the third time at length, section by section, and put upon its final passage.

**S 1441**, as amended, as amended in the House, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Cameron. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1441**, as amended, as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

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

**Messages from the House**

April 5, 2006

Mr. President:

I transmit herewith **H 876** which has passed the House.

JUKER, Chief Clerk

**H 876** was filed for first reading.

On request by Senator Davis, 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 876**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

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

**Reports of Standing Committees**

April 5, 2006

The JUDICIARY AND RULES Committee reports that **S 1441**, as amended, as amended in the House, has been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1441**, as amended, as amended in the House, and ordered it transmitted to the House for the signature of the Speaker.

April 5, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1425**, as amended in the House, **S 1484**, **S 1487**, and **S 1490** were delivered to the Office of the Governor at 2:50 p.m., April 5, 2006.

DARRINGTON, Chairman

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

April 5, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 876** without recommendation.

BUNDERSON, Chairman

**H 876** was filed for second reading.

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

### Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, **S 1492** was referred to the Fourteenth Order of Business, General Calendar.

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

### General Calendar

The President Pro Tempore declared the Senate resolved into the Committee of the Whole and called Senator Stegner 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 Pro Tempore called the Senate to order.

### Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **S 1492**, without recommendation, amended as follows:

#### SENATE AMENDMENT TO S 1492

##### AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 6, delete "repeal" and insert: "amend".

##### AMENDMENT TO THE BILL

On page 1, delete lines 11 and 12 and insert:

"SECTION 2. That Section 67-2346, Idaho Code, be, and the same is hereby amended to read as follows:

##### 67-2346. OPEN LEGISLATIVE MEETINGS REQUIRED.

All meetings of any standing, special or select committee of either house of the legislature of the state of Idaho shall be open to the public at all times, except in extraordinary circumstances as provided specifically in the rules of procedure in either house, and any person may attend any meeting of a standing, special or select committee, but may participate in the committee only with the approval of the committee itself."

##### CORRECTION TO TITLE

On page 1, in line 2, delete "REPEALING" and insert: "AMENDING"; and delete line 3 and insert: "67-2346, IDAHO CODE, TO PROVIDE THAT ALL MEETINGS OF ANY STANDING, SPECIAL OR SELECT COMMITTEE OF EITHER HOUSE OF THE LEGISLATURE SHALL BE OPEN

TO THE PUBLIC AT ALL TIMES, EXCEPT IN EXTRAORDINARY CIRCUMSTANCES AS PROVIDED SPECIFICALLY IN THE RULES OF PROCEDURE IN EITHER HOUSE."

The Committee also has **S 1387** and **S 1241** under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Malepeai, the report was adopted by voice vote.

**S 1492**, as amended, was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

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

### Reports of Standing Committees

April 5, 2006

The JUDICIARY AND RULES Committee reports that **S 1492**, as amended, has been correctly engrossed.

DARRINGTON, Chairman

**S 1492**, as amended, was filed for first reading.

April 5, 2006

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1492** have been correctly printed.

DARRINGTON, Chairman

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

April 5, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **S 1501** without recommendation.

BUNDERSON, Chairman

**S 1501** was filed for second reading.

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

### Messages from the House

April 5, 2006

Mr. President:

I transmit herewith **H 869**, **H 870**, **H 871**, **H 872**, **H 873**, **H 874**, and **H 875** which have passed the House.

JUKER, Chief Clerk

**H 869, H 870, H 871, H 872, H 873, H 874, and H 875** were filed for first reading.

April 5, 2006

Mr. President:

I return herewith **SCR 136, S 1491, and S 1493** which have passed the House.

JUKER, Chief Clerk

**SCR 136, S 1491, and S 1493** were referred to the Judiciary and Rules Committee for enrolling.

April 5, 2006

Mr. President:

I transmit herewith Enrolled **HCR 66, H 865, H 861, and H 866** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **HCR 66, H 865, H 861, and H 866** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

The President Pro Tempore announced that **SR 108**, having been held, was before the Senate for final consideration.

Moved by Senator Davis, seconded by Senator Stegner, that **SR 108** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet, Williams. Total - 26.

NAYS--Burkett, Kelly, Langhorst, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 8.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **SR 108** adopted, title was approved, and the resolution was ordered filed in the office of the Secretary of the Senate.

The President Pro Tempore announced that **SR 109**, having been held, was before the Senate for final consideration.

Moved by Senator Davis, seconded by Senator Little, that **SR 109** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet, Williams. Total - 26.

NAYS--Burkett, Kelly, Langhorst, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 8.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **SR 109** adopted, title was approved, and the resolution was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Eleventh Order of Business.

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

**S 1492**, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

**H 869, H 870, H 871, H 872, H 873, H 874, and H 875**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

#### Second Reading of Bills

##### Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1492**, as amended, were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1492**, as amended, was read the second time by title and the third time at length, section by section, and put upon its final passage.

**S 1492**, as amended, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet, Williams. Total - 26.

NAYS--Burkett, Kelly, Langhorst, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 8.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1492**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

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

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 6:50 p.m. until the hour of 9:30 a.m., Thursday, April 6, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

### EIGHTY-EIGHTH LEGISLATIVE DAY THURSDAY, APRIL 6, 2006

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Burkett, Cameron, Coiner, Fulcher, Gannon, Stegner, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Kent Johnson, 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 April 5, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

#### Reports of Standing Committees

April 6, 2006

The JUDICIARY AND RULES Committee reports that **S 1491**, **S 1493**, and **SCR 136** have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1491**, **S 1493**, and **SCR 136** and ordered them transmitted to the House for the signature of the Speaker.

April 6, 2006

The FINANCE Committee reports out **H 869**, **H 870**, **H 871**, **H 872**, **H 873**, **H 874**, and **H 875** without recommendation.

CAMERON, Chairman

**H 869**, **H 870**, **H 871**, **H 872**, **H 873**, **H 874**, and **H 875** were filed for second reading.

Senators Burkett, Cameron, Coiner, Gannon, Stegner, and Sweet were recorded present at this order of business.

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

#### Second Reading of Bills

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 876** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 876** was read the second time by title and the third time at length, section by section, and put upon its final passage.

Moved by Senator Schroeder, seconded by Senator Langhorst, that **H 876** be laid on the table.

Roll call vote was requested by Senators Stennett, Werk, and Burkett.

Roll call resulted as follows:

AYES--Andreason, Bunderson, Burkett, Coiner, Gannon, Kelly, Langhorst, Malepeai, Marley, Schroeder, Stennett, Sweet, Werk. Total - 13.

NAYS--Brandt, Broadsword, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Stegner, Williams. Total - 21.

Absent and excused--Fulcher. Total - 1.

April 6, 2006

Total - 35.

Whereupon, the President Pro Tempore announced that the motion to lay **H 876** on the table did not prevail.

Senator Fulcher was recorded present at this order of business.

**H 876** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Burtenshaw, Cameron, Compton, Goedde, Hill, Jorgenson, Keough, Lodge, McKenzie, Pearce, Richardson, Stegner, Williams. Total - 15.

NAYS--Andreason, Bunderson, Burkett, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Kelly, Langhorst, Little, Malepeai, Marley, McGee, Schroeder, Stennett, Sweet, Werk. Total - 20.

Total - 35.

Whereupon the President Pro Tempore declared that **H 876** had failed to pass the Senate, and ordered the bill returned to the House.

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

**Messages from the House**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:40 p.m. until the hour of 2 p.m. of this day.

**RECESS  
AFTERNOON SESSION**

The Senate reconvened at 2 p.m., pursuant to recess, President Pro Tempore Geddes presiding.

Roll call showed all members present except Senators Burkett, Cameron, Fulcher, Keough, Langhorst, Lodge, Malepeai, Marley, McKenzie, Pearce, and Stegner, absent and excused.

Prior to recess the Senate was at the Ninth Order of Business, Messages from the House.

April 6, 2006

Mr. President:

I transmit herewith **H 877** which has passed the House.

JUKER, Chief Clerk

**H 877** was filed for first reading.

Mr. President:

I return herewith **S 1462, S 1494, S 1495, S 1496, S 1497, S 1498, S 1499,** and **S 1500** which have passed the House.

JUKER, Chief Clerk

**S 1462, S 1494, S 1495, S 1496, S 1497, S 1498, S 1499,** and **S 1500** were referred to the Judiciary and Rules Committee for enrolling.

April 6, 2006

Mr. President:

I transmit herewith Enrolled **H 422**, as amended, as amended in the Senate, and **H 868** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **H 422**, as amended, as amended in the Senate, and **H 868** and ordered them returned to the House.

April 6, 2006

Mr. President:

I return herewith Enrolled **S 1441**, as amended, as amended in the House, which has been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1441**, as amended, as amended in the House, was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

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

**Reports of Standing Committees**

April 6, 2006

The JUDICIARY AND RULES Committee reports that **S 1462, S 1494, S 1495, S 1496, S 1497, S 1498, S 1499,** and **S 1500** have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1462, S 1494, S 1495, S 1496, S 1497, S 1498, S 1499,** and **S 1500** and ordered them transmitted to the House for the signature of the Speaker.

On request by Senator Davis, 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 877**, by State Affairs Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

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

**Second Reading of Bills**

Senators Burkett, Cameron, Fulcher, Keough, Langhorst, Lodge, Malepeai, Marley, McKenzie, Pearce, and Stegner were recorded present at this order of business.

**Suspension of Rules**

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1501** were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1501** was read the second time by title and the third time at length, section by section, and put upon its final passage.

**S 1501** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk. Total - 32.

NAYS--Burtenshaw, Jorgenson. Total - 2.

Absent and excused--Williams. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1501** passed the Senate, title was approved, and the bill ordered transmitted to the House.

**Suspension of Rules**

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 869** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 869** was read the second time by title and the third time at length, section by section, and put upon its final passage.

**H 869** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk. Total - 32.

NAYS--None.

Absent and excused--Malepeai, Pearce, Williams. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 869** passed the Senate, title was approved, and the bill ordered returned to the House.

**Suspension of Rules**

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 870** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 870** was read the second time by title and the third time at length, section by section, and put upon its final passage.

**H 870** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk. Total - 34.

NAYS--None.

Absent and excused--Williams. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 870** passed the Senate, title was approved, and the bill ordered returned to the House.

### Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 871** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 871** was read the second time by title and the third time at length, section by section, and put upon its final passage.

**H 871** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Schroeder, Stegner, Sweet, Werk. Total - 26.

NAYS--Brandt, Burtenshaw, Cameron, Hill, Pearce, Richardson, Williams. Total - 7.

Absent and excused--Burkett, Stennett. Total - 2.

Paired and voting included in roll call:

AYE - McGee                      NAY - Pearce

Total - 35.

Whereupon the President Pro Tempore declared **H 871** passed the Senate, title was approved, and the bill ordered returned to the House.

The President Pro Tempore called Senator Keough to the Chair.

### Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 872** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 872** was read the second time by title and the third time at length, section by section, and put upon its final passage.

**H 872** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Coiner, Compton, Darrington, Gannon, Goedde, Jorgenson, Kelly,

Keough, Langhorst, Lodge, Malepeai, Marley, McGee, Schroeder, Stennett, Werk. Total - 19.

NAYS--Brandt, Burtenshaw, Cameron, Corder, Davis, Fulcher, Geddes, Hill, Little, McKenzie, Richardson, Stegner, Sweet, Williams. Total - 14.

Absent and excused--Burkett, Pearce. Total - 2.

Total - 35.

Whereupon the Acting President declared **H 872** passed the Senate, title was approved, and the bill ordered returned to the House.

### Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 873** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 873** was read the second time by title and the third time at length, section by section, and put upon its final passage.

**H 873** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Burtenshaw, Cameron, Coiner, Compton, Darrington, Davis, Gannon, Goedde, Jorgenson, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Schroeder, Stegner, Sweet, Williams. Total - 23.

NAYS--Bunderson, Burkett, Corder, Fulcher, Geddes, Hill, Kelly, Malepeai, Pearce, Richardson, Stennett, Werk. Total - 12.

Paired and voting included in roll call:

AYE - McGee                      NAY - Pearce

Total - 35.

Whereupon the Acting President declared **H 873** passed the Senate, title was approved, and the bill ordered returned to the House.

### Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 874** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 874** was read the second time by title and the third time at length, section by section, and put upon its final passage.



**H 874** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Jorgenson, Keough, Langhorst, Lodge, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Sweet, Williams. Total - 25.

NAYS--Burkett, Corder, Hill, Kelly, Malepeai, Pearce, Werk. Total - 7.

Absent and excused--Fulcher, Little, Stennett. Total - 3.

Paired and voting included in roll call:

AYE - Darrington      NAY - Pearce

Total - 35.

Whereupon the Acting President declared **H 874** passed the Senate, title was approved, and the bill ordered returned to the House.

#### Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 875** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 875** was read the second time by title and the third time at length, section by section, and put upon its final passage.

**H 875** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--Pearce. Total - 1.

Paired and voting included in roll call:

AYE - Little      NAY - Pearce

Total - 35.

Whereupon the Acting President declared **H 875** passed the Senate, title was approved, and the bill ordered returned to the House.

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

#### Reports of Standing Committees

April 6, 2006

The HEALTH AND WELFARE Committee reports out **H 877** with the recommendation that it do pass.

COMPTON, Chairman

**H 877** was filed for second reading.

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

#### Second Reading of Bills

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 877** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 877** was read the second time by title, and the third time at length, section by section, and put upon its final passage.

**H 877** was read the second time by title, and the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Pearce. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 877** passed the Senate, title was approved, and the bill ordered returned to the House.

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

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 4:30 p.m. until the hour of 10 a.m., Friday, April 7, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

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**EIGHTY-NINTH LEGISLATIVE DAY  
FRIDAY, APRIL 7, 2006**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Brandt, Fulcher, Gannon, Sweet, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Lacey Keller, 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 April 6, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

April 6, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1441**, as amended, as amended in the House, was delivered to the Office of the Governor at 4:25 p.m., April 6, 2006.

DARRINGTON, Chairman

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

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

**Messages from the House**

Senators Brandt, Gannon, and Werk were recorded present at this order of business.

April 6, 2006

Mr. President:

I return herewith Enrolled **S 1462, S 1494, S 1495, S 1496, S 1497, S 1498, S 1499**, and **S 1500** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1462, S 1494, S 1495, S 1496, S 1497, S 1498, S 1499**, and **S 1500** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

April 6, 2006

Mr. President:

I return herewith Enrolled **S 1491, S 1493**, and **SCR 136** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1491** and **S 1493** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Enrolled **SCR 136** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

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

**Miscellaneous Business**

Senators Fulcher and Sweet were recorded present at this order of business.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 10:45 a.m. until the hour of 10 a.m., Monday, April 10, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

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**NINETY-SECOND LEGISLATIVE DAY**  
**MONDAY, APRIL 10, 2006**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Darrington, Fulcher, Hill, and Pearce, absent and formally excused by the Chair; and Senator Lodge, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Jessie McLeod, 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 April 7, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

April 7, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1462, S 1491, S 1493, S 1494, S 1495, S 1496, S 1497, S 1498, S 1499, and S 1500** were delivered to the Office of the Governor at 11 a.m., April 7, 2006.

DARRINGTON, Chairman

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

April 7, 2005

The JUDICIARY AND RULES Committee reports that Enrolled **SCR 136** was delivered to the Office of the Secretary of State at 10:56 a.m., April 7, 2006.

DARRINGTON, Chairman

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

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

**Messages from the Governor**

April 10, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Kara Fulcher of Meridian, Idaho, to be Acting State Senator for Legislative District 21.

This appointment is effective Monday, April 10, 2006, and will continue until such time as Senator Russell M. Fulcher is able to resume his duties.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

**THE OFFICE OF THE GOVERNOR**  
**EXECUTIVE DEPARTMENT**  
**BOISE, IDAHO**  
**CERTIFICATE OF APPOINTMENT**

KNOW ALL MEN, by these Presents that pursuant to the provisions of Section 59-917, *Idaho Code*, Russell M. Fulcher, State Senator, District 21, Ada County, State of Idaho, has nominated Kara Fulcher of Meridian, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 21, Ada County.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Kara Fulcher, to the office of State Senator, District 21, Ada County, State of Idaho, for a term commencing on Monday, April 10, 2006, and continuing until such time as Senator Russell M. Fulcher is able to resume his duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this tenth day of April, in the year of our Lord Two thousand and six and of the Independence of the United States of America, the two hundred and thirtieth year.

/s/ BY THE GOVERNOR DIRK KEMPTHORNE  
/s/ SECRETARY OF STATE BEN YSURSA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

The President Pro Tempore announced that the Oath of Office had been administered previously to Acting Senator Kara Fulcher, and she was recorded present at this order of business.

April 10, 2006

The Senate advanced to the Ninth Order of Business.

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

**Messages from the House**

April 7, 2006

Dear Mr. President:

Mr. President:

I have the honor to inform you that I have appointed Greg W. Moeller of Rexburg, Idaho, to be Acting State Senator for Legislative District 34.

I transmit herewith Enrolled **H 869, H 870, H 871, H 872, H 873, H 874, H 875, and H 877** for the signature of the President.

JUKER, Chief Clerk

This appointment is effective Monday, April 10, 2006, and will continue until such time as Senator Brent Hill is able to resume his duties.

The President Pro Tempore signed Enrolled **H 869, H 870, H 871, H 872, H 873, H 874, H 875, and H 877** and ordered them returned to the House.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 10:30 a.m. until the hour of 2:15 p.m. of this day.

THE OFFICE OF THE GOVERNOR  
EXECUTIVE DEPARTMENT  
BOISE, IDAHO  
**CERTIFICATE OF APPOINTMENT**

**RECESS  
AFTERNOON SESSION**

KNOW ALL MEN, by these Presents that pursuant to the provisions of Section 59-917, *Idaho Code*, Brent Hill, State Senator, District 34, Fremont and Madison Counties, State of Idaho, has nominated Greg W. Moeller of Rexburg, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 34, Fremont and Madison Counties.

The Senate reconvened at 2:15 p.m., pursuant to recess, President Pro Tempore Geddes presiding.

Roll call showed all members present except Senator Burkett, Pearce, Langhorst, and Sweet, absent and excused.

Prior to recess the Senate was at the Ninth Order of Business, Messages from the House.

April 10, 2006

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Greg W. Moeller, to the office of State Senator, District 34, Fremont and Madison Counties, State of Idaho, for a term commencing on Monday, April 10, 2006, and continuing until such time as Senator Brent Hill is able to resume his duties.

Mr. President:

I transmit herewith **HJM 26** which has passed the House.

JUKER, Chief Clerk

**HJM 26** was filed for first reading.

April 10, 2006

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Mr. President:

I transmit herewith Enrolled **H 673**, as amended in the Senate, for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **H 673**, as amended in the Senate, and ordered it returned to the House.

April 10, 2006

/s/ BY THE GOVERNOR DIRK KEMPTHORNE  
/s/ SECRETARY OF STATE BEN YSURSA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

Mr. President:

I return herewith **S 1482**, as amended, **SCR 132**, and **S 1492**, as amended, which have passed the House.

JUKER, Chief Clerk

The President Pro Tempore announced that the Oath of Office had been administered previously to Acting Senator Greg W. Moeller, and he was recorded present at this order of business.

**S 1482**, as amended, **SCR 132**, and **S 1492**, as amended, were referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, 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**

**HJM 26**, by Ways and Means Committee, was introduced, read at length, and referred to the State Affairs Committee.

Senators Langhorst and Sweet were recorded present at this order of business.

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

**Reports of Standing Committees**

April 10, 2006

The JUDICIARY AND RULES Committee reports that **S 1482**, as amended, **S 1492**, as amended, and **SCR 132** have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1482**, as amended, **S 1492**, as amended, and **SCR 132**, and ordered them transmitted to the House for the signature of the Speaker.

April 10, 2006

The STATE AFFAIRS Committee reports out **HCR 63** with the recommendation that it do pass.

BURTENSHAW, Chairman

**HCR 63** 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 Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

**Messages from the Governor**

April 10, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1300**, as amended, as amended in the House, **S 1363**, as amended in the House, **S 1367**, **S 1370**, **S 1427**, **S 1456**, **S 1458**, **S 1459**, **S 1460**, **S 1461**, **S 1463**,

**S 1464**, **S 1465**, **S 1466**, **S 1467**, **S 1469**, **S 1470**, **S 1471**, **S 1472**, **S 1473**, **S 1474**, **S 1475**, **S 1476**, **S 1477**, **S 1478**, **S 1479**, **S 1481**, and **S 1490**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

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

**Motions and Resolutions**

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate consideration of **HCR 63** were suspended and the resolution was placed before the Senate for consideration at this time.

Moved by Senator Stegner, seconded by Senator Malepeai, that **HCR 63** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Gannon, Geddes, Goedde, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, Moeller (Hill), Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 28.

NAYS--None.

Absent and excused--Brandt, Burkett, Cameron, Jorgenson, McGee, McKenzie, Pearce. Total - 7.

Total - 35.

Whereupon the President Pro Tempore declared **HCR 63** adopted, title was approved, and the resolution ordered returned to the House.

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

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 2:55 p.m. until the hour of 10 a.m., Tuesday, April 11, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

NINETY-THIRD LEGISLATIVE DAY  
TUESDAY, APRIL 11, 2006

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Burkett, Coiner, Gannon, Little, Schroeder, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Katie Twiggs, 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 April 10, 2006, was read and approved as corrected.

DARRINGTON, 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 Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

April 10, 2006

Mr. President:

I transmit herewith Enrolled HCR 63 for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled HCR 63 and ordered it returned to the House.

April 10, 2006

Mr. President:

I return herewith Enrolled S 1482, as amended, S 1492, as amended, and SCR 132 which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled S 1482, as amended, and S 1492, as amended, were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

SCR 132 was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

April 10, 2006

Mr. President:

I return herewith S 1404, as amended in the House, which has passed the House.

JUKER, Chief Clerk

On request by Senator Davis, granted by unanimous consent, S 1404, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

Senators Coiner, Gannon, Little, Schroeder, and Sweet were recorded present at this order of business.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Call of the Senate was requested by Senators Davis, Stegner, and Little.

Whereupon the President Pro Tempore ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present.

On request by Senator Little, granted by unanimous consent, the Call was lifted.

The President Pro Tempore announced that the House amendments to S 1404, as amended in the House, were before the Senate for consideration as to possible concurrence in the House amendments.

Moved by Senator Little, seconded by Senator Stennett, that the Senate reject the House amendments to S 1404, as amended in the House.

Roll call vote was requested by Senators Keough, McGee, and Werk.

The question being, "Shall the Senate reject the House amendments to S 1404, as amended in the House?"

Roll call resulted as follows:

AYES--Andreason, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Corder, Darrington, Davis, Gannon, Geddes, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Moeller (Hill), Richardson, Schroeder, Stegner, Stennett, Werk. Total - 25.

NAYS--Brandt, Broadsword, Compton, Fulcher (Fulcher), Goedde, Jorgenson, Keough, Pearce, Sweet, Williams.  
Total - 10.

Total - 35.

Whereupon the President Pro Tempore announced that the Senate had rejected the House amendments to **S 1404**, as amended in the House, and the bill was ordered filed in the office of the Secretary of the Senate.

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

#### Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 11:20 a.m. until the hour of 1:30 p.m. of this day.

#### RECESS AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., pursuant to recess, President Pro Tempore Geddes presiding.

Roll call showed all members present except Senators Andreason, Brandt, Burkett, Goedde, Keough, and Langhorst, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

April 11, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **SCR 132** was delivered to the Office of the Secretary of State at 11 a.m., April 11, 2006.

DARRINGTON, Chairman

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

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

#### Messages from the Governor

April 10, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and

am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1425**, as amended in the House, and **S 1480**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

April 11, 2006

Mr. President:

I return herewith **S 1243**, as amended, **S 1247**, and **S 1429** which have passed the House.

JUKER, Chief Clerk

**S 1243**, as amended, **S 1247**, and **S 1429** were referred to the Judiciary and Rules Committee for enrolling.

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

#### Reports of Standing Committees

April 11, 2006

The JUDICIARY AND RULES Committee reports that **S 1243**, as amended, **S 1247**, and **S 1429** have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1243**, as amended, **S 1247**, and **S 1429**, and ordered them transmitted to the House for the signature of the Speaker.

April 11, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1482**, as amended, and **S 1492**, as amended, were delivered to the Office of the Governor at 1:35 p.m., April 11, 2006.

DARRINGTON, Chairman

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

On request by Senator Davis, 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 1502**

**BY STATE AFFAIRS COMMITTEE**

**AN ACT**

RELATING TO PROPERTY TAX FUNDING MAINTENANCE AND OPERATIONS OF PUBLIC SCHOOLS AND REPLACEMENT FUNDS; STATING LEGISLATIVE FINDINGS, SUBMITTING AN ADVISORY VOTE TO THE ELECTORS, DIRECTING THE SECRETARY OF STATE AND ATTORNEY GENERAL TO PERFORM SPECIFIED DUTIES, STATING THE QUESTION TO BE SUBMITTED, DECLARING THE ADVISORY QUESTION A MEASURE, AND MAKING APPLICABLE CERTAIN PROVISIONS GOVERNING ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES; AND DECLARING AN EMERGENCY.

**S 1502** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

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

**Reports of Standing Committees**

April 11, 2006

The JUDICIARY AND RULES Committee reports that **S 1502** has been correctly printed.

DARRINGTON, Chairman

**S 1502** was referred to the State Affairs Committee.

April 11, 2006

The STATE AFFAIRS Committee reports out **S 1502** with the recommendation that it do pass.

BURTENSHAW, Chairman

**S 1502** was filed for second reading.

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

**Second Reading of Bills**

**Suspension of Rules**

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1502** were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1502** was read the second time by title and the third time at length, section by section, and put upon its final passage.

**S 1502** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Gannon, Geddes, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Moeller (Hill), Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams.  
Total - 35.

Whereupon the President Pro Tempore declared **S 1502** passed, title was approved, and the bill ordered transmitted to the House.

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

**Messages from the House**

April 11, 2006

Mr. President:

I transmit herewith Enrolled **H 421**, as amended in the Senate, for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **H 421**, as amended in the Senate, and ordered it returned to the House.

April 11, 2006

Mr. President:

I return herewith Enrolled **S 1243**, as amended, **S 1247**, and **S 1429** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1243**, as amended, **S 1247**, and **S 1429** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

April 10, 2006

Mr. President:

I return herewith **S 1501**, as amended in the House, which has passed the House.

JUKER, Chief Clerk

On request by Senator Little, granted by unanimous consent, **S 1501**, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.



The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

The President Pro Tempore announced that the House amendments to **S 1501**, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1501**, as amended in the House?"

On request by Senator Little, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to **S 1501**, as amended in the House.

**S 1501**, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

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

### Reports of Standing Committees

April 11, 2006

The JUDICIARY AND RULES Committee reports that **S 1501**, as amended in the House, has been correctly engrossed.

DARRINGTON, Chairman

**S 1501**, as amended in the House, was filed for first reading.

On request by Senator Davis, 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 1501**, as amended in the House, by State Affairs Committee, was read the first time at length and filed for second reading.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1501**, as amended in the House, were suspended, and 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 were dispensed with, this being a case of urgency, and **S 1501**, as amended in the House, was read the second time by title and the third time at length, section by section, and put upon its final passage.

**S 1501**, as amended in the House, was read the second time by title and the third time at length, section by section, and placed

before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Burtenshaw, Little, Pearce, Williams.  
Total - 5.

NAYS--Andreason, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Gannon, Geddes, Goedde, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Moeller (Hill), Richardson, Schroeder, Stegner, Stennett, Sweet, Werk.  
Total - 30.

Total - 35.

Whereupon the President Pro Tempore declared that **S 1501**, as amended in the House, had failed to pass the Senate and ordered the bill filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the President Pro Tempore appointed a committee consisting of Senator Lodge, Chairman and Senators Coiner and Burkett to escort the committee from the House of Representatives, consisting of Representatives Cannon, Bastian, and Saylor, into the Senate Chamber. The House committee informed the President Pro Tempore and the members of the Senate that the House of Representatives had completed its business and was ready to adjourn *Sine Die*.

The Senate committee was discharged.

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

### Messages from the Governor

April 11, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1487 and S 1484**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

The Senate advanced to the Ninth Order of Business.

**Messages from the House**

April 11, 2006

Mr. President:

I transmit herewith **H 854** which has passed the House.

JUKER, Chief Clerk

**H 854** was filed for first reading.

On request by Senator Davis, 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**

**Suspension of Rules**

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 854** were suspended, and 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 were dispensed with, this being a case of urgency, and **H 854** was read the first time by title, the second time by title, and the third time at length, section by section, and put upon its final passage.

**H 854** was read the first time by title, the second time by title, and the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Gannon, Geddes, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Moeller (Hill), Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk. Total - 34.

NAYS--Williams. Total - 1.

Paired and voting included in roll call:

AYE - Werk      NAY - Williams

Total - 35.

Whereupon the President Pro Tempore declared **H 854** passed, title was approved, and the bill ordered returned to the House.

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

**Third Reading of Bills**

**H 851** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Gannon, Geddes, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Moeller (Hill), Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 34.

NAYS--None.

Absent and excused--Werk. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 851** passed, title was approved, and the bill ordered returned to the House.

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

**Reports of Standing Committees**

April 11, 2006

The STATE AFFAIRS Committee reports out **HJM 26** with the recommendation that it do pass.

BURTENSHAW, Chairman

**HJM 26** 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 Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

**Motions and Resolutions**

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate consideration of **HJM 26** were suspended and the memorial was placed before the Senate for consideration at this time.

The President Pro Tempore announced that **HJM 26** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Little, seconded by Senator Stennett, **HJM 26** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

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

**Miscellaneous Business**

On request by Senator Davis, granted by unanimous consent, the President Pro Tempore appointed a committee consisting of Senator Williams, Chairman, and Senators Compton and Marley to notify the House of Representatives that the Senate had completed its business and was ready to adjourn *Sine Die*.

The President Pro Tempore excused the committee.

On request by Senator Davis, granted by unanimous consent, the President Pro Tempore appointed a committee consisting of Senator Bunderson, Chairman, and Senators Burtenshaw, Brandt, and Langhorst to notify the Governor that the Senate had completed its business and was ready to adjourn *Sine Die*.

The President Pro Tempore excused the committee.

The committee appointed to wait upon the Governor returned and reported that it had delivered the President Pro Tempore's message. The committee conveyed the Governor's message to the President Pro Tempore and the members of the Senate.

The President Pro Tempore thanked and discharged the committee.

The committee appointed to wait upon the House of Representatives returned and reported that it had delivered the President Pro Tempore's message. The committee conveyed the Speaker's message to the President Pro Tempore and the members of the Senate.

The President Pro Tempore thanked and discharged the committee.

On request by Senator Davis, granted by unanimous consent, the Sergeant at Arms was ordered to retrieve the Idaho State flag that had been raised over the Senate Dome during the Second Regular Session of the Fifty-eighth Legislature of the State of Idaho.

On motion by Senator Davis, seconded by Senator Marley, by voice vote the Senate of the Second Regular Session of the Fifty-eighth Legislature of the State of Idaho adjourned *Sine Die* at 8:32 p.m., April 11, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

\*\*\*\*\*

**[Note: The following is action recorded after Senate *Sine Die*:]**

April 11, 2006

Enrolled **H 854, H 851, and HJM 26** were received from the House, signed by the President Pro Tempore, and returned to the House.

April 12, 2006

Enrolled **S 1243**, as amended, **S 1247**, and **S 1429** were delivered to the Office of the Governor at 11:25 a.m., April 12, 2006.

April 12, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1482**, as amended, **S 1492**, as amended,  
**S 1493, S 1494, S 1495, S 1496, S 1497,**  
**S 1498, S 1499, and S 1500**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

April 14, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1243**, as amended, **S 1247, S 1429,**  
**S 1441**, as amended, as amended in the House,  
**S 1462, and S 1491**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

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

**CERTIFICATE**

State of Idaho )  
 )  
Senate Chamber, Boise, Idaho )

We, JAMES E. RISCH, President of the Senate, and JEANNINE WOOD, Secretary of the Senate, do hereby certify and attest as follows:

That the daily Senate Journal of the proceedings of April 11, 2006, the Ninety-third Legislative Day, has been read and approved;

And, said Journal contains a true, complete, and accurate record of all Senate proceedings of said day, including final actions by the House of Representatives and the Governor of the State of Idaho, as statutorily mandated.

IN WITNESS WHEREOF, we have hereunto set our hand this 20th day of April, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

\*\*\*\*\*

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RISCH, JAMES E. . . . . Lieutenant Governor/President of the Senate	Boise
GEDDES, ROBERT L. . . . . President Pro Tempore	Soda Springs
DAVIS, BART M. . . . . Majority Leader	Idaho Falls
STEGNER, JOE . . . . . Assistant Majority Leader	Lewiston
LITTLE, BRAD . . . . . Majority Caucus Chairman	Emmett
STENNETT, CLINT . . . . . Minority Leader	Ketchum
BURKETT, MIKE . . . . . Assistant Minority Leader	Boise
MALEPEAI, EDGAR . . . . . Minority Caucus Chairman	Pocatello
WOOD, JEANNINE . . . . . Secretary of the Senate	Meridian
HORTON, RUSTI . . . . . Assistant Secretary of the Senate	Emmett
LUNDY, MARGARET . . . . . Calendar Clerk	Boise
MULLER, LANA . . . . . Journal Clerk	Boise
HATTAWAY, MARIE . . . . . Minority Chief of Staff	Boise
SARAH JANE McDONALD . . . . . Sergeant at Arms	Boise
McCARTER, DARELYN . . . . . Administrative Assistant to the President Pro Tempore	Kuna
JONES, MARY SUE . . . . . Fiscal Assistant to the President Pro Tempore	Boise
REES, GERI . . . . . Secretary to Majority Leader	Boise
BOYLE, BEVERLY . . . . . Secretary to Assistant Majority Leader	Boise
DeANGELI, ANN . . . . . Secretary to Majority Caucus Chairman	Boise
HARDENBROOK, DON, PASTOR.. . . . Chaplain	Nampa

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BROCK, WANDA . . . . .	Secretary to Agricultural Affairs Committee
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DAVIDSON, BARBARA . . . . .	Republican Pool Secretary
DeANGELI, ANN . . . . .	Majority Caucus Secretary
DOMBROWSKI, JOY . . . . .	Secretary to Health and Welfare Committee
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HARVEY, MARY . . . . .	Republican Pool Secretary
HATTAWAY, MARIE . . . . .	*** Minority Chief of Staff
HERZOG, CRAIG . . . . .	Minority Staff Assistant
HINDS, LEIGH . . . . .	Secretary to Judiciary and Rules Committee
HORTON, RUSTI . . . . .	*** Assistant Secretary of the Senate
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JOHNSON, KENT . . . . .	* Page
JONES, MARY SUE . . . . .	** Fiscal Assistant to President Pro Tempore
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LANTZ, DOUG . . . . .	Minority Staff Assistant
LUNDY, MARGARET . . . . .	Calendar Clerk

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McCARTER, DARELYN .....	*** Administrative Assistant to President Pro Tempore
McDONALD, ROBERT .....	Senate Doorkeeper
McDONALD, SARAH JANE .....	Sergeant at Arms
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MELTON, TWYLA .....	Republican Pool Secretary
MAROTZ, JILLIAN .....	Page
MOYER, PEGGY .....	Secretary to Finance Committee
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OSBORN, BETTY .....	Secretary to Transportation Committee
OWEN, MELISSA .....	Senate Lounge Assistant
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RICHARDS, MARY .....	Senate Lounge Assistant
RIDDLE, DEBORAH .....	Secretary to State Affairs Committee
SHEA, ALENA .....	Republican Pool Secretary
SHELLEY, CASEY .....	Minority Staff Assistant
SHERIDAN, SHELLEY .....	Secretary to Local Government and Taxation Committee
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WAYMAN, DEBBIE .....	Assistant Sergeant at Arms
WHITTIER, KATY .....	Republican Pool Secretary
WILKES, NANCY .....	Senate Lounge Assistant
WOOD, JEANNINE .....	** Secretary of the Senate

\* Attaches sworn in January 13, 2006  
 \* Attaches sworn in February 13, 2006  
 \*\* Permanent Full-Time Employees  
 \*\*\* Permanent Part-Time Employees

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SENATE COMMITTEE ASSIGNMENTS  
2006 LEGISLATURE**AGRICULTURAL AFFAIRS**Williams, Chairman  
Gannon, Vice ChairmanBurtenshaw  
Coiner  
Corder  
Broadsword  
FulcherStennett  
KellySecretary: Wanda Brock - 332-1321  
Room 430-B (Mtg. Room 437) - T/Th - 8:00 a.m.**COMMERCE AND HUMAN RESOURCES**Andreason, Chairman  
Coiner, Vice ChairmanCameron  
Stegner  
Goedde  
Compton  
BroadswordWerk  
MalepeaiSecretary: Olga Coply - 332-1333  
Room 435 (Mtg. Room 437) - T/Th - 1:30 p.m.**EDUCATION**Goedde, Chairman  
Jorgenson, Vice ChairmanSchroeder  
Andreason  
Gannon  
Pearce  
FulcherBurkett  
MarleySecretary: Jeannè Clayton - 332-1330  
Room 434 (Mtg. Room 433) - M/T/W/Th - 3:00 p.m.**FINANCE**Cameron, Chairman  
Keough, Vice ChairmanRichardson  
Lodge  
Hill  
Pearce  
Sweet  
McGeeMarley  
WerkSecretary: Peggy Moyer - 334-4735  
Room 334 (Mtg. Room 328) - Daily - 8:00 a.m.**HEALTH AND WELFARE**Compton, Chairman  
Broadsword, Vice ChairmanDarrington  
Brandt  
Keough  
McGee  
CoinerWerk  
KellySecretary: Joy Dombrowski - 332-1332  
Room 434-B (Mtg. Room 437) - M/T/W/Th - 3:00 p.m.**JUDICIARY AND RULES**Darrington, Chairman  
Richardson, Vice ChairmanBunderson  
Davis  
Lodge  
Sweet  
JorgensonBurkett  
KellySecretary: Leigh Hinds - 332-1317  
Room 429 (Mtg. Room 437) - M/W/F - 1:30 p.m.**LOCAL GOVERNMENT AND TAXATION**Bunderson, Chairman  
Hill, Vice ChairmanStegner  
Sweet  
McKenzie  
Williams  
CorderMalepeai  
LanghorstSecretary: Shelley Sheridan - 332-1319  
Room 430-A (Mtg. Room 426) - T/W/Th - 3:00 p.m.**RESOURCES AND ENVIRONMENT**Schroeder, Chairman  
Pearce, Vice ChairmanCameron  
Burtenshaw  
Williams  
Brandt  
LittleStennett  
LanghorstSecretary: Juanita Budell - 332-1323  
Room 431 (Mtg. Room 433) - M/W/F - 1:30 p.m.**STATE AFFAIRS**Burtenshaw, Chairman  
McKenzie, Vice ChairmanDarrington  
Geddes  
Davis  
Stegner  
LittleStennett  
MalepeaiSecretary: Deborah Riddle - 332-1315  
Room 428 (Mtg. Room 437) - M/W/F - 8:00 a.m.**TRANSPORTATION**Brandt, Chairman  
McGee, Vice ChairmanKeough  
Geddes  
Little  
McKenzie  
JorgensonMarley  
LanghorstSecretary: Betty Osborn - 332-1326  
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(Alphabetically Arranged)

This Topical Index alphabetically lists subject matter for ALL Senate bills, and ONLY those House bills introduced in the Senate. Nonlegislative subject matter is included and referred to by page number only.

Since the Senate Journal only covers the action of House bills transmitted to the Senate, this topical index does not refer to all House bills introduced in the House. Separate indices in this volume list, in numerical order, all House bills, memorials, resolutions, and proclamations received by the Senate and show action taken by the Senate thereon. If a particular subject matter does not appear in this index, refer to the House Journal Alphabetical Index. Information pertaining to Session Laws is in Section XI of this index. This section cites Session Laws chapter numbers and includes action of the Governor on all Senate bills which passed both the Senate and House, and the effective date of such legislation.

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SECTION VI

NUMERICAL INDEX OF SENATE BILLS

The following index lists in numerical order all bills which were introduced in the Senate, together with the name of the author and a brief description of the subject matter. The numbers in the Introduction column cite the page where the complete title may be found and the date of introduction of the bill. The numbers in the Vote or Disposition columns cite the page where the Senate's Final Vote or Final Disposition can be found. Amendments to a bill are noted at the bottom of the subject matter and the number opposite is the page in the Journal where the Senate amendments are recorded. House amendments to Senate bills can be found in the House Journal.

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1241	Schroeder	Died on Calendar in 14th Order	PREKINDERGARTEN - Adds to existing law to provide a minimum age requirement for attendance in prekindergarten in school districts which conduct prekindergarten. . . . .	16	--	143
1242	Brandt	State Affairs	EMINENT DOMAIN - Amends existing law relating to eminent domain to provide additional facts prerequisite to a taking. . .	17	--	18
1243	Brandt	Law	EMINENT DOMAIN - Amends existing law relating to eminent domain to require that a complaint shall contain an order of condemnation, or resolution, or other official and binding document entered by the plaintiff which sets forth and clearly identifies all property rights to be acquired, including rights to and from the public way, and permanent and temporary easements known or reasonably identifiable to the condemning authority. . . . . <b>Amended in the Senate</b> . . . . .	17 191	220	330
1244	Brandt	State Affairs	EMINENT DOMAIN - Adds to existing law relating to eminent domain to specify uses not authorized. . . . .	17	--	18
1245	Brandt	State Affairs	EMINENT DOMAIN - Amends existing law to provide an alternate method for establishing the minimum amount for damages when ascertaining the value of the property. . . . .	17	--	18
1246	Brandt	State Affairs	EMINENT DOMAIN - Adds to and amends existing law relating to relocation assistance and exercise of the power of eminent domain to provide a limitation on compensable damages; to provide relocation assistance; to provide for application of Chapter 20, Title 40, <i>Idaho Code</i> , to all condemners; and to provide a definition of "agency." . . . .	17	--	193
1247	Brandt	Law	EMINENT DOMAIN - Amends existing law relating to eminent domain to delete language referencing state and political subdivisions of the state; and to delete language referencing purposes of acquisition of real property. . . . .	17	90	330
1248	Brandt	State Affairs	EMINENT DOMAIN - Amends law relating to eminent domain proceedings to delete provisions for discretionary award of costs and fees; provides for the award of reasonable costs and attorney's fees to the defendant in eminent domain actions if it is determined the amount of just compensation exceeds the condemner's last prelitigation offer by 10% or more. . . . .	17	--	18
1249	Brandt	State Affairs	EMINENT DOMAIN - Adds to existing law relating to eminent domain to provide full and complete disclosure by the condemning authority to the defendants regarding the amount of just compensation to which the condemning authority claims the defendants are entitled. . . . .	17	--	18

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1251	Judiciary & Rules	Law	COURTS - Repeals existing law relating to courts requiring persons to appear at appointed places. . . . .	18	45	249
1252	Judiciary & Rules	Law	MENTAL HEALTH COURTS - Relating to the State Board of Correction to provide references to mental health courts. . . .	19	45	249
1253	Schroeder	Education	KINDERGARTEN - Provides that school districts shall establish a kindergarten program; provides that all school districts must provide instruction in kindergarten; and requires districts to provide classes in kindergarten. . . . .	19	--	19
1254	Brandt	State Affairs	EMINENT DOMAIN - Adds to existing law to provide a claims and arbitration process when a governmental entity's actions affect the value of real property in certain instances. . . . .	20	--	21
1255	Judiciary & Rules	Law	UNIFORM ENVIRONMENTAL COVENANTS ACT - Provides for the Uniform Environmental Covenants Act; to set forth the nature of rights and subordination of interests and requirements for the contents of environmental covenants; provides that qualifying covenants run with the land; provides for the relationship of covenants to other land use laws; provides for amendment by court action or consent; provides for uniformity of application and construction; provides for relation to other acts; and provides for severability. . . . .	21	55	148
1256	Judiciary & Rules	Law	UNIFORM LIMITED PARTNERSHIP ACT - Provides for the Uniform Limited Partnership Act; provides governing law; provides a rate of interest; provides for names; sets forth effect of partnership agreements; provides for business transactions; provides for dual capacity; provides for service of process; provides for consent and proxies of partners; provides for the formation of limited partnerships; provides for liability for false information in filed records; limits the right or power to bind partnerships; limits liability; provides for the right to information; sets forth provisions to becoming a general partner; to provide for a partner agent; sets forth general standards of conduct; provides for forms of contribution; provides for distributions; provides for dissociation; provides for winding up of the partnership; to provide for the disposition of assets; sets forth governing law for foreign limited partnerships; provides for conversions and mergers; sets forth provisions applicable to the Electronic Signatures in Global and National Commerce Act; and provides for application to existing relationships. . . .	22	55	249
1257	Werk	State Affairs	INITIATIVES - Provides that the repeal, in its entirety by the Legislature, of any measure or statute approved by initiative shall not become effective until the voters approve; provides that the repeal would be of temporary effect; provides the effect if a majority of voters do not approve; provides that the question shall be treated as a referendum; provides that the repeal by the legislature approved by initiative shall cause all requirements for signatures and petitions for a referendum to be waived and the measure shall be referred to the next biennial regular election; and provides duties of the Attorney General. . . . .	24	--	27

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1259	Resources & Environment	Law	WATER DISTRICTS - Amends existing law to revise notification provisions relating to water district meetings. . . . .	25	91	249
1260	State Affairs	Law	HORSE RACING - Amends existing law relating to horse racing to define "pari-mutuel" and "simulcast"; and to revise the definition of "horsemen's group." . . . .	25	42	249
1261	State Affairs	State Affairs	HORSE RACE MEET - LICENSE - Amends existing law relating to horse racing to revise license application requirements for race meets; to revise license specification provisions; to provide for the Simulcast Purse Moneys Fund; and to provide rulemaking authority. . . . .	25	--	27
1262	State Affairs	State Affairs	HORSE RACING - Amends existing law relating to horse racing to revise application provisions for licenses authorizing simulcast and/or televised races; and to revise provisions relating to advance deposit wagering. . . . .	25	--	27
1263	Finance	Law	APPROPRIATIONS - Stating findings of the Legislature and appropriating \$10,690,600 to the state agencies and state institutions for a three percent state employee salary increase. . . . .	25	30	46
1264	Transportation	Law	HAZARDOUS WASTE - PERMIT VENDORS - Amends existing law to provide that vendors selling hazardous waste permits shall be remunerated as determined by contract between the vendor and the Idaho Transportation Department. . . . .	27	64	173
1265	Transportation	Transportation	MOTOR VEHICLE ACCIDENTS - REPORTS - Relating to written reports of motor vehicle accidents to redefine "personal information" to provide that personal information may include information on vehicular accidents; and to provide reference to personal information in written reports of accidents which is privileged or is to be held confidential. . . . .	27	--	29
1266	Transportation	Law	AIRSTRIPS - PRIVATE - Relating to recreational trespass and limitation of landholder liability to provide that the limitation of liability of a landowner extends to free public use of privately-owned airstrips; and to revise definitions. . . . . <b>Amended in the Senate</b> . . . . .	28 130	151	297
1267	Transportation	Transportation	RENEWABLE FUEL STANDARDS - ETHANOL - Provides an ethanol blended fuel standard; to provide an exemption; and to provide application to federally regulated storage tanks in certain counties for a certain period. . . . .	28	--	29
1268	Commerce & Human Resources	Law	PUBLIC EMPLOYEE RETIREMENT SYSTEM - Amends existing law relating to the Public Employee Retirement System to revise eligibility provisions for disability retirement. . . . .	28	109	249
1269	Commerce & Human Resources	Law	PUBLIC EMPLOYEE RETIREMENT SYSTEM - Repeals existing law to delete the accumulated voluntary contributions under the Public Employee Retirement System; and to provide for the distribution of existing funds. . . . .	28	109	249

Senate Bill	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
1270	Commerce & Human Resources	Law	PUBLIC EMPLOYEE RETIREMENT SYSTEM - Amends existing law relating to unused sick leave funds administered by the Public Employee Retirement System to revise provisions applicable to the severance allowance at retirement; to clarify that amounts shall be determined by the Public Employee Retirement Board; and to provide that amounts shall be used to pay premiums subject to applicable federal tax limits for certain insurance programs. . . . .	28	112	249
1271	Commerce & Human Resources	Law	PUBLIC EMPLOYEE RETIREMENT SYSTEM - Amends existing law relating to the Public Employee Retirement System to clarify that suspended benefits are considered retiree benefits in the event a death benefit becomes payable. . . . .	28	109	249
1272	Commerce & Human Resources	Law	PUBLIC EMPLOYEE RETIREMENT SYSTEM - Amends existing law relating to the Public Employee Retirement System to further limit automatic separation benefits for an inactive member who is not a vested member. . . . .	28	110	249
1273	Brandt	State Affairs	EMINENT DOMAIN - Adds to existing law relating to eminent domain to provide that all issues of fact in condemnation cases, except facts prerequisite to taking as provided in Section 7-704, <i>Idaho Code</i> , shall be determined by a jury upon the request of either party. . . . .	28	--	29
1274	Stennett	State Affairs	COAL-FIRED POWER PLANTS - Adds to existing law to provide intent; and to provide a moratorium on the permitting or construction of certain coal fired power plants. . . . .	29	--	32
1275	Judiciary & Rules	Law	PEACE OFFICERS STANDARDS AND TRAINING COUNCIL - Amends existing law to provide that the Peace Officers Standards and Training Council may implement training and standards for employees of the Idaho Department of Juvenile Corrections who are engaged in the direct care and management of juveniles. . . . .	29	60	288
1276	Stennett, Malepeai, Marley, Werk, Burkett, Kelly, Langhorst	House Local Government	THERMAL GENERATION POWER PLANTS - Amends existing law to provide that in the case of an ordinance amendment or special use permit involving the location of a thermal generation power plant with a nameplate capacity of 50 megawatts or greater, the residents of counties immediately adjoining the county where the thermal generation power plant is proposed to be located shall be given notice of the proposed ordinance change or proposed special use permit. . . . .	29	72	72
1277	Finance	Law	APPROPRIATIONS - Appropriating an additional \$150,000 to the State Controller's Office for fiscal year 2006. . . . .	30	39	74
1278	Finance	Law	APPROPRIATIONS - Appropriating an additional \$45,700 to the Office of the Governor for the Commission on the Arts for fiscal year 2006. . . . .	30	39	74
1279	Resources & Environment	Agricultural Affairs	DOMESTIC CERVIDAE - Amends existing law to provide that no person shall import domestic cervidae into Idaho from outside the state; and to provide that any person in violation shall be guilty of a misdemeanor and any animal imported in violation shall be seized by officers of the Department of Fish and Game or other law enforcement officers. . . . .	30	--	32

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1280	Stennett, Malepeai, Marley, Kelly, Burkett, Werk, Langhorst	Local Government & Taxation	PROPERTY TAX - Provides that the first \$100,000 of the market value for assessment purposes of the homestead or 50% of the market value for assessment purposes of the homestead, whichever is the lesser, shall be exempt from property taxation; to define "homestead"; to provide for certain annual adjustments to the maximum amount subject to property tax exemption; to provide for publication and dissemination of adjustments; and to provide that the publication of adjustments shall be exempt from the provisions of the Administrative Procedure Act. . . .	30	--	32
1281	Gannon & Schroeder	Education	CHARTER SCHOOLS - Amends existing law relating to charter schools to provide that the listed preference given to applicants to a charter school be notwithstanding any other provision of law, administrative rule or regulation or policy of any public school district or other chartering entity. . . . .	33	--	35
1282	Schroeder	Education	CHARTER SCHOOLS - Provides for an exception to the organization and management of public charter schools under the Idaho Nonprofit Corporations Act; and requires the petition to establish a charter school to set forth the manner by which the charter school's board of directors is to be elected. . . . .	33	--	35
1283	Schroeder	House Ways & Means	FISH AND GAME - Amends existing law relating to fish and game licenses to reduce the senior combination license fee. .	33	198	199
1284	Schroeder	State Affairs	STATE GOVERNMENT - VOLUNTEERS - Provides that a person may not be rejected as a volunteer for a state or local governmental entity except for proven misconduct or for being convicted or found guilty of a criminal offense. . . . .	33	--	35
1285	Schroeder	Education	SCHOLARSHIPS - MATH - SCIENCE - Adds to existing law relating to scholarships to provide a short title; to set forth purposes; to provide definitions; to provide for eligibility for Idaho mathematics, science and engineering scholarships; to provide duties and responsibilities for the Office of the State Board of Education; and to create the Idaho Mathematics, Science and Engineering Scholarship Fund. . . . .	33	--	35
1286	Schroeder	Judiciary & Rules	PUBLIC RECORD REQUEST - Provides that if a court finds that a public official has deliberately and in bad faith improperly refused a legitimate request for inspection or copying of a public record, a civil penalty shall be assessed in an amount not less than one thousand dollars or such amount the court deems is just; and provides that if a court finds that a person or public official has deliberately and in bad faith violated the provisions prohibiting the distribution of mailing or telephone number lists, the person or public official shall be liable for a civil penalty assessed by the court in an amount not less than one thousand dollars or such amount the court deems is just. . . . .	33	--	35
1287	Schroeder	State Affairs	OPEN MEETING LAW - Further defines the term "governing body" for open meeting law purposes; and to increase the maximum fines for violation of the open meeting law. . . . .	33	--	35
1288	Schroeder	State Affairs	MEETING NOTICES - Provides that all meeting notices for state and local government meetings which include time or place changes shall be posted on the outside of the original meeting place in a conspicuous place. . . . .	33	--	35

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1289	Schroeder	State Affairs	GOVERNMENTAL MEETINGS - Provides that a full transcript of a meeting of a state or local unit of government is not required except as otherwise provided by law; provides that a recording of the meeting is required; provides that all recordings shall be retained for a minimum of seven years; and provides that such recordings shall be deemed a public record pursuant to the Public Records Act. . . . .	33	--	35
1290	Langhorst, Kelly, Burkett, Malepeai, Marley, Stennett, Werk	State Affairs	IDAHO FAIR ELECTIONS ACT - Amends and adds to existing law to provide an alternative campaign financing option; to create the Idaho Fair Elections Act Trust Fund; and to specify sources of funding. . . . .	34	--	35
1291	McGee	Judiciary & Rules	DRIVING UNDER THE INFLUENCE - Provides for the seizure and impoundment of vehicles of persons convicted for multiple violations of driving under the influence of alcohol, drugs or other intoxicating substances; to provide for notice; to provide for treatment of the vehicle if subject to forfeiture; to set forth requirements for release of the vehicle; to provide for disposition of the vehicle; to provide a cause of action by the registered owner; to provide for immunity from liability; to provide for forfeiture of a vehicle; to provide for forfeiture proceedings; and to provide for the sale of the vehicle and distribution of the proceeds. . . . .	34	--	35
1292	Stennett, Malepeai, Marley, Kelly, Werk	State Affairs	ENERGY FACILITY SITING - Creates an energy facility site evaluation planning committee and membership; provides for the state energy facility siting management plan; provides a moratorium on permitting; provides for permits and licenses; to provide for licenses and their issuance after adoption of the plan; provides for expansion, enlargement or altering of energy facilities; provides for review and siting licenses; provides a siting license application, fees and rules; provides for the creation of site review panels, members, meetings and procedures; provides for duties of the director of the Department of Environmental Quality upon receipt of a license application; provides for a recommendation; provides that information obtained shall be a public record; and provides a remedy for devaluation of property caused by an approved facility. . . . .	34	--	35
1293	Stennett, Kelly, & Werk	Health & Welfare	MERCURY EMISSIONS CONTROL PLAN - Amends existing law to provide that the Board of Environmental Quality shall promulgate rules and adopt a state mercury emissions control plan to ensure that no thermal power generating facility not in operation on January 1, 2006, that emits more than one pound of mercury per year into the air shall be permitted or constructed in the state of Idaho; and to provide that the requirements regarding stringency of Board of Environmental Quality rules versus federal law or regulations shall not apply to rules providing a state mercury emissions control plan. . . . .	34	--	35
1294	Stennett	State Affairs	OPERATING PROPERTY - Amends existing law to provide that on and after January 1, 2006, any newly installed or constructed equipment using coal to generate electricity with a nameplate capacity of 250 megawatts and not owned by a public utility shall be assessed by the State Tax Commission; and to provide for apportionment to the various taxing districts. . . . .	35	--	35

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1295	State Affairs	Law	INDUSTRIAL INDEMNITY FUND - Amends existing law relating to the Industrial Special Indemnity Fund to revise the calculation of assessments; and to provide for the reporting of benefits paid during a one year period. . . . .	36	113	288
1296	Judiciary & Rules	Law	TENANT AT SUFFERANCE - Amends existing law to clarify that actions for forcible entry and unlawful detainer may be filed against a defendant who is a tenant at sufferance pursuant to Section 45-1506(11), <i>Idaho Code</i> . . . . .	36	60	288
1297	Judiciary & Rules	Law	CRIMINAL JUDGMENTS - Amends existing law relating to criminal judgments to remove language requiring a notice of intent to seek enhanced penalties in certain cases. . . . .	36	60	288
1298	Judiciary & Rules	Judiciary & Rules	SCRAP METAL DEALERS - Adds to existing law relating to scrap metal dealers to define terms; to require records for purchases of scrap aluminum pipe or copper; to require maintenance of records; to provide penalties; and to provide an exemption. . . . .	36	--	37
1299	Resources & Environment	Law	NONPROFIT TIMBER PROTECTIVE ASSOCIATIONS - Relating to nonprofit timber protective associations to provide specified restrictions relating to liability of nonprofit timber protective associations while performing contracts with the state of Idaho or any agency of the state of Idaho. . . . .	38	80	249
1300	Judiciary & Rules	Law	SEXUAL OFFENDER CLASSIFICATION BOARD - Amends existing law relating to sex offenders to revise the powers and duties of the Sexual Offender Classification Board to provide for board review of certain crimes and violations. . . . . <b>Amended in the Senate</b> . . . . . <b>Amended in the House (See House Journal)</b> . . . . .	38 100	121 273	324
1301	Judiciary & Rules	Law	SEX OFFENDERS - Amends existing law to increase the mandatory minimum term of confinement for certain sex offenders to fifteen years; and to provide for a mandatory minimum of life imprisonment for certain repeat sex offenders designated as violent sexual predators. . . . .	38	85	249
1302	Judiciary & Rules	Law	DEATH SENTENCE - Amends existing law to revise provisions applicable to the imposition of judicial review of the death penalty. . . . .	38	67	249
1303	Judiciary & Rules	Law	PUBLIC FINANCIAL INSTRUMENTS - Amends existing law to prohibit the misuse of certain public financial instruments and devices; and to define terms. . . . .	38	67	249
1304	Judiciary & Rules	Law	SEX OFFENDERS - Amends existing law to set forth provisions applicable to judgments for offenses requiring sex offender registration; and to clarify the term "conviction." . . . .	38	84	249
1305	Finance	Law	APPROPRIATIONS - Appropriating an additional \$484,700 to the Division of Building Safety in the Department of Self-Governing Agencies for fiscal year 2006; and authorizing eight additional full-time equivalent positions. . . . .	38	47	88

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1306	Finance	Law	APPROPRIATIONS - Appropriating an additional \$5,000 to the State Board for Professional-Technical Education for personnel costs for fiscal year 2006; and reducing the appropriation by \$5,000 to Professional-Technical Education for operating expenditures for fiscal year 2006. . . . .	38	47	88
1307	Finance	Law	APPROPRIATIONS - Appropriating an additional \$101,800 to the State Board of Education for Special Programs for fiscal year 2006. . . . .	38	48	88
1308	Education	House Education	EDUCATION - TEXTBOOKS - To require a publisher of a textbook or other printed instructional material for instructional use at a postsecondary Idaho institution to furnish an electronic version for use by a student who is blind, visually impaired, or has a diagnosed reading disability for a price which does not exceed the price for the equivalent printed version; to provide copyright protection of publishers; and to provide procedures.	38	61	61
1309	Commerce & Human Resources	Commerce & Human Resources	STATE EMPLOYEE COMPENSATION PLAN - Increases the maximum award that may be granted to certain nonclassified officers and employees for meritorious service; provides for nonperformance related pay to certain officers and employees; to provide that the State Controller's Office is responsible for the establishment and maintenance of specific pay codes; to clarify compensatory time; to expand the definition of "holiday" to distinguish nonexecutive employees from employees classified as executive exempt; to clarify the rulemaking authority of the Division of Human Resources; to provide a compensation philosophy; to establish the Idaho compensation plan; to clarify computation of vacation time for classified officers and employees; and to redefine "severance pay." . . . . .	41	--	43
1310	Judiciary & Rules	Judiciary & Rules	REAL PROPERTY - Amends existing law relating to written agreements to provide requirements for agreements fixing the boundary between adjoining parcels of real property. . . . .	43	--	45
1311	Judiciary & Rules	Law	REAL PROPERTY - Relating to limitations of actions to revise conditions under which actions to recover real property or possession of real property can be maintained; to revise conditions under which actions or defense to actions can be effectual; to revise exception provisions relating to constructive possession; to revise conditions relating to adverse possession of property under written claims of title; to revise conditions relating to adverse possession of property under oral claims to title; to revise conditions relating to presumptions regarding possession as between tenants and landlords; and to revise conditions relating to the tolling of statutes of limitations involving persons under certain disabilities. . . . .	44	67	249
1312	Judiciary & Rules	Law	SEX OFFENDERS - Relating to crimes and punishments to increase penalties for specified crimes; to revise sexual offender registration requirements; to revise provisions applicable to verification of sex offender addresses; to revise provisions applicable to name and address changes of sexual offenders; and to increase penalties for offenders who fail to meet registration, address verification and notice requirements. . . . .	44	113	254



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1313	Judiciary & Rules	Judiciary & Rules	CRIMINAL GANG ENFORCEMENT - Adds to existing law to provide for the Idaho Criminal Gang Enforcement Act; to provide a short title; to define terms; to provide for extended sentences; to prohibit the recruitment of gang members; to prohibit supplying firearms to a criminal gang; and to permit the adoption of local ordinances. . . . .	44	--	45
1314	Commerce & Human Resources	Law	HEALTH CARE TASK FORCE - Amends existing law relating to the Health Care Task Force to revise terminology; and to clarify membership. . . . . <b>Amended in the Senate</b> . . . . .	46 101	121	297
1315	Commerce & Human Resources	Law	INSURANCE - COUNTY PROPERTY - Amends existing law to remove a cap on fund balances for insurance on county property. . . . .	46	80	187
1316	Education	Law	PUBLIC SCHOOLS - Adds to existing law relating to educational interpreters and public schools to provide a short title; to provide findings; to define terms; to provide for qualifications for interpreters; to provide exceptions; to provide for continuing training requirements; and to provide the State Board of Education with rulemaking authority. . . . .	46	109	249
1317	State Affairs	Law	HORSE RACING - Amends existing law relating to horse racing to revise license application requirements for race meets; to revise license specification provisions; to provide for the Simulcast Purse Moneys Fund; to revise application provisions for licenses authorizing simulcast and/or televised races; and to revise provisions relating to advance deposit wagering. . . . .	47	81	249
1318	Judiciary & Rules	Law	ESTATES - MEDICAL ASSISTANCE COSTS - Amends existing law relating to estate property to set forth provisions applicable to the recovery of medical assistance costs by the Department of Health and Welfare; and to revise provisions applicable to the recovery of certain medical assistance. . . . .	49	92	254
1319	Judiciary & Rules	Law	ESTATE VALUES - Amends existing law relating to the Uniform Probate Code to increase the cap for estate values. . . . .	49	99	249
1320	Judiciary & Rules	Law	MINORS - GUARDIANS - Amends existing law relating to the Uniform Probate Code to revise notice provisions applicable to proceedings for the appointment of a guardian of a minor. . . . .	49	99	254
1321	Judiciary & Rules	Law	TRUSTS - Amends and adds to existing law relating to trusts to revise applicability; and to provide that the doctrine of worthier title shall not be applied. . . . .	49	109	288
1322	Judiciary & Rules	Law	CONSERVATORS - GUARDIANS - Amends existing law to authorize guardians or conservators to dispose of a deceased person's remains in certain circumstances; to provide for a continuance of a guardianship in certain circumstances; and to provide for conservator distributive duties and powers in certain circumstances. . . . .	49	99	254
1323	Judiciary & Rules	Law	DRY TRUSTS - Amends and adds to existing law to reference trusts executed concurrently with a will; and to set forth provisions applicable to dry trusts. . . . .	49	100	249

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1324	Judiciary & Rules	Law	TRUST ASSETS - Amends existing law relating to trustee powers to increase the collective value of trust assets allowable for purposes of termination. . . . .	49	100	249
1325	Judiciary & Rules	Judiciary & Rules	PROBATE CODE - Amends existing law relating to the Uniform Probate Code to revise the definition for "interested person." . . . . .	49	--	52
1326	Judiciary & Rules	Law	GUARDIANSHIPS AND CONSERVATORSHIPS - Amends, repeals and adds to existing law relating to guardianships and conservatorships to revise venue provisions; to repeal language relating to powers of foreign conservators; to set forth provisions applicable to the receipt and acceptance of foreign guardianships and conservatorships; to set forth provisions applicable to transfers of guardianships and conservatorships to a foreign jurisdiction; and to set forth provisions applicable to the temporary recognition of foreign guardianships. . . . .	49	100	254
1327	Judiciary & Rules	Law	VULNERABLE ADULTS/CHILDREN - Amends existing law to provide for criminal background checks for individuals who have unsupervised contact with vulnerable adults and children; to require a notarized application authorizing the Department of Health and Welfare to obtain and release information; to remove provisional status provisions; to permit employers to allow an individual to provide care or services pending completion of the criminal history and background check if the individual has not disclosed a designated crime; to provide immunity from liability; to remove criminal penalties for a knowing failure to disclose; to require applicants to be responsible for the costs of background checks; and to authorize the Department of Health and Welfare to participate in a federal pilot project. . . . .	50	90	297
1328	Judiciary & Rules	Law	GUARDIANSHIP - Amends existing law to revise provisions applicable to the testamentary appointment of a guardian for a minor. . . . .	50	100	254
1329	Finance	Law	APPROPRIATIONS - Appropriating an additional \$418,800 to the Office of the Governor for the Commission for the Blind and Visually Impaired for fiscal year 2006. . . . .	50	60	95
1330	Finance	Law	APPROPRIATIONS - Appropriating an additional \$3,026,700 to the Division of Veterans Services within the Department of Self-Governing Agencies for fiscal year 2006; and reducing the General Fund appropriation by \$545,900 for the Division of Veterans Services for fiscal year 2006. . . . .	50	60	95
1331	Judiciary & Rules	Law	PAROLE - Relating to parole to reference mental health professionals designated by the Department of Correction for purposes of examination and evaluation; and to provide that no person making an evaluation shall be held financially liable for denial of parole or for future acts of a parolee. . . . .	53	90	288
1332	Judiciary & Rules	Law	UNIFORM INTERSTATE FAMILY SUPPORT ACT - Amends and adds to existing law to revise provisions of the Uniform Interstate Family Support Act. . . . . <b>Amended in the Senate</b> . . . . .	53 130	156	288

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1333	Education	Failed in the Senate	SCHOOLS - INSTRUCTIONAL STAFF - Relating to the education staff allowance experience and education multiplier to provide an additional multiplier for instructional staff who spend a majority of their time providing math or science instruction; to provide a condition for eligibility for instructional staff teaching at the secondary level; and to provide for distribution of moneys generated by application of the additional multiplier. . . . .	54	97	97
1334	Commerce & Human Resources	Law	FIREMEN - RETIREMENT - Amends existing law relating to paid firemen to set forth application of specified provisions. . . . .	56	112	288
1335	Judiciary & Rules	Law	PROBATE CODE - Relating to the Uniform Probate Code to revise the definition for "interested person." . . . .	58	109	249
1336	Judiciary & Rules	Law	CRIMINAL GANG ENFORCEMENT - Adds to existing law to provide for the Idaho Criminal Gang Enforcement Act; to provide a short title; to define terms; to provide for extended sentences; to prohibit the recruitment of gang members; to prohibit supplying firearms to a criminal gang; and to permit the adoption of local ordinances. . . . .	58	112	254
1337	Judiciary & Rules	House Judiciary, Rules, & Administration	CONTROLLED SUBSTANCES - Adds to existing law relating to the use of controlled substances endangering children to prohibit specified acts; to permit an inference of consumption of controlled substances; to provide for the consideration of drug treatment or drug court options; to limit application; to define terms; to provide punishment; and to limit the duty to report in certain areas. . . . .	58	129	129
1338	Health & Welfare	Law	CERTIFIED FAMILY HOMES - Amends and adds to existing law to provide a public records exemption for records and information identifying a complainant; and to provide for filing a complaint, investigation and inspection. . . . .	58	91	297
1339	Health & Welfare	Law	PERSONAL CARE SERVICES - Amends existing law to remove the standard which requires that personal care services be ordered by a physician or authorized provider. . . . .	59	91	297
1340	Health & Welfare	Law	DEVELOPMENTALLY DISABLED - Amends existing law relating to the developmentally disabled to permit an individual with a master's degree in psychology to serve on an evaluation committee; and to require each committee member to be specially qualified. . . . . <b>Amended in the Senate</b> . . . . .	59 100	121	297
1341	Health & Welfare	House Health & Welfare	EARLY CHILDHOOD AND EARLY INTERVENTION SERVICES - To revise definitions; to provide for an early childhood and early intervention system; to provide for an Early Childhood Coordinating Council; to provide for administration and oversight; to provide that the council shall be designated by the governor; to provide membership and duties; to provide responsibilities of the Department of Health and Welfare; to provide for regional coordinating committees; to provide for membership and responsibilities of the committees; to provide requirements of the individualized family service plan; to specify funding sources; and to create the Early Childhood Coordinating Council Fund. . . . .	59	91	91

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1342	Health & Welfare	Failed in the House	EMERGENCY MEDICAL SERVICES - To provide definitions; to revise rulemaking authority; to create an Idaho Emergency Medical Services Physician Commission; to provide for governance of the commission; to eliminate grandfather rights for ambulances; and to provide for supervision of the medical services provided by personnel affiliated with licensed services. . . . .	59	91	255
1343	Health & Welfare	Law	DENTISTRY - Revises definitions; removes references to annual licensing; provides for licensing of certain persons by the State Board of Dentistry; provides for license fees and procedures; provides procedures for those who fail to properly submit completed renewal applications and license fees; provides fees and procedures for the return of unpaid checks or other payments; provides license classes; provides conditions for the issuance of licenses; provides procedures for the conversion of licenses; provides notification to the Board of Dentistry of certain changes; provides for reinstatement of persons whose licenses have expired for failure to comply with renewal requirements; and requires display or immediate production of a license for the time period of practice. . . . .	59	91	297
1344	Education	Education	SCHOOL DISTRICTS - Provides that school districts may offer services to children under the minimum school age of five years; and to specify conditions and limitations. . . . .	60	--	61
1345	Commerce & Human Resources	Law	PERSI RETIREES - REEMPLOYMENT - Provides that Public Employee Retirement System retirees who retire without early retirement reductions and who are reemployed after being retired for at least six months, may elect to continue receiving retirement benefits and not accrue additional service if they are subsequently elected to a public office other than an office held prior to retirement. . . . .	63	112	254
1346	Transportation	Transportation	DRIVER TRAINING - INSTRUCTION PERMITS - Revises expiration dates and fees of a class D driver's training instruction permit; requires the instructor of the course to have the instruction permit in his immediate possession during driving instruction; provides that a supervised permit shall become a class D instruction permit when the permittee reaches the age of seventeen years; and to clarify the requirements for operating a class D vehicle with a class D supervised instruction permit. . . . .	63	--	65
1347	Transportation	Law	DRIVER'S LICENSES - COMMERCIAL - Relating to commercial drivers to redefine "hazardous material" and "serious traffic violation"; to provide that any bond forfeiture for a traffic offense shall be treated as a conviction for persons holding a commercial driver's license; to expand the duties and authority of the Idaho Transportation Department in filing accident reports and abstracts; to require the Department to forward certain records of Idaho; to provide that a commercial motor vehicle driver shall be disqualified for not less than one year for using any motor vehicle in the commission of a felony; and to provide that courts shall not act to prevent a conviction from appearing on the driving record of any person who holds a commercial driver's license. . . . .	63	114	249

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1348	Transportation	Law	HIGHWAY DISTRICTS - Amends existing law relating to highway districts to provide for determination and declaration of a vacancy in the office of highway district commissions; and to provide qualifications for the office . . . . .	64	114	249
1349	Transportation	Transportation	COMMERCIAL MOTOR VEHICLES - Amends existing law to delete the maximum speed limit on the interstate highways for vehicles with five or more axles operating at a gross weight of more than twenty-six thousand pounds. . . . .	64	--	65
1350	State Affairs	Law	COUNTY RECORDER FEES - Amends existing law relating to county recorder fees to provide for negotiation and approval of the fee for duplication of recorded documents in excess of 100 pages or continuous copy requests using electronic means; to provide that the fee shall not exceed costs; to ratify and approve existing agreements; to provide for review of the fee; and to clarify page specifications. . . . . <b>Amended in the Senate</b> . . . . .	64 130	151	297
1351	State Affairs	Law	ALCOHOL - Prohibits alcohol without liquid devices, with exceptions; to provide for rules; to provide penalties; and to provide that an alcohol without liquid device that is not authorized is declared to be a public nuisance and shall be referred to as a liquor nuisance. . . . .	64	92	288
1352	Resources & Environment	Law	IRRIGATION DISTRICTS - HANDLING CHARGES - Amends existing law to increase the maximum handling charges irrigation districts are authorized to charge relating to drafts or checks that are refused by banks or other entities on which the drafts or checks are drawn. . . . .	66	122	288
1353	Resources & Environment	Law	WATER - Amends existing law relating to water to provide for the exclusive authority of the Department of Water Resources relating to the appropriation of public surface and ground waters of the state; prohibits other instrumentalities or political subdivisions of the state from taking any action to prohibit, restrict or regulate the appropriation of public surface or state ground waters; and provides that any such prohibition, restriction or regulation shall be null and void. . . . .	66	122	288
1354	Judiciary & Rules	House Judiciary, Rules, & Administration	SEARCH WARRANTS - Removes language requiring search warrants to be served with the officer present; and to allow for service by specified means. . . . . <b>Amended in the Senate</b> . . . . . <b>Amended in the Senate</b> . . . . .	66 101 130	152	152
1355	State Affairs	House State Affairs	HISTORIC STRUCTURES - PRESERVATION - Provides requirements for state agencies and other entities of state government preparing to perform work on structures owned by the state; provides for optional project review by the State Historic Preservation Office; provides for response to project proposals by the State Historic Preservation Office; provides that the state agency or other entity of state government proposing the project shall have the discretion to act upon the recommendations of the State Historic Preservation Office; and provides for the use of recommendations of the State Historic Preservation Office. . . . .	66	113	113

Senate Bill	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
1356	Judiciary & Rules	Law	DOMESTIC VIOLENCE - Relating to domestic violence crime prevention to increase the maximum effective period for protection orders in certain cases; and to revise the limitations a court may impose in a protection order; and to provide that immediate and present danger exists where there is reasonable cause to believe bodily harm may result. . . . . <b>Amended in the Senate</b> . . . . .	69 167	185	297
1357	Judiciary & Rules	House Judiciary, Rules, & Administration	CIVIL ACTIONS - Amends existing law relating to attorney's fees in civil actions to increase the maximum dollar amount pleaded or claimed for purposes of allowed costs; to clarify exceptions; and to provide correct terminology. . . . . <b>Amended in the Senate</b> . . . . .	69 167	185	185
1358	Agricultural Affairs	Agricultural Affairs	DOMESTIC CERVIDAE - Amends existing law relating to domestic cervidae to revise the definition of domestic cervidae; and to clarify the powers and duties of the Fish and Game Commission and the Department of Fish and Game relating to nondomestic cervidae. . . . .	70	--	73
1359	Agricultural Affairs	Agricultural Affairs	DOMESTIC CERVIDAE - Amends existing law relating to domestic cervidae to provide for civil damages; to provide that any person committing certain acts relating to domestic cervidae shall be guilty of a felony; to provide for the mutual address of reasonable concerns between the Department of Agriculture and the Department of Fish and Game relating to the domestic farming of cervidae; to revise identification provisions; to provide for the authority of the Division of Animal Industries relating to the inspection of cervidae farms; and to provide that specified provisions of law also apply to escaped domestic cervidae. . . . .	70	--	73
1360	Commerce & Human Resources	Law	REAL ESTATE LICENSE - Amends existing law relating to Idaho real estate license law to revise definitions; to revise license exam requirements; to revise language applicable to license expiration and requests for licensure changes; to revise continuing education requirements; to require license numbers for licensed students completing courses of instruction; to revise provisions applicable to instructor qualifications; to revise exam retake policy provisions; and to reference waivers or modifications of prelicense requirements. . . . .	71	114	249
1361	Commerce & Human Resources	Commerce & Human Resources	GENETIC TESTING PRIVACY ACT - Adds to existing law relating to genetic testing privacy to provide a title; to define terms; to set forth restrictions regarding testing information applicable to employers and insurers; to provide for a private right of action; and to provide for enforcement. . . . .	71	--	73
1362	Commerce & Human Resources	Law	HEALTH INSURANCE - MILITARY DEPLOYMENT - Amends existing law to clarify that persons deployed in the military who shall also be officers or employees of the state shall be entitled to their existing medical benefits from the state for the first thirty days of a deployment and this shall not decrease any existing leave balances. . . . .	71	114	249

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1363	Commerce & Human Resources	Law	STATE EMPLOYEE COMPENSATION PLAN - Increases the maximum award that may be granted to certain nonclassified officers and employees for meritorious service and for suggestions resulting in taxpayer savings; to provide for other pay to certain nonclassified officers and employees; to provide criteria for reimbursement of moving expenses and to require reporting; to clarify the rulemaking authority of the Division of Human Resources regarding rules for disciplinary dismissal, demotion, suspension or other discipline for cause and for shift differential pay; to clarify computation of vacation time for classified officers and employees; and to redefine "severance pay." . . . . . <b>Amended in the House (See House Journal) . . . . .</b>	71	113 273	324
1364	Transportation	House Environment, Energy, & Technology	RENEWABLE FUEL STANDARDS - ETHANOL - Provides an ethanol blended fuel standard; to provide an exemption; and to provide application to federally regulated storage tanks in certain counties for a certain period. . . . .	72	117	117
1365	State Affairs	House State Affairs	LOBBYISTS - Amends existing law to further define "lobbying," "lobby" and "public office"; and to revise information that must be submitted by lobbyists in reports. . . . .	75	113	113
1366	Transportation	Transportation	MOTOR VEHICLE LICENSE PLATES - Adds to and amends existing law to provide an alternative to the standard issue of motor vehicle license plates, which may be configured according to specified options. . . . .	77	--	82
1367	Transportation	Law	MOTORCYCLES - TRAFFIC SIGNALS - Relating to motor vehicle traffic-control signals legend to provide a condition under which the driver of a motorcycle may proceed through a steady red traffic-control signal after coming to a full and complete stop at the intersection; and to specify when such action is not a defense to a violation of the law. . . . .	77	151	324
1368	Transportation	Transportation	RAILROAD CROSSINGS - Amends existing law to provide required signaling by locomotives for certain times and distances before crossings. . . . .	77	--	82
1369	Transportation	Transportation	RAILROADS - Adds to existing law relating to the operation of railroads to provide a minimum distance for trains standing near crossings with two or more tracks; and to provide a penalty for each such violation. . . . .	78	--	82
1370	Health & Welfare	Law	MEDICAID REIMBURSEMENT - DENTISTS - Amends existing law relating to Medicaid reimbursement to add dentists to the rate of reimbursement for Medicaid covered services; to provide that actual payments to a dentist shall not exceed usual and customary charges; and to define the term "dentist." . . . . .	78	113	324
1371	Commerce & Human Resources	Law	WORKER'S COMPENSATION - Amends existing law relating to worker's compensation to revise provisions relating to those persons deemed as dependents and entitled to certain income benefits; and to provide that income benefits for death shall be payable to certain children enrolled as students in accredited educational institutions or accredited vocational training programs. . . . .	78	117	254

Senate Bill	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
1372	Commerce & Human Resources	Commerce & Human Resources	CHIROPRACTORS - Amends existing law relating to liens to provide that chiropractic physicians shall be entitled to liens for reasonable charges for medical care and treatment in certain circumstances. . . . .	78	--	82
1373	Commerce & Human Resources	Law	STATE EMPLOYEE - ORGAN DONOR - Adds to existing law to provide a leave of absence for organ donation by full-time classified and nonclassified state employees or officers; to provide limitations; and to provide procedures. .	78	134	288
1374	Commerce & Human Resources	Law	PERSONAL INFORMATION - SECURITY - Adds to existing law to provide for disclosure of breach of security of computerized personal information by an agency, individual or a commercial entity; to provide procedures deemed in compliance with security breach requirements; and to provide penalties for violations. . . . .	78	122	288
1375	Commerce & Human Resources	Law	MILITARY DEPLOYMENT - STATE BENEFITS - Amends existing law to provide that all officers and employees of the state of Idaho who shall be members of the National Guard or who shall be reservists in the Armed Forces of the United States, shall be entitled each calendar year to fifteen days of military leave of absence from their respective duties without loss of pay, time or efficiency rating during which they shall be engaged in military duty ordered or authorized under the provisions of law. . . . .	78	114	249
1376	Commerce & Human Resources	Commerce & Human Resources	PUBLIC EMPLOYEE RETIREMENT SYSTEM - Relating to the Public Employee Retirement System of Idaho (PERSI) to revise provisions applicable to the defense and indemnification of retirement board members, system staff and system mortgage and investment committee members. . . . .	78	--	82
1377	Education	Failed in the Senate	SCHOOLS - SUPPORT FACTOR - Adds to existing law to provide a new school facility support factor or an addition to an existing school facility support factor; to specify the method of calculation of the support factor; and to allow for appropriation of moneys. . . . .	79	252	252
1378	Education	Education	CHARTER SCHOOLS - To provide for the number of public charter schools that may begin educational instruction in any school year; and to provide for the number of such schools that may be approved. . . . .	79	--	82
1379	Education	Law	SCHOOL LUNCH PERSONNEL - Amends existing law relating to the school lunch program to remove the requirement that employer paid contributions to the Idaho Public Employee Retirement System for school lunch personnel be paid from funds received by school districts from General Fund appropriations. . . . .	79	129	288
1380	Education	Education	SECONDARY PUBLIC SCHOOLS - REDESIGN - Establishes a program in the State Board of Education to reassess the public secondary school curriculum; to require school districts to report to the State Board of Education as to the cost of the program; to provide a time frame for schools to implement the program; and to authorize the Idaho State Board of Education to collect information and report to the Legislature regarding the performance of the program. . . . .	79	--	82



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1381	Education	Education	EARLY CHILDHOOD DEVELOPMENT AND EDUCATION ACT - Relating to prekindergarten; to provide a title; to state legislative findings; to provide definitions; to permit school districts to offer a prekindergarten education program; to create a prekindergarten education program in the Department of Education; to permit school districts to establish prekindergarten education councils; to provide for appointment to and membership of the councils; to provide for responsibilities; to permit contracting by school districts in the plan prepared by the council; to require approval of the plan by the board of trustees of the school district; to provide for submission of the plan; to provide for criteria identified by the State Board of Education by which the department may evaluate and prioritize the plan; to provide for funding criteria and limitations; to provide for adoption of rules by the State Board; to create a Prekindergarten Education Fund; to require coordination; and to provide for moneys from the cigarette and tobacco products taxes to be distributed to the fund after capitol restoration is adequately funded. . . . .	79	--	82
1382	Education	Failed in the Senate	SCHOLARSHIPS - Relating to the State Board of Education to provide for a short title; to set forth purposes; to provide definitions; to provide for eligibility for Idaho Mathematics, Science and Engineering Scholarships; to provide duties and responsibilities for the State Board; and to create the Idaho Mathematics, Science and Engineering Scholarship Fund. . . . .	79	145	145
1383	Local Government & Taxation	Law	WATER AND SEWER DISTRICTS - Amends existing law to delete certain provisions requiring filings with the district court by water and sewer districts. . . . .	79	117	249
1384	Local Government & Taxation	State Affairs	LIQUOR LICENSES - Relating to liquor licenses to create an Alcohol Beverage Control Fund and to provide the use of the fund moneys; to provide for a full service restaurant and a hotel liquor license; to remove the requirement that a county license be obtained for a licensed premises located in an incorporated city; to provide for a license fee; to allow counties and cities to limit the number of such licenses; to provide that licenses are nontransferable; and to provide definitions. . . . .	79	--	82
1385	Resources & Environment	Law	FISH AND GAME - Amends existing law to revise provisions relating to fish and game licenses for disabled persons; to provide for persons certified as permanently disabled by physicians; and to require the Department of Fish and Game to maintain certain disability determinations on file. . . . .	84	125	249
1386	Resources & Environment	Law	FISH AND GAME - Amends existing law to provide that a prosecution for misdemeanors under the provisions of the Fish and Game code must be commenced by the issuance of a citation or filing of a complaint within five years after its commission for unlawfully taking or possessing any big game animal, caribou or grizzly bear or for unlawfully purchasing, possessing or using any license, tag or permit by any person who does not reside in the state of Idaho at the time of purchase. . . . .	84	139	
			<b>Amended in the Senate</b> . . . . .	191	220	297

Senate Bill	Introduced by	Final Action	Subject Matter	Intro-duction Page	Senate Vote Page	Final Disp. Page
1387	Resources & Environment	Died on Calendar in 14 <sup>th</sup> Order	FISH AND GAME - Amends existing law to provide that a prosecution for misdemeanors under the provisions of the Fish and Game Code must be commenced by the issuance of a citation or filing of a complaint within five years after its commission for unlawfully taking or possessing any big game animal, caribou or grizzly bear. . . . .	84	--	139
1388	State Affairs	Law	LIQUOR ACCOUNT - Reallocates the transfer and appropriation of moneys in the Liquor Account. . . . .	84	118	297
1389	Health & Welfare	Law	REGIONAL MENTAL HEALTH SERVICES - Amends and adds to existing law to provide for state mental health authority responsibilities; to establish a state planning council; to provide for council responsibilities; to provide for appointment authority and membership; to provide for membership terms; to permit the establishment of subcommittees; to provide for regional comprehensive mental health center services; to provide that petitions to the state mental health authority be made through the regional mental health board; to revise powers and duties of the regional mental health board; to permit additional funding by the state to regional mental health boards for specified services; and to permit funding from private and other public services. . . . . <b>Amended in the House (See House Journal) . . . . .</b>	85	118 261	294
1390	Health & Welfare	Failed in the House	MEDICAID BENEFITS - CAREGIVERS - Adds to existing law relating to Medicaid to state legislative findings; and to require the director of the Department of Health and Welfare to establish a Medicaid benefit for caregivers and a caregiver benefit scale. . . . . <b>Amended in the Senate . . . . .</b>	86 130	152	281
1391	Resources & Environment	Law	FISH AND GAME - HUNTING LICENSES - Amends existing law relating to fish and game to provide that certain children with life threatening medical conditions participating in a specified hunt are not required to be licensed; and to provide for the issuance of free permits or tags for use by minor children who have life threatening medical conditions; to authorize rulemaking relating to the issuance of free permits and tags; and to define a term. . . . .	86	125	249
1392	Resources & Environment	Resources & Environment	MOSCOW MOUNTAIN STATE PARK - Adds to existing law to provide for the creation and location of Moscow Mountain State Park; to provide for control, administration and management; and to provide for a citizen advisory group. . .	86	--	87
1393	Resources & Environment	Failed in the Senate	BIODEGRADABLE FUEL - Adds to existing law relating to motor fuels to provide a biodegradable fuel standard; to provide an effective date; to define "biodiesel fuel"; to provide for disclosure of biodiesel content; and to provide an exception. . . . .	86	221	221

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Senate Bill	Introduced by	Final Action	Subject Matter	Intro-duction Page	Senate Vote Page	Final Disp. Page
1394	Education	Education	SCHOOL DISTRICTS - NONCERTIFICATED EMPLOYEES - Relating to noncertificated personnel employed by a school district to provide for an evaluation of each noncertificated employee before January 15 of each school year; to provide a probationary period for an employee with at least 180 days of employment whose job performance is found to be unsatisfactory; to provide for supervisory assistance during the probationary period; to revise the grievance procedure to include an informal review before the board upon request of an employee; to provide for written notice by May 15 of each year of employment status for the following school year; and to require each board of trustees to establish a process for meeting and conferring on terms and conditions of employment upon request of a majority of noncertificated employees. . . . .	86	--	87
1395	Education	Law	TEACHERS - Amends existing law to provide that, beginning in the 2005-06 school year and thereafter, actual years teaching in an accredited college or university shall count in determining the experience factor for public school teachers for salary purposes. . . . . <b>Amended in the Senate</b> . . . . .	86 131	152	288
1396	Judiciary & Rules	Law	ANIMAL CRUELTY - Relating to animal cruelty to provide for enforcement by law enforcement agencies and animal care and control agencies; to provide for possession and care of cruelly treated animals; to revise duties for officers relating to animals carried in a cruel manner; to provide that law enforcement officers and animal care and control officers shall have specified duties relating to abandoned and neglected animals and the humane destruction of abandoned animals; to provide that law enforcement officers and animal care and control officers are authorized to take certain action relating to other cruelly treated animals; to provide for the termination of violators' rights to animals and for the award of such animals to certain organizations; and to provide for the seizure of certain animals; to provide that the owners or keepers of seized animals shall be liable for reasonable costs. . . . .	88	125	249
1397	Judiciary & Rules	Law	DRIVING UNDER THE INFLUENCE - Amends existing law relating to driving under the influence of intoxicating substances to increase penalties; to increase the period of time applicable to repeat refusals to evidentiary testing; to revise information to be given to persons subject to evidentiary testing; and to increase the period of time applicable to repeat violations. . . . .	89	125	288
1398	Judiciary & Rules	Judiciary & Rules	LAWENFORCEMENT - ROAD BLOCKS - Amends existing law to allow law enforcement officers to set up road blocks to detect drivers that may be under the influence of alcohol, drugs or other intoxicating substances; and to revise terminology. . . . .	89	--	92
1399	Judiciary & Rules	Law	HOMESTEAD EXEMPTION - Amends law relating to homesteads to increase the maximum permitted homestead exemption amount. . . . .	89	121	288

Senate Bill	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
1400	Judiciary & Rules	Law	SMALL CLAIMS - Amends existing law relating to the small claims department of the magistrate division of the district court to increase the allowable claim to \$5,000 for specified civil proceedings assigned to magistrates; to increase the allowable claims to \$5,000 for certain civil actions assigned to nonattorney magistrates; to increase the allowable claim to \$5,000 in cases under jurisdiction of the small claims department; and to provide for collection of attorney's fees and costs by a prevailing plaintiff. . . . . <b>Amended in the Senate</b> . . . . .	89 130	152	288
1401	Judiciary & Rules	Law	FIREARMS - Amends existing law relating to emergency powers to provide that no restrictions shall be imposed on lawful uses of firearms or ammunition during a disaster emergency. . . . .	89	157	288
1402	Judiciary & Rules	Judiciary & Rules	CONCEALED WEAPONS - Amends existing law to revise provisions applicable to the issuance of a license to carry concealed weapons. . . . .	89	--	92
1403	Judiciary & Rules	Law	ANATOMICAL GIFTS - Amends existing law to allow persons sixteen years of age or older but less than eighteen years of age to make anatomical gifts with parental or adult guardian consent. . . . .	89	125	288
1404	State Affairs	Failed to Concur in House Amendments	SCHOOL BONDS - Amends existing law relating to school bonds to provide that all property exempt from taxation pursuant to Section 63-602G, <i>Idaho Code</i> , be included within the definition of "market value for assessment purposes." . . . . <b>Amended in the House (See House Journal)</b> . . . . .	93	150 326	326
1405	Judiciary & Rules	Transportation	MOTOR VEHICLE ACCIDENT REPORTS - To provide that written reports of motor vehicle accidents to be forwarded to the Idaho Transportation Department by law enforcement officers shall not contain personal information on persons involved in the accident but shall identify the custodian of the original unedited written report. . . . .	96	--	97
1406	State Affairs	State Affairs	STATE BOARD OF EDUCATION - Amends existing law to provide for an ex officio nonvoting member of the State Board of Education to be a student of a state supported college or university; to provide eligibility criteria; and to provide when the governor shall appoint the student member. . . . .	105	--	106
1407	Judiciary & Rules	Law	JUDICIAL DISTRICTS - Amends existing law to increase the number of district judges and resident chambers in the First and Third Judicial Districts. . . . .	105	146	288
1408	Judiciary & Rules	Failed in the House	CIVIL ACTIONS - Amends existing law relating to judges' retirement and compensation to increase fees in civil actions and appeals; and to increase the percentage of salary deductions and fund contributions. . . . .	105	150	250
1409	Judiciary & Rules	Law	SENIOR MAGISTRATE JUDGES FUND - Establishes the Senior Magistrate Judges Fund to enable the Idaho Supreme Court to purchase membership service in the Public Employee Retirement System of Idaho for certain retiring magistrate judges. . . . . <b>Amended in the Senate</b> . . . . .	105 131	156	288

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1410	Judiciary & Rules	Commerce & Human Resources	WORKER'S COMPENSATION - Exempts officials of athletic contests involving municipal recreation programs from worker's compensation coverage. . . . .	105	--	106
1411	Judiciary & Rules	Law	PERSI BOARD MEMBERS - Amends existing law relating to the Public Employee Retirement System to revise provisions applicable to the defense and indemnification of retirement board members, system staff and retirement system mortgage and investment committee members. . . . .	105	151	288
1412	Judiciary & Rules	Law	PHARMACISTS - Relating to pharmacists to revise definitions; to permit electronic signatures and transmission of prescription drug orders; to permit prescription drug orders to be sent by facsimile transmission from a health care facility to the prescription department of a pharmacy; and to permit prescription drug orders to be received by a pharmacist verbally or by facsimile transmission. . . . . <b>Amended in the Senate</b> . . . . .	105 131	152	297
1413	Judiciary & Rules	Law	HONORARIUMS - To provide for a specified per diem honorarium and for actual and necessary expenses to members of part-time boards, commissions or councils. . . . .	105	126	288
1414	Judiciary & Rules	Law	CRIME VICTIMS - Amends existing law relating to crime victim compensation to define "extenuating circumstances"; to provide that a victim found to have extenuating circumstances is eligible for a maximum mental health benefit of \$25,000; and to provide for reevaluation of qualifications. . . . .	108	157	297
1415	Judiciary & Rules	Law	STATEWIDE COMMUNICATIONS INTEROPERABILITY- Relating to statewide communications interoperability to define terms; to create the Idaho Statewide Interoperability Executive Council in the Idaho Bureau of Homeland Security; to provide for council purpose; to provide for council responsibilities and rules; to establish the Council Fund; to provide for administration of the fund; to provide for meetings; to provide for appointment of the chair and vice-chair; to provide for the appointment of subcommittees; to provide for appointment of members; to provide for member terms; and to provide for compensation for council members. . . . .	108	157	297
1416	Finance	Law	MILLENNIUM PERMANENT ENDOWMENT FUND - To create the Idaho Millennium Permanent Endowment Fund; to provide for an annual distribution from the Fund to the Idaho Millennium Income Fund; to provide for distribution of moneys from the Idaho Millennium Fund to the Idaho Millennium Income Fund; to provide a fund balance limit; to provide for the transfer to the Idaho Millennium Permanent Endowment Fund of any amount exceeding the statutory limit; to provide that the Idaho Millennium Income Fund shall consist of distributions from the Idaho Millennium Permanent Endowment Fund; to revise the uses of the fund; and to direct the State Treasurer to transfer ten million dollars of the Fund balance to the Idaho Millennium Permanent Endowment Fund upon adoption of SJR 107 by the electorate. . . . .	120	139	254

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1417	Finance	Law	MEDICAL ASSISTANCE - CHILDREN - Amends existing law relating to medical assistance to revise the definition of "eligible child"; to reference eligible children for purposes of the children's access card program; and to revise provisions applicable to the participation of small employers in the small business health insurance pilot program. . . . .	120	151	288
1418	Finance	House Ways & Means	PROFESSIONAL-TECHNICAL CHARTER SCHOOL - Amends existing law to define "professional-technical regional public charter school"; to provide for professional-technical regional charter schools; and to provide for application of public charter school law to professional-technical regional public charter schools, with exceptions. . . . . <b>Amended in the Senate</b> . . . . .	120 208	229	229
1419	State Affairs	State Affairs	SOVEREIGN IMMUNITY WAIVER - Adds to existing law to provide for a limited waiver of sovereign immunity for any person, including an employee, former employee or prospective employee of the state, who is aggrieved by any conduct, action or inaction of the state that would constitute a violation of the Americans with Disabilities Act; and to define "state." . . . .	120	--	123
1420	Judiciary & Rules	Commerce & Human Resources	FISH AND GAME - Amends existing law relating to fish and game to revise license fees. . . . .	124	--	127
1421	Judiciary & Rules	Commerce & Human Resources	JUDGMENTS - INTEREST - Amends existing law to provide that the legal rate of interest on money due on the judgment of any competent court or tribunal shall be the rate of twelve percent per annum. . . . .	124	--	127
1422	Finance	Law	APPROPRIATIONS - Appropriating an additional \$550,000 to the Department of Health and Welfare for Medical Assistance Services for administration and medical management for fiscal year 2006; reducing the appropriation by \$32,749,300 to the Department of Health and Welfare for Medical Assistance Services for provider payments for fiscal year 2006; and providing for a funds transfer. . . . .	128	150	254
1423	State Affairs	Law	GENETIC TESTING - PRIVACY - Adds to and amends existing law relating to genetic testing privacy to provide a short title; to define terms; to set forth restrictions regarding genetic testing information applicable to employers; to provide for enforcement; and to prohibit insurers from discriminating on the basis of genetic information for certain purposes. . . . <b>Amended in the Senate</b> . . . . .	138 192	220	297
1424	State Affairs	State Affairs	STATE TAX COMMISSION - Amends existing law to provide an additional annual salary of \$2,750 per year over a four year period for members of the State Tax Commission; and to provide that the increase in salary be ongoing. . . . .	138	--	143
1425	Judiciary & Rules	Law	SEX OFFENDER REGISTRATION - Amends existing law relating to the Sexual Offender Registration Notification and Community Right-to-Know Act to exempt from registration requirements certain defendants convicted of statutory rape. <b>Amended in the House (See House Journal)</b> . . . . .	138	185 301	326

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1426	Judiciary & Rules	Education	SCHOOL DISTRICTS - CONSOLIDATION - Adds to and amends existing law to provide recommendations on the number of school districts per county based upon county population; to provide recommendations for consolidation; to provide that any county designated as a joint school district's home county must contain at least forty percent of the district's taxable property value; to provide that if no single county comprises at least forty percent of the district's taxable property value, then the county designated as the home county shall be that county holding the largest share of the district's taxable property value; to provide that school districts shall be assigned divisors for the purposes of calculating administrative and classified staff allowances as if the recommended school district consolidations had taken place; and to provide that the number of charter schools that may be authorized to operate shall not exceed the total number of school districts. . . . .	138	--	143
1427	Judiciary & Rules	Law	DEAF - BLIND - EDUCATION SERVICES - Amends existing law relating to the School for the Deaf and the Blind to authorize special education services for students who qualify, pursuant to state or federal law, as a result of a hearing or visual impairment to be conducted statewide rather than just on the Gooding campus. . . . .	138	203	324
1428	Judiciary & Rules	Law	CONCEALED WEAPONS - LICENSE - Amends existing law to revise provisions applicable to the issuance of a license to carry concealed weapons. . . . .	138	180	297
1429	State Affairs	Law	EMINENT DOMAIN - Amends existing law relating to eminent domain to provide an alternate method for establishing the minimum amount for damages when ascertaining the value of the property. . . . .	149	198	330
1430	Finance	Law	APPROPRIATIONS - LEGISLATIVE COUNCIL - Appropriates \$6,587,800 to the Legislative Council for fiscal year 2007; directs the allocation of salary savings; reappropriates unexpended and unencumbered fund balances; and expresses legislative intent regarding the Health Care Expenditure study. . . . .	149	174	254
1431	Finance	Law	APPROPRIATIONS - Amends existing law to revise the fiscal year 2006 appropriation to the Department of Health and Welfare for the Division of Welfare; and to authorize an additional thirteen full-time equivalent positions. . . . .	149	174	254
1432	Finance	Law	APPROPRIATIONS - COMMISSION ON AGING - Appropriates \$13,022,900 to the Office of the Governor for the Commission on Aging for fiscal year 2007; limits the number of full-time equivalent positions to 15.35; directs the allocation of salary savings; and expresses legislative intent regarding the quality of service provided to seniors. . . . .	149	175	254

Senate Bill	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
1433	State Affairs	State Affairs	EMINENT DOMAIN - Relating to relocation assistance and eminent domain to provide limitation on compensable damages, relocation assistance and its application to condemners, to relocation payments and relocation advisory assistance for persons displaced because of any highway program or project; to provide findings on relocation aid for persons displaced by public programs; to provide definitions of "condemner" or "condemning authority" and "displaced person"; to authorize relocation advisory assistance; to provide that any condemner may establish a local relocation advisory assistance office; to provide for compensation; to provide limits to define "average annual net earnings"; to provide purchase assistance and lease or down payment assistance to relocating tenant; to provide for housing replacement; to provide compensation for miscellaneous expenses; to provide for computation of replacement housing payment; to provide that relocation payments are not income; to provide for review of eligibility determinations; to provide that eminent domain damages are unaffected; to authorize relocation assistance and payments to persons displaced by a project or activity which is subject to the provisions of the federal Uniform Relocation Assistance Real Property Acquisition Policies Act; and to provide for awarding costs and attorney's fees. . . . .	155	--	163
1434	Finance	Law	APPROPRIATIONS - BUILDING SAFETY DIVISION - Appropriates \$12,639,700 to the Division of Building Safety for fiscal year 2007; limits the number of full-time equivalent positions to 152.1; directs the allocation of salary savings; and directs the preparation of a report regarding the contracting of inspection-related services. . . . .	165	184	254
1435	Finance	Law	APPROPRIATIONS - PUBLIC HEALTH DISTRICTS - Appropriates \$9,587,800 to the Public Health Trust Fund for fiscal year 2007. . . . .	165	184	254
1436	Finance	Law	APPROPRIATIONS - VETERANS SERVICES - Appropriates \$21,207,800 to the Division of Veterans Services within the Department of Self-Governing Agencies for fiscal year 2007; limits the number of full-time equivalent positions to 306.30; and directs the allocation of salary savings. . . . .	165	185	254
1437	State Affairs	House State Affairs	ELECTED OFFICIALS - SALARY INCREASE - Amends existing law relating to state elected officials to increase salaries by five percent during each of the four years of the term of office of the state elected officials. . . . . <b>Amended in the House (See House Journal)</b>	173	195	195
1438	Judiciary & Rules	House Education	SCHOOL DISTRICT EMPLOYEES - NONCERTIFICATED- Relating to noncertificated personnel employed by a school district to authorize and direct local boards of trustees to provide for an evaluation of each noncertificated employee each school year; to revise the grievance procedure; to establish a process for meeting and conferring on terms and conditions of employment upon request of a majority of noncertificated employees; and to provide that no property rights shall attach to the employment of a noncertificated employee of the school district. . . . .	173	257	257



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Senate Bill	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
1439	Judiciary & Rules	Education	SCHOOL DISTRICT EMPLOYEES - NONCERTIFICATED- Relating to noncertificated personnel employed by a school district to authorize and direct local boards of trustees to provide a probationary period for any employee whose job performance is found to be unsatisfactory; and to provide that no property rights shall attach to the employment of a noncertificated employee of the school district. . . . .	174	--	178
1440	Judiciary & Rules	Education	SCHOOL DISTRICTS - NONCERTIFICATED EMPLOYEES - Relating to noncertificated personnel employed by a school district to authorize and direct school boards to provide for written notice by May 15 of each year of employment status for the following school year; and to provide that no property rights shall attach to the employment of a noncertificated employee of the school district. . . . .	174	--	178
1441	Judiciary & Rules	Law	CIVIL IMMUNITY - SELF-DEFENSE - Relating to civil actions to provide immunity from civil liability for persons who use force in justifiable or otherwise permissible self-defense; to provide for the award of attorney's fees and other costs; and to define "law enforcement officer." . . . . <b>Amended in the Senate</b> . . . . . <b>Amended in the House (See House Journal)</b> . . . . .	174 247	261 313	330
1442	Finance	Law	APPROPRIATIONS - COMMUNITY COLLEGES - Appropriates \$22,085,700 to the State Board of Education for Community College Support for FY '07; and expresses intent regarding the allocation of General Funds. . . . .	179	198	288
1443	Finance	Law	APPROPRIATIONS- STATE CONTROLLER - Appropriates \$12,934,700 to the State Controller for FY '07; provides for the recovery of State Controller services costs to the General Fund; provides intent regarding purchases or obligations involving information technology items; reappropriates certain unexpended and unencumbered balances of moneys; limits the number of authorized full-time equivalent positions to 99.85; and directs the allocation of salary savings. . . . .	183	203	288
1444	Finance	Law	APPROPRIATIONS - COLLEGES AND UNIVERSITIES - Appropriates \$371,660,500 to the State Board of Education and the Board of Regents of the University of Idaho for BSU, ISU, the U of I, Lewis-Clark State College, and the Office of the State Board of Education for FY '07; provides intent that certain amounts appropriated be used by the Office of the State Board of Education for statewide programs; provides for a funding equity settlement payment to BSU and ISU; expresses intent regarding a tracking and reporting system for faculty and staff turnover; and reappropriates certain fund balances. . . .	183	203	288
1445	Finance	Law	APPROPRIATIONS - MILITARY DIVISION - Appropriates \$53,252,400 to the Office of the Governor for the Military Division for fiscal year 2007; and limits the number of authorized full-time equivalent positions to 211.80. . . . .	183	203	288
1446	Finance	Law	APPROPRIATIONS - LIEUTENANT GOVERNOR - Appropriates \$117,300 to the Office of the Lieutenant Governor for fiscal year 2007; limits the number of authorized full-time equivalent positions to 2; and directs the allocation of salary savings. . . . .	183	203	288

Senate Bill	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
1447	Finance	Law	APPROPRIATIONS - SECRETARY OF STATE - Appropriates \$2,450,600 to the Secretary of State for fiscal year 2007; limits the number of full-time equivalent positions to 31; and directs the allocation of salary savings. . . . .	183	203	288
1448	State Affairs	State Affairs	REAPPORTIONMENT COMMISSION - Amends existing law to provide that for geographic representation in appointments to the commission, no more than one commission member residing in any single county may be appointed from each political party; to provide procedures for convening a commission when a plan is invalidated and a commission is called to meet further; and to revise criteria to govern a legislative plan. . . . . <b>Amended in the Senate</b> . . . . .	188 268	--	286
1449	Finance	Law	APPROPRIATIONS - ATTORNEY GENERAL - Appropriates \$15,824,400 to the Attorney General for FY '07; limits the number of full-time equivalent positions; directs the allocation of salary savings; provides for transfers of funds for additional legal services to the Department of Finance and Idaho Transportation Department; reappropriates certain balances of the General Fund; and directs certain funds to the Treasure Valley Special U.S. Attorney Demonstration Project to deal with gang related violence. . . . .	197	220	297
1450	Finance	Law	APPROPRIATIONS - Appropriating an additional \$9,579,500 to the Department of Correction for fiscal year 2006; and authorizing an additional 7 full-time equivalent positions. . .	197	221	297
1451	Finance	Law	APPROPRIATIONS - ADMINISTRATION DEPARTMENT - Appropriates \$44,537,800 to the Department of Administration for FY '07; limits the number of full-time equivalent positions; provides intent regarding bond payments; directs the State Controller to transfer funds to the Administrative and Accounting Services Fund/Facilities Services; and directs the allocation of salary savings. . . . .	197	221	297
1452	Finance	Law	APPROPRIATIONS - SUPREME COURT - Appropriates \$34,753,200 to the Supreme Court for fiscal year 2007; and appropriates \$439,100 to the Guardian Ad Litem Fund. . . .	198	221	297
1453	State Affairs	House State Affairs	FAMILIES AND CHILDREN - Adds to existing law to establish in the Office of the Governor an Office for Families and Children; to provide for the purpose of the office; to provide for the appointment of an administrator; to provide for duties, powers and authorities for the office; to require the preparation of an annual report; and to create in the state treasury the Office for Families and Children Fund. . . . .	201	257	257
1454	Finance	Law	IDAHO STATE POLICE - Appropriates \$55,211,200 to the Idaho State Police for fiscal year 2007; limits the number of full-time equivalent positions to 543.07; and directs the allocation of salary savings. . . . .	202	228	297

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Senate Bill	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
1455	Finance	Law	APPROPRIATIONS - JUVENILE CORRECTIONS DEPARTMENT - Appropriates \$45,548,800 to the Department of Juvenile Corrections for fiscal year 2007; limits the number of full-time equivalent positions to 354.75; directs the allocation of salary savings; reappropriates unexpended and unencumbered balances of the General Fund; and expresses legislative intent regarding the use of moneys for juvenile mental health services. ....	202	228	297
1456	Finance	Law	APPROPRIATIONS - PARKS AND RECREATION DEPARTMENT - Appropriates \$36,713,000 to the Department of Parks and Recreation for fiscal year 2007; limits the authorized full-time equivalent positions to 160.25; reappropriates unexpended and unencumbered fund balances for capital outlay; appropriates \$1,604,800 to the Lava Hot Springs Foundation for fiscal year 2007; limits the number of full-time equivalent positions for the Lava Hot Springs Foundation to 11; directs the allocation of salary savings; and provides conditions relating to the Bayhorse Mine property purchase. ....	219	251	324
1457	Finance	Law	APPROPRIATIONS - CORRECTION DEPARTMENT - Appropriates \$159,267,700 to the Department of Correction for fiscal year 2007; limits the full-time equivalent positions to 1,554.4; directs the allocation of salary savings; states findings and intent of the Legislature regarding employee compensation, a bid process prior to contracting, moving or relocating inmates to out-of-state prison facilities, and video teleconferencing; and reappropriates certain unexpended and unencumbered fund balances. ....	219	246	297
1458	Finance	Law	APPROPRIATIONS - VOCATIONAL REHABILITATION Appropriates \$24,478,400 to the State Board of Education for the Division of Vocational Rehabilitation for fiscal year 2007; limits the number of full-time equivalent positions to 150; and directs the allocation of salary savings. ....	227	251	324
1459	Finance	Law	APPROPRIATIONS - Appropriates \$116,500 to the State Independent Living Council for fiscal year 2007. ....	228	251	324
1460	Finance	Law	APPROPRIATIONS - MILLENNIUM FUND - Appropriates \$1,271,900 from the Millennium Fund to the State Treasurer for specified purposes for fiscal year 2007; and provides that unexpended and unencumbered moneys shall revert to the Idaho Millennium Income Fund. ....	228	252	324
1461	Finance	Law	APPROPRIATIONS - COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED - Appropriates \$3,814,900 to the Office of the Governor for the Commission for the Blind and Visually Impaired for fiscal year 2007; limits the number of full-time equivalent positions to 40.5; and directs the allocation of salary savings. ....	228	252	324
1462	Judiciary & Rules	Law	CAPITOL BUILDING PROJECTS - Adds to existing law relating to Capitol Building projects to provide legislative intent; and to provide for the use of construction manager at-risk services on Capitol Building projects. ....	228	290	330

Senate Bill	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
1463	Finance	Law	APPROPRIATIONS - PROFESSIONAL-TECHNICAL EDUCATION - Appropriates \$58,373,800 to the State Board for Professional-Technical Education for the Division of Professional-Technical Education for fiscal year 2007; reappropriates unexpended and unencumbered fund balances; provides legislative intent regarding resource sharing; provides legislative intent regarding the Career Information System; and directs the allocation of salary savings. . . . .	228	252	324
1464	Finance	Law	APPROPRIATIONS - DEPARTMENT OF FINANCE - Appropriates \$4,734,300 to the Department of Finance for FY '07; limits the number of full-time equivalent positions; directs the allocation of salary savings; and provides legislative intent regarding spending authority relating to lease increases. . . .	236	260	324
1465	Finance	Law	APPROPRIATIONS - WOMEN'S COMMISSION - Appropriates \$46,600 to the Idaho Women's Commission for FY '07; limits the number of full-time positions; and provides legislative intent regarding use of a certain funding category.	236	261	324
1466	Finance	Law	APPROPRIATIONS - LIQUOR DISPENSARY - Appropriates \$15,099,100 to the Office of the Governor for the State Liquor Dispensary for fiscal year 2007; limits the number of authorized full-time equivalent positions to 180; creates the "Liquor Warehouse Remodel Fund" and specifies the purpose of the fund; and directs the allocation of salary savings. . . .	236	261	324
1467	Finance	Law	APPROPRIATIONS - INDUSTRIAL COMMISSION - Appropriates \$14,702,800 to the Industrial Commission for FY '07; limits the number of full-time positions to 139.5; directs the allocation of salary savings; and provides legislative intent regarding spending authority relating to lease increases. . . .	236	261	324
1468	State Affairs	Local Government & Taxation	TAXING DISTRICT BUDGET NOTICE - Repeals, adds to and amends existing law to repeal the three percent property tax cap; to require notice of proposed property tax budget increases of taxing districts; to provide requirements for notice; to define a term; to provide alternatives to newspaper notice; to provide for State Tax Commission rules; to limit legal actions after the adoption of a taxing district's budget to which the notice related; and to require that property tax notices supply an estimate for the property of this and last year's assessed market value for assessment purposes, last year's actual taxes and this year's estimated taxes. . . . .	242	--	247
1469	Finance	Law	APPROPRIATIONS - SELF-GOVERNING AGENCIES - Appropriates \$369,700 to the general boards in the Department of Self-Governing Agencies for FY '07; appropriates \$3,626,200 to the medical boards in the Department for FY '07; appropriates \$5,390,900 to the regulatory boards in the Department of Self-Governing Agencies for FY '07; limits the number of full-time positions in each of the boards; provides intent with regard to the Athletic Commission; and directs the allocation of salary savings. . . . .	242	261	324
1470	Finance	Law	APPROPRIATIONS - IDAHO STATE POLICE - Appropriates an additional \$41,000 to the Idaho State Police for personnel costs. . . . .	250	273	324

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Senate Bill	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
1471	Finance	Law	APPROPRIATIONS - HEALTH AND WELFARE DEPARTMENT - Appropriates an additional \$2,000,000 to the Department of Health and Welfare for the Community Mental Health Program for fiscal years 2007 and 2008; recognizes the recommendations of the Mental Health Task Force and the Mental Health Facilities Development Plan; and provides intent regarding the coordination of planning on the use of funding. . . . .	250	273	324
1472	State Affairs	Law	PRECINCT COMMITTEEMEN - Provides that the precinct committeemen within each legislative district shall meet within the legislative district or at a convenient location in a district contiguous to the legislative district, or at a convenient location in a county in which any portion of the legislative district sits, within eleven days after the primary election. . .	255	277	324
1473	Finance	Law	APPROPRIATIONS - SUPREME COURT - Appropriates an additional \$380,600 to the Supreme Court for fiscal year 2007 for district court judges and court reporters. . . . .	255	275	324
1474	Finance	Law	APPROPRIATIONS - SUPREME COURT - Appropriates an additional \$510,000 to the Supreme Court for FY '07 for purchasing an additional year of service in the Public Employee Retirement System for certain judges. . . . .	255	275	324
1475	Finance	Law	APPROPRIATIONS - WATER RESOURCES DEPARTMENT - Appropriates an additional \$1,325,000 to the Department of Water Resources for FY '07 for Northern Idaho Water Rights Adjudication; authorizes full-time positions; appropriates an additional \$10,000 to the Supreme Court for Northern Idaho Water Rights Adjudication; provides intent regarding use of the moneys; and amends existing law to provide that the State Controller may establish multiple fund details in the Water Resources Adjudication Fund. . . . .	255	275	324
1476	Finance	Law	APPROPRIATIONS - STATE TAX COMMISSION - Appropriates \$32,102,700 to the State Tax Commission in the Department of Revenue and Taxation for fiscal year 2007; limits the number of full-time equivalent positions to 413.5; and directs the allocation of salary savings. . . . .	255	275	324
1477	Finance	Law	APPROPRIATIONS - TAX APPEALS BOARD - Appropriates \$349,000 to the State Board of Tax Appeals in the Department of Revenue and Taxation for fiscal year 2007; limits the number of full-time equivalent positions to 4; and directs the allocation of salary savings. . . . .	256	276	324
1478	Finance	Law	APPROPRIATIONS - IDAHO SCHOOL FOR THE DEAF AND THE BLIND - Appropriates \$8,043,500 to the State Board of Education for the Idaho School for the Deaf and the Blind for FY '07; limits the number of full-time positions; authorizes certain fund deposits; directs the allocation of salary savings; directs that only necessary residential cottages be operated; and grants authority to transfer funds from campus operations to outreach services. . . . .	256	276	324

Senate Bill	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
1479	Finance	Law	APPROPRIATIONS - HISTORICAL SOCIETY - Appropriates \$4,471,600 to the State Board of Education for the Idaho State Historical Society for fiscal year 2007; limits the number of full-time equivalent positions to 46.36; and directs the allocation of salary savings. . . . .	256	276	324
1480	Finance	Law	APPROPRIATIONS - STATE BOARD OF EDUCATION - Appropriates \$11,939,100 to the State Board of Education for the Office of the State Board of Education for fiscal year 2007; limits the number of full-time equivalent positions to 23; provides legislative intent regarding resource sharing; and directs the allocation of salary savings. . . . .	256	276	326
1481	Finance	Law	APPROPRIATIONS - PUBLIC BROADCASTING - Appropriates \$4,065,000 to the State Board of Education for the Idaho Educational Public Broadcasting System for FY 2007; limits the number of authorized full-time equivalent positions to 33; directs the allocation of salary savings. . . . .	256	276	324
1482	State Affairs	Law	ABORTION - Amends existing law relating to informed consent for abortion to revise definitions; to revise procedures; to provide for discipline; and to provide for a civil penalty. <b>Amended in the Senate</b> . . . . .	256 299	307	330
1483	State Affairs	State Affairs	ABORTION - PARENTAL CONSENT - Adds to, amends and repeals existing law relating to abortion to revise a public records exemption; to provide for criminal act state of mind; to define terms; to provide procedures for obtaining consent for abortions for minors; to provide for reporting by courts; and to provide for statistical records. . . . .	256	--	258
1484	Finance	Law	APPROPRIATIONS - EDUCATION DEPARTMENT - Appropriates \$25,401,200 to the Superintendent of Public Instruction/State Department of Education for fiscal year 2007; limits the number of full-time equivalent positions to 129; and directs the allocation of salary savings. . . . .	260	283	328
1485	Judiciary & Rules	Education	SCHOLARSHIPS - Adds to existing law relating to math and science scholarships to provide for a short title; to set forth purposes; to provide definitions; to authorize creation of a Mathematics and Science Scholarship Education Fund; to provide for determination of the number of scholarships; and to provide for the administration of the scholarships. . . . .	260	--	271
1486	Judiciary & Rules	Judiciary & Rules	IDAHO HOSPITAL CONTRIBUTION ACT - Adds to existing law relating to hospitals to provide for the Idaho Hospital Contribution Act; to set forth legislative intent; to define terms; to establish the hospital contribution fund; to provide for contributions; to provide for a review of the annual contribution amount; to provide for inpatient and outpatient adjustment payments; to provide for timing of payments and contributions; to provide an exception; to provide for multi-hospital locations, hospital closures and new hospitals; and to provide applicability. . . . .	260	--	271

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Senate Bill	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
1487	Finance	Law	APPROPRIATIONS - STATE LIBRARY BOARD - Appropriates \$4,307,100 to the State Board of Education for the State Library Board for fiscal year 2007; limits the number of authorized full-time equivalent positions to 41; and directs the allocation of salary savings. . . . .	272	291	328
1488	State Affairs	Local Government & Taxation	STATE TAX COMMISSION - Amends existing law to provide that the State Tax Commission shall promulgate rules to establish property tax information reporting standards that will aid in making sound public policy. . . . .	281	--	287
1489	State Affairs	Local Government & Taxation	STATE TAX COMMISSION - Adds to existing law to provide additional duties of the State Tax Commission for conducting an analysis, over a ten year period, on each <i>Idaho Code</i> section that provides a sales tax exemption, a property tax exemption or an income tax credit; to provide annual reporting requirements; to provide for assignment of each year's analysis to standing committees of each legislative body for legislative review, consideration and recommendation, if any; and to provide for submission of committee reviews to leadership by March 1 of each legislative session. . . . .	281	--	287
1490	Finance	Law	APPROPRIATIONS - STATE CONTROLLER - Appropriating an additional \$120,000 to the State Controller for fiscal year 2007. . . . .	282	299	324
1491	Finance	Law	APPROPRIATIONS - CAPITOL RESTORATION AND RELOCATION - Providing a short title; stating findings of the Legislature; directing the transfer of funds; appropriating an additional \$3,525,000 to the Department of Administration and to the Legislative Council for fiscal year 2006; appropriating an additional \$503,300 to the Department of Administration for the Idaho State Capitol Commission for fiscal year 2007; appropriating \$1,862,800 to the Department of Administration, to the Legislative Council and to the Idaho State Historical Society for fiscal year 2007; reappropriating certain unexpended and unencumbered balances; and authorizing additional full-time equivalent positions for a maximum term of three years. . . . .	295	306	330
1492	Judiciary & Rules	Law	LEGISLATIVE MEETINGS - Provides legislative intent; and amends existing law to provide that all meetings of any standing, special or select committee of either house of the Legislature shall be open to the public at all times, except in extraordinary circumstances as provided specifically in the rules of procedure in either house. . . . . <b>Amended in the Senate</b> . . . . .	295 314	315	330
1493	Finance	Law	APPROPRIATIONS - Directing the State Controller to transfer moneys; and appropriating an additional \$160,000 to the Soil Conservation Commission for conservation improvement grants for fiscal years 2007 and 2008. . . . .	302	308	330
1494	Finance	Law	APPROPRIATIONS - Directing the State Controller to transfer funds; and appropriating an additional \$100,000 to the Department of Environmental Quality for the Air Quality Program for fiscal years 2007 and 2008. . . . .	302	309	330

Senate Bill	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
1495	Finance	Law	APPROPRIATIONS - Directing the State Controller to transfer funds; and appropriating \$54,200 to the Department of Environmental Quality for water quality monitoring activities for the Clark Fork River and Lake Pend Oreille for fiscal years 2007 and 2008. . . . .	302	309	330
1496	Finance	Law	APPROPRIATIONS - Directing the State Controller to transfer funds; directing the transfer of \$300,000 to the Water Management Fund; and providing legislative intent regarding the use of the moneys. . . . .	303	310	330
1497	Finance	Law	APPROPRIATIONS - Directing the State Controller to transfer funds; and appropriating an additional \$50,000 to the Department of Water Resources for Idaho's match for a feasibility study of flood control on the Bear River above Bear Lake for fiscal years 2007 and 2008. . . . .	303	310	330
1498	Finance	Law	APPROPRIATIONS - Directing the transfer of funds; creating the Rural Broadband Development Matching Fund; and appropriating an additional \$5,000,000 to the Department of Commerce and Labor for fiscal years 2007 and 2008 for rural broadband investment plans. . . . .	303	310	330
1499	Finance	Law	APPROPRIATIONS - Directing the transfer of funds; creating the Business and Jobs Development Fund; and appropriating an additional \$1,000,000 to the Department of Commerce and Labor for public costs of recruitment of companies to Idaho for fiscal years 2007 and 2008. . . . .	303	310	330
1500	Finance	Law	APPROPRIATIONS - Directing the transfer of funds; and appropriating an additional \$300,000 to the Department of Commerce and Labor for the TechConnect Program for fiscal year 2007. . . . .	303	311	330
1501	State Affairs	Failed in the Senate	SCHOOL DISTRICTS - MAINTENANCE AND OPERATION LEVIES - Adds to existing law to submit an advisory vote to the electors at the 2006 general election regarding deleting the property tax and replacing it with an increase in the sales tax; to revise how maximum school maintenance and operation levies are calculated for tax year 2006 and each year thereafter; to revise local districts' contribution calculation; to provide a property tax computation ratio for school districts; and to define a term. . . . . <b>Amended in the House (See House Journal) . . . . .</b>	312	318 328	328
1502	State Affairs	House Revenue & Taxation	PROPERTY TAX - ADVISORY VOTE - Adds to existing law to submit an advisory vote to the electors at the 2006 general election regarding deleting the property tax for maintenance and operation of public schools and replacing it with an increase in the sales tax. . . . .	327	327	327



SECTION VII

SENATE JOINT RESOLUTIONS

Senate Joint Resolution	Introduced By	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
103	Werk	State Affairs	INITIATIVES - Proposing an amendment to the <i>Constitution of the State of Idaho</i> to provide that no initiative of the people enacted into law shall be subject to repeal in its entirety by the Legislature, at any time, without its submission to the electorate at the general election in an even-numbered year. . . . .	23	--	27
104	Schroeder	Education	EDUCATION BOARD - Proposing an amendment to the <i>Constitution of the State of Idaho</i> to provide for the creation of two separate councils of the State Board of Education; to provide for a council for higher education providing general supervision of all state institutions of higher education; to provide that the government and control of the University of Idaho shall be by its board of regents; to provide that the government and control of all other state institutions of higher education be by each institution's board of trustees; to provide for a council for public schools providing supervision, government and control of the public schools and any other state educational institution not connected with postsecondary education; and to provide that the State Superintendent of Public Instruction shall serve as a member of the council for public schools. . . . .	31	--	35
105	Resources & Environment	Resources & Environment	RIGHT TO HUNT/FISH/TRAP - Proposing a new section to the <i>Constitution of the State of Idaho</i> to provide that all wildlife within the state of Idaho shall be preserved, protected, perpetuated and managed to provide continued supplies for the citizens of Idaho to harvest by hunting, fishing and trapping for the continued benefit of the people; to provide that the taking of wildlife, including all wild animals, birds and fish, by hunting, fishing and trapping is a valued part of our heritage and shall be a right preserved for the people; and to provide that the rights set forth do not create a right to trespass on private property or lead to a diminution of other private rights and shall not be construed to prohibit or in any way affect rights established to divert, appropriate, and use water pursuant to the Constitution, rules, and statutes of the State of Idaho, or to establish any minimum amount of water in any stream, river, lake, reservoir or other watercourse or water body. . . . .	51	--	55

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Senate Joint Resolution	Introduced By	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
106	Resources & Environment	Failed in Senate	RIGHT TO HUNT/FISH/TRAP - Amends the <i>Constitution of the State of Idaho</i> to provide that all wildlife within the state of Idaho shall be preserved, protected, perpetuated and managed to provide continued supplies for Idaho's citizens to harvest by hunting, fishing and trapping for the continued benefit of the people; to provide that the taking of wildlife, including all wild animals, birds and fish, by hunting, fishing and trapping is a valued part of our heritage and shall be a right preserved for the people; to provide that the exercise of this right by the people shall not be prohibited, but shall be subject to the laws, rules and proclamations of the state. . . . .	73	134	134
107	Judiciary & Rules	Adopted	MILLENNIUM PERMANENT ENDOWMENT FUND - An amendment to the <i>Constitution of the State of Idaho</i> to create an Idaho Millennium Permanent Endowment Fund to consist of eighty percent of the moneys received each year by the state of Idaho pursuant to the Master Settlement Agreement; to create an Idaho Millennium Fund; to provide that the remaining twenty percent of the moneys be deposited to the Idaho Millennium Fund, and that moneys and earnings transferred to the Fund shall also remain inviolate and intact. . . . .	87	133	233
108	State Affairs	Failed in Senate	SCHOOL FUNDING - SALES TAX - Proposing an amendment to the <i>Constitution of the State of Idaho</i> to provide that no property taxes may be levied for maintenance and operation of the public schools by noncharter school districts; and to provide that such property tax moneys shall be replaced by sales and use tax moneys. . . . .	253	303	303

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**SECTION VIII**

**SENATE JOINT MEMORIALS**

Senate Joint Memorial	Introduced By	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
113	Judiciary & Rules	Adopted	JUDGE N. RANDY SMITH - Stating findings of the Legislature and supporting the confirmation of the appointment of Judge N. Randy Smith to serve on the Ninth Circuit U.S. Court of Appeals. . . . .	21	27	61
114	State Affairs	Adopted	IDAHO NATIONAL LABORATORY - Stating findings of the Legislature and encouraging the President of the United States, the United States Secretary of Energy and the Congress to commit and sustain funding for demonstration at the Idaho National Laboratory (INL) of safe, state of the art, advanced nuclear energy systems for commercial replication, and to express Idaho's support of an enhanced portfolio of bioenergy, hydropower and related alternative and renewable energy research at INL. . . . .	23	41	73

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Senate Joint Memorial	Introduced By	Final Action	Subject Matter	Intro- duction Page	Senate Vote Page	Final Disp. Page
115	Schroeder	State Affairs	FEDERAL LAND - SALE - Expressing opposition to any federal proposals which lead to a significant sale of federal land located in the state of Idaho. . . . .	26	--	29
116	Stennett	State Affairs	PUBLIC LANDS - FEDERAL - Stating findings of the Legislature and requesting that Congress oppose the sale of federal lands located in Idaho for the reason of helping the victims of Hurricane Katrina or any other purpose; and urging Congress, when considering any future sale of federal public lands in Idaho, to involve the participation of the Idaho people and to condition the sale upon continued access to the remaining public lands. . . . .	26	--	29
117	Schroeder	State Affairs	CHILDREN - FOREIGN POLICY - Stating findings of the Legislature and urging Congress to direct its own efforts and to recommend to the President of the United States that foreign policy place the highest priority on the protection of children by withholding foreign aid from countries which continue to tolerate child slavery and child sexual exploitation and by including a significant foreign aid program of providing school children, whose families lack resources on their own, with a basic education. . . . .	31	--	35
118	Resources & Environment	Adopted	DRINKING WATER - ARSENIC - Stating findings of the Legislature and urging that the enforcement of the reduced maximum contaminant level in drinking water be suspended until such time as definitive scientific evidence within the United States validates that consumption of water between 10 to 50 PPB of arsenic increases cancer mortality, or produces some other health problem and that the health benefit of removing trace amounts of arsenic from drinking water is commensurate with the associated costs of compliance with the new standard. . . . .	51	99	233
119	Judiciary & Rules	Adopted	TEN COMMANDMENTS DISPLAY - Stating findings of the Legislature and requesting that Congress adopt S 520 and HR 1070 relating to limiting the jurisdiction of the federal courts relating to matters involving the acknowledgment of God as the sovereign source of law, liberty or government. . . . .	135	164	287
120	State Affairs	Adopted	FEDERAL LAND SALE -Expressing opposition to any federal proposals which lead to a significant sale of federal land located in the state of Idaho. . . . .	186	201	287

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## SECTION IX

## SENATE RESOLUTIONS

Senate Resolution	Introduced By	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
106	Schroeder	Judiciary & Rules	SENATE RULE 42 - Amends Rule 42 of the Senate to provide that if the committee to which a gubernatorial appointment has been referred does not submit a report to the whole Senate for adoption, the appointment shall be deemed rejected and the Senate's consent shall be deemed not to have been given to the appointment. .	31	--	35
107	State Affairs	Adopted	IDAHO TARTAN DAY - Stating findings of the Senate and designating April 6 of each year as "Idaho Tartan Day" in recognition of the contributions of those citizens of Scottish descent. . . . .	82	155	155
108	Judiciary & Rules	Adopted	SENATE RULE 20 - Stating findings of the Legislature and amending Senate Rule 20 to provide that all meetings of any standing, select, or special committee shall be open to the public at all times; and to provide a list of extraordinary circumstances when, and the circumstances under which, executive sessions can be held. . . . .	292	315	315
109	Judiciary & Rules	Adopted	SENATE RULE 53 - Stating findings of the Legislature and amending Senate Rule 53 to delete a superseded reference to the <i>Idaho Code</i> . . . . .	293	315	315

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## SECTION X

## SENATE PROCLAMATIONS

Senate Proclamation	Introduced By	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
101	State Affairs	Adopted	GENERAL WOO-JOO CHANG - Stating legislative findings and commending General Woo-Joo Chang for his service and dedication to the state of Idaho as Idaho's Official Representative in Korea. . . . .	199	219	219

SECTION XI

SENATE CONCURRENT RESOLUTIONS

Senate Concurrent Resolution	Introduced By	Final Action	Subject Matter	Intro- duction Page	Senate Vote Page	Final Disp. Page
120	Judiciary & Rules	House Judiciary, Rules, and Administration	STATEMENTS OF PURPOSE - Stating findings of the Legislature and proposing an amendment to the Joint Rules of the Senate and House of Representatives to provide that a statement of purpose and fiscal note applies only to a bill as introduced and is not a statement of legislative intent. . . . .	65	75	75
121	State Affairs	State Affairs	IDAHO OLYMPIC ATHLETES - Stating findings of the Legislature and recognizing and honoring the Idaho athletes participating in the Winter Olympic games in Torino, Italy.	82	--	99
122	Resources & Environment	Resources & Environment	MOSCOW MOUNTAIN CEDAR GROVE - Stating findings of the Legislature and encouraging the Department of Lands to protect the irreplaceable ancient cedar grove, and essential surrounding habitat buffer, located on a 296 acre parcel of state endowment property on Moscow Mountain in Latah County, Idaho, from harvest, preserving the grove for future generations of Idahoans. . . . .	85	--	87
123	Judiciary & Rules	Adopted	OLYMPIC ATHLETES RECOGNIZED - Recognizes and honors the Idaho athletes participating in the Winter Olympic Games in Turin, Italy. . . . .	94	108	143
124	Judiciary & Rules	Adopted	HEALTH AND WELFARE - Stating findings of the Legislature and requesting the Department of Health and Welfare to develop an informal dispute resolution process which is partially independent from the department for intermediate care facilities. . . . .	101	149	302
125	Judiciary & Rules	Adopted	DENTISTRY BOARD - Stating findings of the Legislature and rejecting certain pending administrative rules of the Idaho State Board of Dentistry. . . . .	135	149	287
126	Judiciary & Rules	Adopted	HEALTH AND WELFARE DEPARTMENT - Stating findings of the Legislature and rejecting pending administrative rules of the Department of Health and Welfare governing the Medical Assistance Program. . . . .	136	149	287
127	Judiciary & Rules	House Health & Welfare	DENTISTRY BOARD - Stating findings of the Legislature and rejecting certain pending administrative rules of the Idaho State Board of Dentistry. . . . .	136	149	149
128	State Affairs	Adopted	AGENCY RULES - Stating findings of the Legislature and approving administrative rules that impose a fee or charge, with exceptions; and rejecting certain agency rules that are not approved. . . . .	146	164	287
129	State Affairs	Adopted	AGENCY RULES - Stating findings of the Legislature and approving and extending temporary rules reviewed by the Legislature, with exceptions. . . . .	147	165	287

## SENATE INDEX

Senate Concurrent Resolution	Introduced By	Final Action	Subject Matter	Intro- duction Page	Senate Vote Page	Final Disp. Page
130	State Affairs	Adopted	REGIONAL WATER AND WASTEWATER SERVICES - Stating findings of the Legislature and requesting that the Department of Environmental Quality study, with the input from cities, counties, water and sewer districts and other relevant entities, methods to encourage and provide incentives for the development and operation of regional water and wastewater services; and to submit a report of its findings to the Legislature by December 31, 2006. . . . .	153	197	287
131	Judiciary & Rules	House Environment, Energy, & Technology	MERCURY CONTAMINATION ASSESSMENT - REPORT Stating findings of the Legislature and requesting the Idaho Department of Environmental Quality to prepare a report assessing the nature and extent of mercury contamination in the environment of the state of Idaho and the potential environmental impacts from the addition of any new sources of mercury. . . . .	171	183	183
132	State Affairs	Adopted	POSTSECONDARY EDUCATION - STUDY - Stating findings of the Legislature and authorizing the Legislative Council to appoint a committee to undertake and complete a thorough assessment of the role and mission of postsecondary professional-technical and academic education in Idaho. . .	181	211	326
133	State Affairs	House Ways & Means	PROPERTY TAX STUDY - Stating findings of the Legislature and authorizing the Legislative Council to appoint a committee to undertake a study on property taxation. . . .	217	235	235
134	Judiciary & Rules	House Education	RULES - EDUCATION - Stating findings of the Legislature and rejecting pending rules of the State Board of Education governing thoroughness. . . . .	258	281	281
135	State Affairs	House Ways & Means	EXCISE TAX - STUDY - Stating findings of the Legislature and authorizing the Legislative Council to appoint a committee to undertake and complete a study of excise taxes in the state of Idaho. . . . .	278	298	298
136	State Affairs	Adopted	AQUIFER MANAGEMENT PLAN - Stating findings of the Legislature and requesting the Idaho Water Resource Board to prepare and submit a comprehensive aquifer management plan for the Eastern Snake River Plain for legislative review and approval. . . . .	286	300	322

## SECTION XII

## ENROLLED 2006 SENATE BILLS

WITH EFFECTIVE DATE AND SESSION LAW CHAPTER NUMBER CITED

<b>Senate Bill No.</b>	<b>Session Laws Chapter No.</b>	<b>Introduced by:</b>	<b>Signed by Governor</b>	<b>Effective Date(s)</b>
1243, aa	450	Brandt	4-14-06	7-01-06
1247	451	Brandt	4-14-06	4-14-06
1250	177	Judiciary and Rules	3-24-06	7-01-06
1251	142	Judiciary and Rules	3-22-06	7-01-06
1252	143	Judiciary and Rules	3-22-06	7-01-06
1255	15	Judiciary and Rules	3-02-06	7-01-06
1256	144	Judiciary and Rules	3-22-06	7-01-06
1258	145	Resources and Environment	3-22-06	7-01-06
1259	146	Resources and Environment	3-22-06	7-01-06
1260	147	State Affairs	3-22-06	7-01-06
1263	1	Finance	1-24-06	1-24-06
1264	20	Transportation	3-08-06	7-01-06
1266, aa	279	Transportation	3-31-06	7-01-06
1268	148	Commerce and Human Resources	3-22-06	7-01-06
1269	149	Commerce and Human Resources	3-22-06	7-01-06
1270	150	Commerce and Human Resources	3-22-06	7-01-06
1271	151	Commerce and Human Resources	3-22-06	7-01-06
1272	152	Commerce and Human Resources	3-22-06	3-22-06
1275	246	Judiciary and Rules	3-30-06	7-01-06
1277	6	Finance	2-08-06	2-08-06
1278	7	Finance	2-08-06	2-08-06
1295	247	State Affairs	3-30-06	7-01-06
1296	248	Judiciary and Rules	3-30-06	3-30-06
1297	249	Judiciary and Rules	3-30-06	7-01-06
1299	153	Resources and Environment	3-22-06	3-22-06
1300, aa, aaH	379	Judiciary and Rules	4-07-06	4-07-06
1301	154	Judiciary and Rules	3-22-06	7-01-06
1302	155	Judiciary and Rules	3-22-06	7-01-06
1303	156	Judiciary and Rules	3-22-06	7-01-06
1304	157	Judiciary and Rules	3-22-06	7-01-06
1305	8	Finance	2-13-06	2-13-06
1306	9	Finance	2-13-06	2-13-06
1307	10	Finance	2-13-06	2-13-06
1311	158	Judiciary and Rules	3-22-06	7-01-06
1312	178	Judiciary and Rules	3-24-06	3-24-06
1314, aa	280	Commerce and Human Resources	3-31-06	7-01-06
1315	21	Commerce and Human Resources	3-11-06	7-01-06
1316	173	Education	3-23-06	7-01-06
1317	159	State Affairs	3-22-06	3-22-06
1318	179	Judiciary and Rules	3-24-06	7-01-06
1319	160	Judiciary and Rules	3-22-06	7-01-06
1320	180	Judiciary and Rules	3-24-06	7-01-06
1321	250	Judiciary and Rules	3-30-06	7-01-06
1322	181	Judiciary and Rules	3-24-06	7-01-06
1323	161	Judiciary and Rules	3-22-06	7-01-06
1324	162	Judiciary and Rules	3-22-06	7-01-06
1326	182	Judiciary and Rules	3-24-06	7-01-06
1327	281	Judiciary and Rules	3-31-06	7-01-06
1328	183	Judiciary and Rules	3-24-06	7-01-06
1329	11	Finance	2-15-06	2-15-06
1330	12	Finance	2-15-06	2-15-06
1331	251	Judiciary and Rules	3-30-06	3-30-06
1332, aa	252	Judiciary and Rules	3-30-06	7-01-07

## SENATE INDEX

<b>Senate Bill No.</b>	<b>Session Laws Chapter No.</b>	<b>Introduced by:</b>	<b>Signed by Governor</b>	<b>Effective Date(s)</b>
1334	253	Commerce and Human Resources	3-30-06	4-03-90
1335	163	Judiciary and Rules	3-22-06	7-01-06
1336	184	Judiciary and Rules	3-24-06	3-24-06
1338	282	Health and Welfare	3-31-06	7-01-06
1339	283	Health and Welfare	3-31-06	7-01-06
1340, aa	284	Health and Welfare	3-31-06	7-01-06
1343	285	Health and Welfare	3-31-06	7-01-06
1345	185	Commerce and Human Resources	3-24-06	7-01-06
1347	164	Transportation	3-22-06	7-01-06
1348	165	Transportation	3-22-06	7-01-06
1350, aa	286	State Affairs	3-31-06	7-01-06
1351	254	State Affairs	3-30-06	7-01-06
1352	255	Resources and Environment	3-30-06	7-01-06
1353	256	Resources and Environment	3-30-06	7-01-06
1356, aa	287	Judiciary and Rules	3-31-06	3-31-06
1360	166	Commerce and Human Resources	3-22-06	7-01-06
1362	172	Commerce and Human Resources	3-23-06	3-23-06
1363, aaH	380	Commerce and Human Resources	4-07-06	7-01-06
1367	381	Transportation	4-07-06	7-01-06
1370	382	Health and Welfare	4-07-06	7-01-06
1371	186	Commerce and Human Resources	3-24-06	7-01-06
1373	257	Commerce and Human Resources	3-30-06	7-01-06
1374	258	Commerce and Human Resources	3-30-06	7-01-06
1375	171	Commerce and Human Resources	3-23-06	7-01-06
1379	259	Education	3-30-06	7-01-06
1383	167	Local Government and Taxation	3-22-06	7-01-06
1385	168	Resources and Environment	3-22-06	7-01-06
1386, aa	288	Resources and Environment	3-31-06	7-01-06
1388	289	State Affairs	3-31-06	7-01-05
1389, aaH	277	Health and Welfare	3-31-06	7-01-06
1391	169	Resources and Environment	3-22-06	7-01-06
1395, aa	260	Education	3-30-06	7-01-06
1396	170	Judiciary and Rules	3-22-06	7-01-06
1397	261	Judiciary and Rules	3-30-06	7-01-06
1399	262	Judiciary and Rules	3-30-06	3-30-06
1400, aa	263	Judiciary and Rules	3-30-06	7-01-06
1401	264	Judiciary and Rules	3-30-06	7-01-06
1403	265	Judiciary and Rules	3-30-06	7-01-06
1407	266	Judiciary and Rules	3-30-06	7-01-06
1409, aa	267	Judiciary and Rules	3-30-06	7-01-06 w/conditions
1411	268	Judiciary and Rules	3-30-06	7-01-06
1412, aa	290	Judiciary and Rules	3-31-06	3-31-06
1413	269	Judiciary and Rules	3-30-06	7-01-06
1414	291	Judiciary and Rules	3-31-06	7-01-05
1415	292	Judiciary and Rules	3-31-06	7-01-06 w/Sunset Clause
1416	187	Finance	3-24-06	Upon passage of SJR 107
1417	270	Finance	3-30-06	7-01-06
1422	188	Finance	3-24-06	3-24-06
1423, aa	293	State Affairs	3-31-06	7-01-06
1425, aaH	408	Judiciary and Rules	4-10-06	7-01-06
1427	383	Judiciary and Rules	4-07-06	7-01-06
1428	294	Judiciary and Rules	3-31-06	7-01-06
1429	452	State Affairs	4-14-06	7-01-06
1430	189	Finance	3-24-06	7-01-06
1431	190	Finance	3-24-06	3-24-06
1432	191	Finance	3-24-06	7-01-06
1434	192	Finance	3-24-06	7-01-06



<b>Senate Bill No.</b>	<b>Session Laws Chapter No.</b>	<b>Introduced by:</b>	<b>Signed by Governor</b>	<b>Effective Date(s)</b>
1435	193	Finance	3-24-06	7-01-06
1436	194	Finance	3-24-06	7-01-06
1441, aa, aaH	453	Judiciary and Rules	4-14-06	7-01-06
1442	271	Finance	3-30-06	7-01-06
1443	272	Finance	3-30-06	7-01-06
1444	273	Finance	3-30-06	7-01-06
1445	274	Finance	3-30-06	7-01-06
1446	275	Finance	3-30-06	7-01-06
1447	276	Finance	3-30-06	7-01-06
1449	295	Finance	3-31-06	3-31-06/7-01-06
1450	296	Finance	3-31-06	3-31-06
1451	297	Finance	3-31-06	7-01-06
1452	298	Finance	3-31-06	7-01-06
1454	299	Finance	3-31-06	7-01-06
1455	300	Finance	3-31-06	7-01-06
1456	384	Finance	4-07-06	7-01-06
1457	301	Finance	3-31-06	3-31-06/7-01-06
1458	385	Finance	4-07-06	7-01-06
1459	386	Finance	4-07-06	7-01-06
1460	387	Finance	4-07-06	7-01-06
1461	388	Finance	4-07-06	7-01-06
1462	454	Judiciary and Rules	4-14-06	4-14-06 w/Sunset Clause
1463	389	Finance	4-07-06	7-01-06
1464	390	Finance	4-07-06	7-01-06
1465	391	Finance	4-07-06	7-01-06
1466	392	Finance	4-07-06	4-07-06/7-01-06
1467	393	Finance	4-07-06	7-01-06
1469	394	Finance	4-07-06	4-07-06/7-01-06
1470	395	Finance	4-07-06	7-01-06
1471	396	Finance	4-07-06	7-01-06
1472	397	State Affairs	4-07-06	4-07-06
1473	398	Finance	4-07-06	7-01-06
1474	399	Finance	4-07-06	7-01-06
1475	400	Finance	4-07-06	7-01-06
1476	401	Finance	4-07-06	7-01-06
1477	402	Finance	4-07-06	7-01-06
1478	403	Finance	4-07-06	4-07-06/7-01-06
1479	404	Finance	4-07-06	7-01-06
1480	409	Finance	4-10-06	7-01-06
1481	405	Finance	4-07-06	7-01-06
1482, aa	438	State Affairs	4-12-06	7-01-06
1484	427	Finance	4-11-06	7-01-06
1487	426	Finance	4-11-06	7-01-06
1490	406	Finance	4-07-06	7-01-06
1491	455	Finance	4-14-06	4-14-06/7-01-06
1492, aa	439	Judiciary and Rules	4-12-06	7-01-06
1493	440	Finance	4-12-06	7-01-06
1494	441	Finance	4-12-06	7-01-06
1495	442	Finance	4-12-06	7-01-06
1496	443	Finance	4-12-06	7-01-06
1497	444	Finance	4-12-06	7-01-06
1498	445	Finance	4-12-06	7-01-06
1499	446	Finance	4-12-06	7-01-06
1500	447	Finance	4-12-06	7-01-06

## SENATE INDEX

## SECTION XIII

## NUMERICAL INDEX OF HOUSE BILLS RECEIVED BY THE SENATE

House Bill No.	Introduced by	Final Action	Subject Matter	Intro-duction Page	Senate Vote Page	Final Disp. Page
403	Appropriations	Law	APPROPRIATIONS - Providing for the transfer of \$9,250,000 to the Fire Suppression Deficiency Fund; providing for the transfer of \$47,800 to the Pest Control Deficiency Fund and the transfer of \$87,700 to the Hazardous Substance Emergency Response Fund. . . . .	35	42	46
404	Appropriations	Law	APPROPRIATIONS - Appropriating an additional \$24,200 to the Office of the Governor for the Military Division for fiscal year 2006. . . . .	38	47	56
405	Commerce & Human Resources	Law	WORKFORCE DEVELOPMENT TRAINING TAX - Amends existing law to extend the sunset date on the Workforce Development Training Fund tax for an additional five years, from January 1, 2007, to January 1, 2012. . . . .	55	80	93
406	Commerce & Human Resources	Law	SCIENCE AND TECHNOLOGY ADVISORY COUNCIL - Adds to existing law to create a Science and Technology Advisory Council; and to provide duties and membership of the council. . . . .	55	81	93
409	Appropriations	Law	APPROPRIATIONS - Stating legislative findings; and providing for the transfer of an additional \$70,000,000 to the Budget Stabilization Fund. . . . .	42	50	56
410	Agricultural Affairs	Law	MEAT INSPECTION - Repeals existing law to delete provisions relating to meat inspections. . . . .	128	168	182
411	Agricultural Affairs	Law	CATTLE - Amends existing law relating to tuberculosis to revise provisions relating to compensation for destroyed cattle or other animals. . . . .	111	166	182
412	Agricultural Affairs	Law	BRUCellosIS - Amends existing law to revise veterinarian duties relating to the branding of positive reactors to a test for brucellosis. . . . .	133	231	249
413	State Affairs	Law	CODIFIER CORRECTIONS - Amends existing law to "clean up" various code sections and subsections by renumbering those code sections or subsections that were redesignated by the compiler of the <i>Idaho Code</i> as a result of multiple amendments to code sections prior to the 2006 legislative session; and to correct typographical errors. . . . .	64	122	133
414	State Affairs	Law	POLITICAL CANDIDATES - Amends existing law to provide that the political treasurer for a candidate who was defeated in the primary election and whose post-primary report shows an unexpended balance of contributions or a campaign debt shall continue to file annual reports until there is no unexpended balance of contributions or no campaign expenditure deficit. . . . .	93	140	155

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House Bill No.	Introduced by	Final Action	Subject Matter	Intro-duction Page	Senate Vote Page	Final Disp. Page
415	State Affairs	Law	CAMPAIGN CONTRIBUTIONS - Amends existing law to provide application of the limitations on contributions law to political campaign contributions by political committees, by a person or political committee whose contribution or expenditure activity is financed, maintained or controlled by a trade association, labor union or collective bargaining organization. . . . .	96	142	155
421	Revenue & Taxation	Law	PROPERTY TAX - Amends existing law to provide that the first \$75,000 of the market value for assessment purposes of the homestead or 50% of the market value for assessment purposes of the homestead, whichever is lesser, shall be exempt from property taxation; to define "homestead"; to provide for certain annual adjustments to the maximum amount subject to property tax exemption; to provide for publication and dissemination of adjustments; and to provide that the publication of adjustments shall be exempt from the provisions of the Administrative Procedure Act. . . . . <b>Amended in the Senate</b> . . . . .	106 213	244	327
422	Revenue & Taxation	Law	PROPERTY TAX - Amends existing law to delete adjustments to income limitations; to provide for a maximum income limitation of \$28,000 for tax year 2006 and each year thereafter or 185% of federal poverty guidelines for tax year 2006 and each year thereafter; to provide for a maximum tax reduction of \$1,320 in tax year 2006 and thereafter for circuit breaker property tax relief; and to revise the definitions of "claimant" and "income." . . . . . <b>Amended in the Senate</b> . . . . .	106 213	244	317
430	Judiciary, Rules, & Administration	Law	MENTAL HEALTH RECORDS - OFFENDERS - Adds to existing law to provide for the transmission of certain mental health records for offenders under certain conditions; and to provide that no court order or individual authorization is required except in the case of substance abuse records. . . . .	117	177	188
431	Judiciary, Rules, & Administration	Law	PROBATION AND PAROLE OFFICERS - Amends existing law to provide that probation and parole officers shall be defined as "peace officers" authorized to arrest and place mentally ill or imminently dangerous probationers and parolees in a mental health treatment facility. . . . .	117	177	188
432	Judiciary, Rules, & Administration	Law	SMALL LAWSUIT RESOLUTION ACT - Amends existing law relating to the Small Lawsuit Resolution Act to remove a sunset clause. . . . .	120	191	211
433	Business	Law	PETROLEUM CLEAN WATER TRUST FUND - Adds to and amends existing law to clarify that the compensation paid to the Board of Trustees of the Idaho Petroleum Clean Water Trust Fund is an honorarium. . . . .	149	206	227
434	State Affairs	Law	STATE TREASURY MONEYS - Amends existing law to revise provisions relating to the investment of idle moneys in the state treasury. . . . . <b>Amended in the House (See House Journal)</b>	80	122	133

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House Bill No.	Introduced by	Final Action	Subject Matter	Intro-duction Page	Senate Vote Page	Final Disp. Page
435	State Affairs	Law	LIQUOR DISPENSARY - Authorizes the State Liquor Dispensary to buy, import, transport, store, sell and deliver nonalcohol merchandise; to authorize the superintendent of the Dispensary to impose surcharges and to allow discounts; to prohibit certain sales of merchandise on behalf of the dispensary by vendors of any state liquor store or special distributor; to require all revenues derived from the sale of other merchandise to be paid into the State Liquor Account; to provide for the appropriation of moneys in the Liquor Account for the purchase of nonalcohol merchandise; to require all revenues derived from the sale of all other merchandise to be deposited with the State Treasurer to the credit of the Liquor Fund; and to include sales tax collected among items credited to the Liquor Account. . . . .	75	126	137
436	State Affairs	Law	CEMETERY DISTRICTS - Amends existing law relating to cemetery maintenance districts to revise bond provisions applicable to treasurers. . . . .	75	140	155
440	Appropriations	Law	APPROPRIATIONS - Appropriating an additional \$50,000 to the Department of Commerce and Labor for personnel costs for fiscal year 2006; and reducing the appropriation to the Department of Commerce and Labor by \$50,000 for operating expenditures for fiscal year 2006. . . . .	47	57	62
443	Revenue & Taxation	Law	INCOME TAX - Amends existing law relating to the Idaho income tax to provide that subsequent changes to the consumer price index shall not affect income tax brackets; to require reporting of recapture of property tax on qualified investments; to conform the due date of electronically filed withholding reports by employers to the federal due date; to delete references to the assessment of tax; to provide provisions relating to the assessment of tax and the record of assessment; and to provide code references. . . . . <b>Amended in the Senate</b> . . . . .	111 167	185	242
444	Revenue & Taxation	Law	INCOME TAX - Amends existing law to delete the requirement that resident military members reduce deductions and exemptions in proportion to nontaxable military pay for state income tax purposes. . . . . <b>Amended in the House (See House Journal)</b>	121	161	179
446	Business	Law	INSURERS - Amends existing law relating to borrowed surplus of stock and mutual insurers to provide that a commission or promotion expense may be paid in connection with issuance of a loan upon approval of the director of the Department of Insurance. . . . .	96	141	155
447	Business	Law	INSURERS - Relating to investments by insurance companies to delete provisions limiting the permissible amount of, or loan to value ratio of, certain loans made by Idaho domiciled insurance companies; to delete provisions limiting the permissible loan to value ratio of commercial loans to seventy-five percent of the fair market value of the property; and to provide that the permissible loan to value ratio of eighty percent applies to commercial mortgage loans made by Idaho domiciled insurance companies. . . . .	96	141	155

**SENATE INDEX**

House Bill No.	Introduced by	Final Action	Subject Matter	Intro-duction Page	Senate Vote Page	Final Disp. Page
448	Business	Law	INSURERS - INVESTMENTS - Amends, repeals and adds to existing law to provide for investment of funds by insurance companies in common and preferred stocks of solvent institutions existing under the laws of the government of Canada or any of its provinces; to delete authority for investment in guaranteed stocks; and to provide for investments in foreign securities. . . . .	96	141	155
451	Commerce & Human Resources	Law	FIREMEN'S RETIREMENT FUND - Amends existing law relating to the Firemen's Retirement Fund to revise provisions applicable to approved domestic retirement orders; to provide that certain benefits may be transferred pursuant to an approved domestic retirement order; to revise provisions applicable to death benefits of surviving spouses and children of certain firefighters; and to provide applicability. . . . .	75	126	137
452	State Affairs	Law	PURCHASING DIVISION - Amends existing law to provide that when an invitation to bid or a request for proposals is canceled prior to the award of a purchase order or contract, the administrator of the Division of Purchasing shall immediately return all bids or proposals to the submitting vendor and those bids or proposals shall not be subject to disclosure under the Public Records Act. . . . .	111	160	179
453	State Affairs	Law	GRAPE GROWERS AND WINE PRODUCERS COMMISSION - Adds to existing law to provide any grape grower or wine producer the alternative to opt out of the applications of all provisions Chapter 36, Title 54, <i>Idaho Code</i> , relating to the Idaho Grape Growers and Wine Producers Commission. . . . .	80	140	155
454	State Affairs	Law	WINERIES - Amends existing law to provide that wineries that sell and ship to Idaho residents must obtain a permit, pay taxes and comply with specified shipping requirements; to provide for procedures and rules and exchange of information between the Idaho State Police and the State Tax Commission; and to provide for imposition of the wine excise tax upon all wines sold and shipped directly to Idaho state residents by an out-of-state wine manufacturer holding a wine direct shipper permit. . . . .	96	141	155
457	Revenue & Taxation	Law	INCOME TAX - Amends existing law to provide that, for state income tax purposes, a person who is a nonresident alien under the <i>Internal Revenue Code</i> is excluded from the definition of "resident.." . . . . .	111	165	182
458	Revenue & Taxation	Law	SALES TAX - SELLER'S PERMIT - Amends existing law to revise the penalty from a misdemeanor to a civil penalty, under the sales and use tax law, of doing business without a required seller's permit; to limit the penalty to persons who are responsible persons of a corporation or other business entity; and to provide for assessment of the penalty as a deficiency. . . . .	120	161	179

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House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
459	Revenue & Taxation	Law	TAX - LICENSE, PERMITS, ACCOUNTS - Adds to, amends and repeals existing law to revise the laws regarding tax licenses, permits and accounts for persons or entities that collect cigarette tax, motor fuels tax or who withhold income tax; and to provide civil penalties for violations. . . . .	120	161	179
461	Revenue & Taxation	Law	PROPERTY TAX - Amends existing law to provide that property in a single county which is valued in excess of \$800,000,000 and not taxed due to the exemption for significant capital improvements shall not be included on any new construction roll; and to delete obsolete language requiring a percentage reduction of state money under the circuit breaker property tax relief program. . . . .	120	161	179
462	Transportation & Defense	Law	MOTOR VEHICLE INSURANCE - Amends existing law to reduce the eligibility age for certain automobile insurance policy discounts from sixty-five years of age to fifty-five years of age. . . . .	64	140	155
463	Transportation & Defense	Law	COMMERCIAL VEHICLES - Amends existing law relating to temporary registration of commercial motor vehicles to provide a thirty day unladen weight permit; and to clarify use of an unladen weight permit. . . . . <b>Amended in the House (See House Journal)</b>	111	168	182
464	Transportation & Defense	Law	PORTS OF ENTRY - Amends existing law to provide correct reference to the enforcement authority of Idaho Transportation Department employees at ports of entry and checking stations to clarify those vehicles required to stop at ports of entry and checking stations for inspection, grading or weighing. . . . .	64	140	155
465	Agricultural Affairs	Law	COMMERCIAL FEED LAW - Amends and adds to existing law to redesignate sections; to revise definitions; to revise registration, labeling, fee, adulteration and penalty provisions; to provide for reporting; to revise provisions relating to commercial feeds deemed to be misbranded; to authorize the director of the Idaho Department of Agriculture to copy certain records; to authorize rulemaking authority for the establishment of fees for services; to provide for "stop sale, use or removal" orders; to provide for commercial feed not in compliance with certain rules; to provide for prohibited acts; to provide severability; and to provide for the use of funds received. . . . .	116	160	179
466	Agricultural Affairs	Law	CARBON SEQUESTRATION ADVISORY COMMITTEE Amends existing law to provide additional members on the Carbon Sequestration Advisory Committee. . . . .	116	232	249
471	Revenue & Taxation	Law	INCOME TAX - Amends existing law to delete the provision extending the payment due date from state income taxes when the date to file returns is extended; and to provide that the payment of any balance of tax is due on the earlier of the extended due date or the date the income tax return is filed. . . . .	111	161	179

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House Bill No.	Introduced by	Final Action	Subject Matter	Intro- duction Page	Senate Vote Page	Final Disp. Page
472	Revenue & Taxation	Law	CIGARETTES - Amends existing law to revise the penalty for possessing more than ten packages of unstamped cigarettes from a criminal misdemeanor to a civil penalty; and to provide application to various retailers. . . . . <b>Amended in the House (See House Journal)</b>	156	222	242
473	Revenue & Taxation	Law	TAX REFUNDS - Authorizes agreements between the State Tax Commission and the United States Department of the Treasury for offset of tax refunds against tax liabilities; to provide limitations regarding the offset; and to provide application to federal debt. . . . .	120	161	179
474	Revenue & Taxation	Law	PROPERTY TAX - Amends existing law to provide that the occupancy tax applies to industrial property, but not to operating property; and to provide that electrical generation plants under construction, whether or not owned by or operated in connection with any public utility, shall be defined as operating property; and to provide that certain property apportioned based on physical location shall be placed on the new construction roll. . . . . <b>Amended in the House (See House Journal)</b>	236	267	288
475	Revenue & Taxation	Law	MUSEUM ADMISSION - SALES TAX - Amends existing law to provide a sales and use tax exemption for admissions to and purchases by museums; and to define "museum."	129	170	182
476	State Affairs	Law	LIENS - Amends existing law relating to nonconsensual common law liens to clarify the remedy for removing an invalid claim of lien filed against a federal, state or local official or employee; and to revise penalties applicable to filing an invalid claim of lien. . . . .	96	142	155
477	State Affairs	Law	VETERANS - SERVICES - Amends existing law to transfer all rights, title and interest in real and personal property held by the Department of Health and Welfare for the purpose of providing services to veterans to the Division of Veterans Services in further compliance with the provisions of Chapter 59, <i>Laws of 2000</i> . . . . .	80	140	155
480	Revenue & Taxation	Senate Local Government & Taxation	PROPERTY TAX - Adds to and amends existing law to provide a mechanism for the voters of certain taxing districts to reduce the property tax portion of the taxing district's budget for the following fiscal year, with exceptions; to define terms; to provide procedures; to provide a restriction imposed by statute for indigent assistance; to provide the amount of the property tax portion of a taxing district's budget in the event a taxing district's property tax portion of its budget is established pursuant to a property tax reduction election; to provide for an increase of that amount according to certain factors; and to limit foregone increases. . . . . <b>Amended in the House (See House Journal)</b>	106	--	106
483	Revenue & Taxation	Law	INCOME TAX - CHECKOFF - RED CROSS - Amends and adds to existing law to provide for the designation by individuals of a refund or an overpayment of income taxes or a donation by individuals to the American Red Cross of Greater Idaho Fund; and to create the American Red Cross of Greater Idaho Fund in the state treasury. . . . .	116	165	182

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House Bill No.	Introduced by	Final Action	Subject Matter	Intro-duction Page	Senate Vote Page	Final Disp. Page
484	Revenue & Taxation	Senate Local Government & Taxation	TAXATION - Amends existing law relating to taxation to revise the tax exemption applicable to pollution control devices or equipment. . . . .	116	--	116
488	State Affairs	Law	LEGISLATORS - RESIGNATION - Amends existing law to provide for assumption of powers and duties of a legislator in the event the legislator resigns from office. . . . .	80	140	155
490	Agricultural Affairs	Law	HONEY - BEES - Amends existing law relating to honeybees to provide for duties of the Idaho Honey Advertising Commission; to provide an exemption from annual taxation for hobbyist beekeepers; to provide for voluntary registration and payment of fees; and to provide for the publication of certain information relating to registered beekeepers. . . . .	120	168	182
491	Agricultural Affairs	Law	VETERINARY FACILITIES - Amends and adds to existing law to revise definitions; and to provide requirements for emergency veterinary facilities and on-call emergency services. . . . .	111	191	211
492	Agricultural Affairs	Law	ANIMAL FEEDING OPERATIONS - Amends existing law relating to concentrated animal feeding operations to revise definitions; provides that requests by boards of county commissioners for suitability determinations shall include the actual animal capacity of the facility. . . . .	128	232	249
493	Agricultural Affairs	Law	BEE INSPECTIONS - Repeals and amends existing law relating to bee inspections to revise guidelines to ensure that the inspections are adequate; to revise provisions relating to investigations by the director of the Department of Agriculture; to revise criminal provisions relating to owners or keepers of diseased bees; to revise provisions relating to the transportation of certain bees, supplies and equipment; to provide for the publication of certain information relating to registered beekeepers by the Department of Agriculture; to revise registration fee provisions; and to provide an exemption from registration requirements for hobbyist beekeepers. . . . .	120	168	182
497	Revenue & Taxation	Law	SALES TAX REBATE - Provides a sales and use tax rebate for the sales or use of tangible personal property used directly by a media production company in media production project; to provide procedures; to define terms; to provide qualification requirements; and to provide for recapture. . . <b>Amended in the Senate</b> . . . . .	116 167	189	249
508	Revenue & Taxation	House did not concur in Senate amendments	TAXING DISTRICTS - Amends existing law to allow a taxing district to include fifty percent of the value of annexation during the previous calendar year for property tax budget limitation purposes. . . . . <b>Amended in the Senate</b> . . . . .	106 269	285	285
513	Agricultural Affairs	Law	AGRICULTURAL TECHNOLOGY - Requires the director of the Department of Agriculture to cooperate with specified entities to encourage the growth of agricultural technology in the state and to protect the integrity of existing agriculture and agricultural marketing channels. . . . .	128	231	249



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House Bill No.	Introduced by	Final Action	Subject Matter	Intro- duction Page	Senate Vote Page	Final Disp. Page
514	Agricultural Affairs	Law	PEST CONTROL - Repeals and adds to existing law relating to pest control to provide a procedure relating to infestations of certain pests; to provide for payment of costs relating to control and eradication; to provide for deficiency warrants; to describe control and eradication costs; to authorize the director to cooperate with other agencies and private citizens in control and eradication efforts; and to provide that all future appropriations for the Department of Agriculture shall take account of and provide for pest control expenses. . . .	116	224	242
515	Agricultural Affairs	Law	BRANDS - Amends existing law relating to the State Brand Board to increase fees for filing brand renewal applications; and to increase certain fees relating to brand inspections.	156	224	242
517	Transportation & Defense	Law	MOTOR CARRIERS - AGRICULTURAL COMMODITIES Amends and adds to existing law to clarify that vehicles hauling agricultural commodities or products of the forest are exempt from regulation all year; and to provide that harvest season, for the purpose of vehicles transporting agricultural products, including fresh fruits and vegetables, livestock, livestock feed, products of the forest or manure, shall be year round. . . . .	80	205	227
520	Business	Law	ENGINEERS - Amends existing law to increase the number of years college or university faculty can teach engineering design without a license; and to exempt certain applicants for licensure as a professional engineer from examination requirements. . . . .	111	206	227
521	Business	Law	RECORD OF SURVEY - Amends existing law relating to surveys to require filing of a record of survey which results in the setting of certain monuments at corners of record within a specified time period. . . . .	111	206	227
522	Business	Law	INSURANCE - Amends existing law to provide that a subscriber to a domestic reciprocal insurer proposing to transact worker's compensation insurance, which subscriber is a corporation, limited liability company or other legal entity recognized by the state of Idaho as a separate entity, shall be considered as one subscriber, regardless of the number of its wholly owned subsidiaries. . . . .	149	206	227
523	Resources & Conservation	Senate Resources & Environment	FISH AND GAME - Amends existing law to authorize the Fish and Game Commission to assess an application surcharge on controlled hunt permits to implement, operate and maintain a bonus or preference point controlled hunt system. . . . .	149	--	149
524	Resources & Conservation	Law	ENCROACHMENTS - Amends existing law to provide requirements for the permitting of existing navigational and nonnavigational encroachments. . . . .	117	207	227
525	Resources & Conservation	Law	ENCROACHMENTS - Amends existing law relating to navigational and nonnavigational encroachments on navigable lakes to revise a definition. . . . .	117	207	227

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House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
526	Resources & Conservation	Law	ENCROACHMENTS - Amends existing law to revise fee and cost provisions for certain permits for noncommercial navigational or nonnavigational encroachments; and to authorize the Board of Land Commissioners to charge specified applicants the actual costs of processing applications in the event the actual costs exceed the nonrefundable fee. . . . .	117	204	227
527	Resources & Conservation	Law	ENCROACHMENTS - Provides for the recordation of permits issued for noncommercial navigational encroachments; to provide for the effect of recordation; to provide for community navigational encroachments; to provide for application process and procedure for community navigational encroachments; and to provide for recordation of permits issued for nonnavigational encroachments, commercial navigational encroachments and community navigational encroachments. . . . .	117	207	227
528	Resources & Conservation	Law	ENCROACHMENTS - Amends existing law to clarify criteria relating to those types of noncommercial navigational encroachments subject to certain application procedural requirements; to provide for community navigational encroachments; to provide for application process and procedure relating to community navigational encroachments; to provide that applications for community navigational encroachments must be submitted or approved by the riparian or littoral owner; to provide that certain factors shall be considered in granting or denying an application for a community navigational encroachment; and to provide that a permit shall not be required for repair of an existing community navigational encroachment. . . . .	117	207	227
529	Resources & Conservation	Law	TIMBER - SALE - Amends existing law to revise measuring methods for the sale of state-owned timber. . . . .	117	204	227
530	Judiciary, Rules, & Administration	Law	PSEUDOEPHEDRINE - SALE - Adds to existing law relating to the sale of pseudoephedrine to define terms; to set forth requirements relating to pseudoephedrine products; to set forth limitations on sales and purchases; to provide penalties; to provide for preemption; and to provide application. . . . .	111	177	188
533	Judiciary, Rules, & Administration	Law	DEATH PENALTY - Amends existing law to provide for the death penalty for murder in the perpetration of certain sexual crimes. . . . . <b>Amended in the Senate</b> . . . . .	96 130	157	197
534	Judiciary, Rules, & Administration	Law	FELONIES - STATUTE OF LIMITATIONS - Amends existing law to revise statute of limitations provisions applicable to specified felonies. . . . . <b>Amended in the House (See House Journal)</b>	99	145	164
535	Judiciary, Rules, & Administration	Law	SEXUAL OFFENDERS - Amends existing law relating to sexual offenders to revise provisions relating to the dissemination of information relating to violent sexual predators; and to provide for the deposit and use of certain fees. . . . .	99	142	155

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House Bill No.	Introduced by	Final Action	Subject Matter	Intro-duction Page	Senate Vote Page	Final Disp. Page
536	Judiciary, Rules, & Administration	Law	HUMAN TRAFFICKING - Adds to existing law relating to human trafficking to set forth legislative intent; to define "human trafficking"; to provide penalties; to set forth restitution and rehabilitation provisions; and to provide for human trafficking victim protection. . . . .	99	158	179
538	Business	Law	LANDSCAPE ARCHITECTS - Amends existing law relating to landscape architects to revise licensure qualifications; to revise examination provisions; to increase examination and license fees; and to provide that the Board of Landscape Architects may recover the actual costs associated with an applicant's review of a failed examination. . . . .	149	193	211
539	Business	Law	ARCHITECTS - Amends existing law relating to architects to revise the conduct of examinations; to provide for responsible control; to set forth when an architect may sign and seal technical submissions and other work; to require that certain technical submissions be maintained and made available to the Board of Architectural Examiners upon request; to define terms; to permit the use of the title "architect" in certain circumstances; and to prohibit persons from aiding or abetting others in the unlicensed practice of architecture. . . . .	149	194	211
541	Resources & Conservation	Law	STATE PARKS - PARKING - Amends existing law to provide that parking violations in state parks shall be enforced by qualified employees of the Department of Parks and Recreation who are delegated with enforcement authority by the director of the Department of Parks and Recreation. . . . .	149	232	249
544	Resources & Conservation	Law	IRRIGATION DISTRICT ELECTIONS - Amends existing law relating to irrigation district elections to provide that the number of votes be based on acres of assessed land, if approved by a majority of electors; to provide clarification for co-owners or multiple owners of parcels of land; and to provide a procedure. . . . .	121	222	242
545	Resources & Conservation	Law	WATER RIGHTS ADJUDICATION - NORTHERN IDAHO - Adds to and amends existing law relating to water to provide for Northern Idaho water rights adjudication; to revise fee provisions for filing notice of claims with the Director of the Department of Water Resources; to provide legislative findings relating to accomplished transfers and the public interest regarding Northern Idaho adjudications; to provide that certain changes of place of use, points of diversion, nature or purpose of use, or period of use of a water right may be claimed in the Northern Idaho adjudications; and to provide for objections to recommendations for specified accomplished changes. . . .	145	237	255
546	Resources & Conservation	Law	IDAHO WATER RESOURCE BOARD - Amends existing law relating to the Idaho Water Resource Board to revise conditions under which the board may approve a loan for certain water project costs. . . . .	138	207	227

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House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
547	Education	Law	VOCATIONAL REHABILITATION - PROFESSIONAL-TECHNICAL EDUCATION - Relating to the State Board for Professional-Technical Education to provide additional rulemaking authority; to permit the board to enter into agreements to provide vocational rehabilitation services; to permit applications for approval and certification of such services; and to provide authority regarding certifications and approvals. . . . .	111	169	182
548	Business	Law	ELECTRICAL CONTRACTORS - Relating to electrical contractors and journeymen to authorize the administrator to revoke or suspend licenses if a licensee fails to maintain required insurance during the term of active licensure; and to set forth provisions applicable to inactive licenses. . . . .	120	170	182
549	Business	Law	ELECTRICAL CONTRACTORS - Relating to electrical contractors and journeymen to revise provisions applicable to the duration of licenses; and to delete provisions applicable to the renewal of certain licenses. . . . .	117	170	182
550	Business	Law	ELEVATOR SAFETY FUND - Adds to existing law to establish the Idaho Elevator Safety Fund; and to provide for the appropriation of moneys in the fund. . . . .	117	170	182
551	Business	Law	PUBLIC WORKS CONTRACTORS - Amends existing law to revise the public works contractor licensing fees. . . . .	129	170	182
554	Business	Law	BUILDING SAFETY DIVISION - Relating to the Division of Building Safety to revise the duties of the administrator; to update references to federal regulations; to repeal a prohibition on the conversion of certain systems; to repeal language exempting manufactured homes from local ordinances or regulations; and to repeal language relating to persons authorized to supervise certain installations in manufactured homes. . . . .	117	175	188
555	State Affairs	Law	EMINENT DOMAIN - Provides limitations on eminent domain for private parties, urban renewal or economic development purposes; and provides for review at judicial proceedings exercising of the power of eminent domain. . .	124	175	188
556	State Affairs	Law	CAMPAIGN CONTRIBUTIONS - Repeals and adds to existing law to enumerate permitted and nonpermitted uses of a contribution accepted by a candidate for public office.	93	141	155
559	Local Government	Law	CITIES - LAW ENFORCEMENT - Amends existing law to provide that the mayor of a city is hereby authorized to call on every resident in the city, over 21 years of age, to aid in enforcing the laws. . . . .	111	169	182
560	Transportation & Defense	Law	POLICE/EMERGENCY VEHICLES - Provides for the duty of a driver of a motor vehicle upon approaching a stationary police vehicle or an authorized emergency vehicle displaying flashing lights. . . . .	111	160	179

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House Bill No.	Introduced by	Final Action	Subject Matter	Intro-duction Page	Senate Vote Page	Final Disp. Page
561	Transportation & Defense	Law	MOTOR VEHICLES - Revises the criteria for maximum allowable load for any vehicle tire operated on public highways; and to provide nonapplication to nonreducible overweight and/or oversize vehicles and/or loads. . . . . <b>Amended in the Senate</b> . . . . . <b>Amended in the Senate</b> . . . . .	111 192 239	262	298
562	Transportation & Defense	Law	MOTOR VEHICLES - LICENSE PLATES - To provide that dealer and manufacturer plates may be used on laden vehicles operated by the manufacturer, dealer or his licensed vehicle salesman; and to provide that a dealer plate may be used on a laden trailer in connection with a manufacturer's or dealer's business to move vehicles or trailers from certain locations, as long as the power unit is properly licensed. . . <b>Amended in the House (See House Journal)</b>	156	231	249
564	Health & Welfare	Law	OPTOMETRISTS - Relating to optometrists to provide for the deposit and distribution of fees; to increase the fee for renewal; to repeal language applicable to additional license fees; and to remove language referencing the compensation of Board of Optometry members from certain moneys. . . .	121	159	179
565	Health & Welfare	Law	RESIDENTIAL CARE ADMINISTRATORS - Relating to the Idaho Residential Care Administrators Act to revise provisions applicable to educational programs; to revise provisions applicable to the issuance of facility administrator licenses; and to revise grounds for disciplinary action. . . . <b>Amended in the House (See House Journal)</b>	156	190	211
566	Health & Welfare	Law	PSYCHOLOGISTS - LICENSE - Amends existing law relating to psychologists to increase the maximum allowable fee for license renewals. . . . .	121	159	179
567	Health & Welfare	Law	AGING COMMISSION - Relating to the Commission on Aging to include the ombudsman program as one for which grants or contracts may be utilized from the Commission.	150	205	227
570	State Affairs	Law	PUBLIC RECORDS - Relating to public records to define "applicant"; to provide that names of applicants to classified or merit system positions shall not be disclosed without written consent; to provide that the names of the five final applicants to all other positions may be released; and to provide for release of names if there are less than five applicants. . . . . <b>Amended in the House (See House Journal)</b>	243	290	304
571	State Affairs	Law	PUBLIC EMPLOYEES - VETERANS - Relating to veterans to provide a statement of purpose; to define terms; to revise provisions applicable to certain preferences; to revise provisions applicable to preference and points to competitive examination ratings; repealing law relating to refusing employment or discharge; to revise provisions applicable to observance; to revise provisions applicable to the failure to give preference; to provide for reemployment and leaves of absence; repealing law relating to certain reemployment rights and leaves for employees who are not accepted for military duty, enforcement and certain definitions; and to provide severability. . . . .	117	158	179

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574	State Affairs	Law	STATE VETERANS HOME - Amends existing law to provide for admission to an Idaho State Veterans Home to the spouses of eligible veterans; and to define "spouse." .	111	158	179
575	Appropriations	Law	SURFACE MINING RECLAMATION FUND - Amends existing law to delete language that provided any unencumbered and unexpended balances in the Surface Mining Reclamation Fund and the Cyanidation Facility Closure Fund remaining at the end of the fiscal year shall not lapse but shall be carried forward until expended or modified by subsequent statute; and to delete language that provided any unencumbered and unexpended balance of the Abandoned Mine Reclamation Fund remaining at the end of a fiscal year shall not lapse but shall be carried forward for the purposes of the statute on abandoned mines until expended or until modified by subsequent statute. . . . .	120	142	155
576	Resources & Conservation	Law	IRRIGATION DISTRICTS - Amends existing law relating to irrigation districts; to revise filing requirements relating to written nominations for the office of director; to revise publication requirements relating to notices of certain irrigation district elections; to revise provisions relating to elections involving the question of a contract between a district and the United States. . . . .	121	208	227
577	Commerce & Human Resources	Law	UNEMPLOYMENT BENEFITS - To provide additional methods for charging benefits attributable to cost reimbursement employers under the Employment Security Law; to provide for repayment of any benefits received as a result of false statements or failure to report a material fact; to define "employment security information" under the Public Records Act; to provide that the identity of an informant who reports a suspected violation of the Employment Law to the Department of Commerce and Labor under an assurance of confidentiality shall not be disclosed; to clarify that the State Tax Commission and the Department of Commerce and Labor can exchange certain information; and to provide that amounts owed for penalty and interest on debts owed to the State Tax Commission or the Department of Commerce and Labor may be offset against refunds owed to the debtor by either agency. . . . .	93	141	155
578	Commerce & Human Resources	Law	EMPLOYMENT SECURITY RESERVE FUND - To provide that the imposition of a reserve tax for the Employment Security Reserve Fund shall not be precluded even if the balance of the reserve fund exceeds 49% of the actual balance of the Employment Security Fund. . . . .	111	160	179
579	Judiciary, Rules, & Administration	Law	PEACE OFFICER STANDARDS AND TRAINING COUNCIL - Relating to the Peace Officer Standards and Training Council to remove language authorizing the Council to receive applications and disburse moneys for financial assistance; revises provisions applicable to the council's power to decertify officers; revises the time period required for reporting certain actions to the council; sets forth provisions applicable to the rejection of applications for certifications; defines "convicted"; and deletes language referencing financial aid. . . . .	111	166	182

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House Bill No.	Introduced by	Final Action	Subject Matter	Intro- duction Page	Senate Vote Page	Final Disp. Page
580	Judiciary, Rules, & Administration	Law	EXPLOSIVES - Amends existing law to clarify that a person who makes a false report of explosives to an employee of a police department, sheriff's office or emergency dispatch center is guilty of a felony. . . . .	111	166	182
581	Judiciary, Rules, & Administration	Law	ADOPTION - Adds to and amends existing law relating to adoption to revise provisions applicable to petitions for adoptions of foreign born children; and to set forth provisions applicable to international adoptions. . . . .	117	166	182
582	Judiciary, Rules, & Administration	Law	DRIVING UNDER THE INFLUENCE - Amends existing law relating to driving under the influence of intoxicating substances to provide for a civil penalty for refusal to submit to evidentiary testing; and to provide for the distribution and collection of penalty moneys. . . . .	117	238	255
583	Judiciary, Rules, & Administration	Senate Judiciary & Rules	CRIMINAL PROCEDURES - Adds to existing law relating to criminal procedure to provide for the expungement of the criminal records of innocent persons. . . . .	138	--	138
584	Business	Law	RESIDENTIAL MORTGAGE PRACTICES - Amends existing law to prohibit certain unlicensed persons from engaging in mortgage brokering activities, mortgage lending activities or loan origination activities. . . . .	129	189	211
585	Business	Law	INSURANCE - Adds to and amends existing law relating to the Department of Insurance to set forth provisions applicable to hearings upon denial, nonrenewal, suspension or revocation of a certificate of authority or license; to reference violations by applicants; and to remove language referencing notification and hearing provisions relating to the denial or refusal to renew an applicant's license. . . . .	111	160	179
586	Business	Law	INSURANCE ADMINISTRATORS - Amends existing law relating to insurance administrators to revise fees and expiration and renewal periods for certificates. . . . .	111	160	179
587	Business	Law	IDAHO CREDIT CODE - Relating to the Idaho Credit Code to revise the definition for "regulated lender"; to revise provisions applicable to willful and knowing violations; to remove language authorizing the administrator to bring certain civil actions; to repeal provisions relating to applicability, notification, fees and taxes; to provide that certain persons are exempt; to revise provisions applicable to licenses to make regulated consumer loans; to revise provisions applicable to reports; to exempt certain supervised financial organizations from licensing; to remove language requiring an investigation fee; to clarify the continuing nature of certain requirements; and to revise provisions applicable to payday loan license applications. . . . .	129	190	211
589	Judiciary, Rules, & Administration	Law	CONTROLLED SUBSTANCES - CHILDREN - Amends existing law relating to uniform controlled substances to revise the penalties applicable to the manufacture or delivery of methamphetamine or amphetamine where children are present. . . . . <b>Amended in the House (See House Journal)</b>	121	177	188

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590	State Affairs	Law	COUNTY-BASED INTERMODAL COMMERCE AUTHORITY - Relating to county-based intermodal commerce authorities to revise provisions applicable to the establishment and abolishment of an authority; to revise provisions applicable to authority commissioners; to revise the powers of a governing body of a county for which an intermodal authority has been created; to provide that certain actions may be taken; to revise the general powers of a county-based intermodal commerce authority; to revise provisions applicable to property and disposal of property of an intermodal authority; and to revise provisions applicable to bonds and obligations. . . . .	129	169	182
591	State Affairs	Law	ENDOWMENT FUND - Repeals and amends existing law relating to the investment of permanent funds to provide for calculation of gains achieved by the permanent fund of each endowment fund to be incorporated into the calculation of gains and not be a separate item of earnings. . . . .	117	158	179
592	State Affairs	Law	PERMANENT ENDOWMENT FUNDS - Amends existing law to revise the method for the calculation of gains and losses of the permanent endowment funds. . . . .	117	159	179
593	Agricultural Affairs	Law	CROP RESIDUE - Amends existing law relating to smoke management and crop residue disposal to revise the definition of "crop residue." . . . . .	138	189	211
594	Agricultural Affairs	Law	NOXIOUS WEEDS - Amends existing law relating to noxious weeds to revise the duties and authorized powers of the Director of the Department of Agriculture relating to noxious weeds; to revise the duties of counties relating to noxious weeds; to revise provisions relating to the purposes of noxious weed control as it relates to landowners and citizens; to provide and revise penalty provisions for violations; and to provide that the control of noxious aquatic plants may be carried out under the general supervision of public bodies. . . . .	138	239	255
596	Agricultural Affairs	Law	ANIMALS - Amends existing law relating to animals to revise provisions relating to the possession, sale, trade, barter, exchange and importation of certain animals in Idaho; to revise the definition of domestic furbearing animals and domestic cervidae; and to revise provisions relating to those premises deemed farms, fur farms or fur ranches. . . . .	156	232	249
599	Agricultural Affairs	Law	IDAHO HORSE BOARD - Amends existing law relating to the Idaho Horse Board to revise provisions relating to assessments on horses; to provide for Idaho Horse Board paid assessment cards; and to revise provisions and procedures regarding referendums relating to horse owner mandatory assessments. . . . .	138	224	242
601	Transportation & Defense	Law	VETERAN MOTORCYCLE LICENSE PLATE - Amends existing law relating to the military veteran motorcycle license plate to revise the date of availability of the plate; and to revise the provisions for approval of the plate design and numbering system. . . . .	96		
			<b>Amended in the Senate</b> . . . . .	131	157	197



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House Bill No.	Introduced by	Final Action	Subject Matter	Intro-duction Page	Senate Vote Page	Final Disp. Page
602	Transportation & Defense	Law	MOTOR VEHICLE REGISTRATION - Adds to and amends existing law relating to motor vehicle registration to establish the Project Choice fee; to provide for deposit of the fee; to provide for application; to state the purpose of the fee; and to reference the Project Choice fee for purposes of biennial registration. . . . . <b>Amended in the House (See House Journal)</b>	179	230	249
603	Transportation & Defense	Law	UTILITY TYPE VEHICLES - Amends existing law to provide for governance of utility type vehicles; to define "utility type vehicle (UTV)"; to provide for registration requirements; to provide representation on the Off-Road Motor Vehicle Advisory Committee; and to provide for titling requirements for utility type vehicles; and to provide bond requirements for dealers of utility type vehicles. . . . .	111	169	182
604	Transportation & Defense	Senate Transportation	COMMERCIAL MOTOR VEHICLES - Amends existing law relating to permits for oversize and overweight vehicle loads on highways to provide a designated pilot project route on a portion of State Highway 38. . . . .	111	--	111
605	Transportation & Defense	Law	MOTOR VEHICLES - LICENSE PLATES - Amends existing law to establish an Idaho state historic preservation special license plate program; and to create an Idaho Historic Preservation and Cultural Enhancement Fund. . . . .	128	194	211
606	Transportation & Defense	Law	LICENSE PLATES - Adds to and amends existing law relating to special motor vehicle license plates to establish an Idaho Elks Rehabilitation Hospital special license plate program. . . . .	120	194	211
607	Transportation & Defense	Law	SPECIAL LICENSE PLATES - Adds to and amends existing law to establish a Breast Cancer Education and Screening special license plate program. . . . .	128	194	211
608	Transportation & Defense	Law	SPECIAL LICENSE PLATES - Adds to and amends existing law relating to special motor vehicle license plates to establish a National Rifle Association special license plate program. . . . .	128	169	182
609	Transportation & Defense	Failed in the Senate	MOTOR VEHICLE SPECIAL LICENSE PLATE PROGRAM - Amends existing law to provide for collection of a \$6,000 nonrefundable fee from the sponsoring entity of any special license plate program approved after January 1, 2007; and to provide for deposit of the fee and all proceeds from the sale of the special license plate program approved after January 1, 2007, to the State Highway Account. . . . .	128	203	203
611	Health & Welfare	Law	PRESCRIPTIONS - Amends existing law to revise provisions applicable to the validity of prescription drug orders. . . . . <b>Amended in the House (See House Journal)</b>	156	190	211
613	Health & Welfare	Law	PHARMACY - Amends existing law relating to the Board of Pharmacy to provide a common drug name. . . . . <b>Amended in the House (See House Journal)</b>	156	206	227

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614	Health & Welfare	Law	PHARMACISTS - Amends existing law relating to the Board of Pharmacy and controlled substance prescriptions filed electronically; to require the board to create a controlled substances prescriptions database, and specify its availability and maintain records on information disclosed from the database; to provide for the assumption of costs associated with recording and submitting data; to require disclosure of prescription tracking program information to certain individuals; to permit disclosure of information to listed agencies and boards; to remove additional discretionary authority to release information; and to remove a confidentiality provision. . . . .	150	189	211
615	Health & Welfare	Law	STATE EMPLOYEE INSURANCE - Relating to mental health parity in state group insurance; to state findings; to provide that employees and their families not be discriminated against in mental health group disability insurance benefits or group health care service coverage; to define terms; to provide coverage requirements; and to provide for a report to the legislature. . . . .	138	180	197
617	Health & Welfare	Senate Health & Welfare	CARISOPRODOL - Amends existing law to add carisoprodol to Schedule IV of the Idaho controlled substance schedules. . . . .	193	--	193
619	Health & Welfare	Law	PHYSICAL THERAPY - Relating to the Physical Therapy Practice Act to revise definitions; to revise provisions applicable to the establishment of the Physical Therapy Licensure Board; to provide for the powers and duties of the board; to remove language requiring an applicant to furnish references; to revise provisions applicable to the renewal and reinstatement of licenses; to revise the grounds for disciplinary action; to revise provisions applicable to disciplinary actions and procedures; to revise provisions applicable to censure or reprimand by the board; to provide for the disposition of receipts and payment of expenses; to provide that the Department of Self-Governing Agencies shall include the Idaho Physical Therapy Licensure Board; and to empower the Bureau of Occupational Licenses to enter a written agreement with the Board. . . . .	150	191	211
621	State Affairs	Law	IDAHO TOBACCO MASTER SETTLEMENT AGREEMENT- Amends existing law relating to the Idaho Tobacco Master Settlement Agreement Complementary Act to revise the definition of "stamping agent" to mean a person who is authorized to wholesale cigarettes or who is required to affix tax stamps to packages or other containers of cigarettes, as well as any person who pays a tobacco products tax on "roll your own" tobacco. . . . .	129	175	188
624	Education	Law	SCHOOL PROPERTY - Amends existing law to provide that school property with an estimated value of less than five hundred dollars may be disposed of by an employee of the district empowered by the board to dispose of such properties, provided the school district board of trustees has been notified prior to disposal of said property. . . . . <b>Amended in the Senate</b> . . . . .	128 192	222	259

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House Bill No.	Introduced by	Final Action	Subject Matter	Intro-duction Page	Senate Vote Page	Final Disp. Page
627	Judiciary, Rules, & Administration	Law	STARS TECHNOLOGY FUND - Amends existing law relating to the ISTARS Technology Fund to reference payments made by credit card or debit card; to allow for the designation of moneys for certain technologies; and to provide for the deposit of certain payments into the ISTARS Technology Fund for specified uses. . . . .	124	176	188
628	Judiciary, Rules, & Administration	Law	JUDGES - RETIREMENT - Relating to judges' retirement to authorize the Idaho Supreme Court to adopt, amend and rescind rules and administrative policies. . . . .	124	176	188
629	Judiciary, Rules, & Administration	Law	MISDEMEANORS - Amends existing law to increase penalties applicable to specified misdemeanors. . . . .	124	176	188
630	Judiciary, Rules, & Administration	Law	SCHOOL GROUNDS - VIOLENCE - To provide that a person who willfully threatens to commit a violent act on school grounds by use of a firearm or other deadly or dangerous weapon is guilty of a misdemeanor. . . . . <b>Amended in the House (See House Journal)</b>	156	263	288
631	Judiciary, Rules, & Administration	Law	PROSECUTING ATTORNEYS - To allow counties to contract for prosecutorial services under certain conditions; and to provide a limited exception to allow a prosecuting attorney to hold another county office. . . . .	124	191	211
632	Judiciary, Rules, & Administration	Law	CONCEALED WEAPONS - Amends existing law relating to concealed weapons to exempt from license requirements detention deputies with certain credentials. . . . .	138	190	211
633	Judiciary, Rules, & Administration	Law	DRUG HOTLINE FEE - Relating to drug enforcement to provide for a drug hotline fee for drug violations; and to provide for the use of certain moneys to support a twenty-four hour anonymous hotline and reward system for the reporting of drug violations. . . . .	138	191	211
634	Judiciary, Rules, & Administration	Law	CIVIL ACTIONS - Adds to existing law to provide that expressions of apology, condolence and sympathy made by health care professionals shall be inadmissible in certain circumstances; to provide for admissibility of a statement of fault; and to define terms. . . . . <b>Amended in the House (See House Journal)</b>	156	223	242
636	Resources & Conservation	Law	CLEARWATER RIVER - To establish a minimum stream flow water right for that stretch of the North Fork of the Clearwater River below Dworshak Dam to the confluence with the Clearwater River to be held by the Water Resource Board in trust for the people of the state of Idaho. . . . .	129	207	227
637	Resources & Conservation	Law	WATER RESOURCES DEPARTMENT - PUBLIC WORKS - Relating to public works to specify those real properties and improvements that constitute facilities needs relating to the Department of Water Resources and the Water Resource Board; to provide an exemption from specified administration and review of certain public works projects for the Department and the Resource Board; and to provide that certain requirements apply to the Department and the Board relating to the letting of contracts for public works. . . . .	138	222	242

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House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
638	Resources & Conservation	Law	PARK AND RECREATION BOARD - Amends existing law to provide that the Park and Recreation Board shall appoint the Waterway Improvement Fund Advisory Committee; to revise provisions relating to the terms of appointment for the Recreational Vehicle Advisory Committee; and to revise provisions relating to the terms and compensation of the Off-Road Motor Vehicle Advisory Committee. . . . .	149	232	249
639	Resources & Conservation	Law	NAVIGABLE LAKES - Amends existing law relating to navigational and nonnavigational encroachments; and to revise a definition. . . . .	117	207	227
640	Resources & Conservation	Law	FISH AND GAME - Amends existing law relating to fish and game to revise provisions relating to the transfer of moneys into the Animal Damage Control Fund. . . . .	149	229	249
645	Business	Law	LIQUEFIED PETROLEUM GAS - Amends existing law to clarify the application of the Idaho Liquefied Petroleum Gas Public Safety Act. . . . .	149	194	211
646	Business	Law	DISINTERMENT - Amends existing law to require that disinterment permits be issued only upon verified application of the person having the highest legal authority. . . . .	156	206	227
647	Commerce & Human Resources	Senate Commerce & Human Resources	STATE PERSONNEL SYSTEM - Amends existing law relating to the state personnel system to require the Division of Human Resources to adopt a rule permitting problem solving through peer review. . . . .	120	--	120
648	Commerce & Human Resources	Law	WORKER'S COMPENSATION - Amends existing law relating to worker's compensation to provide that persons performing service in the course of the business of an employer are covered under private employment provisions; to revise the definition for "employment"; and to remove an exemption from coverage relating to employment not carried on by the employer for the sake of pecuniary gain. . . . . <b>Amended in the Senate</b> . . . . .	111 192	221	259
649	Commerce & Human Resources	Law	WORKER'S COMPENSATION - Relating to worker's compensation to prohibit balance billing. . . . .	111	206	227
650	Resources & Conservation	Law	AQUIFER PROTECTION DISTRICTS - Adds to existing law to provide for the formation of aquifer protection districts; to provide for petitions; to provide for elections; to provide powers and duties; to provide for a policy and budget advisory committee; to provide for funds; to authorize fees; to provide for budgets; and to provide that the aquifer protection district may apply for loans from the Water Resource Revolving Development Fund. . . . . <b>Amended in the House (See House Journal)</b>	188	246	259
652	Business	Law	INSURANCE COMPANIES - Relating to assets and liabilities of insurance companies to permit domestic insurance companies to treat goodwill, trade names and other like intangible assets as allowed assets in any determination of the financial conditions of an insurer. . . . .	156	223	242

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House Bill No.	Introduced by	Final Action	Subject Matter	Intro-duction Page	Senate Vote Page	Final Disp. Page
653	Business	Law	LIABILITY INSURANCE - MOTOR VEHICLE DEALERS Adds to existing law relating to liability insurance to require dealers and vehicle manufacturers to obtain liability insurance as a condition of licensure; to require minimum coverage amounts; requires that certificates of insurance be filed with the Idaho Transportation Department. . . . .	156	223	242
655	Business	Law	INSURANCE - Amends existing law relating to insurance to provide that large employer carriers, small employer carriers and individual carriers may discontinue offering particular health benefit plans at the time of coverage renewal under certain conditions. . . . . <b>Amended in the Senate</b> . . . . .	156 268	285	309
656	Local Government	Senate Resources & Environment	BASIN PROJECT COMMISSION - Amends existing law relating to the Basin Project Commission to provide for an additional member on the board of commissioners on the Basin Project Commission; and to provide for tie votes. . . <b>Amended in the House (See House Journal)</b>	156	--	156
659	Transportation & Defense	Law	MOTOR VEHICLE LICENSE - MANUFACTURER - Amends existing law to prohibit issuance of a vehicle manufacturer's license to an applicant who does not have an established place of business within Idaho; to require notification to the Idaho Transportation Department upon a change of business address; and to provide for granting a new license for the unexpired portion of the term of the license. . . . .	120	205	227
663	Health & Welfare	Law	MEDICAID - Adds to existing law relating to Medicaid to permit the Department of Health and Welfare to establish personal health accounts for Medicaid participants; to provide a purpose for the accounts; to provide for funding of the accounts; to permit rulemaking by the department; to provide for the use of the account funds; to provide payments from the accounts; to require the department to establish enforceable cost sharing; to provide for a purpose; to provide for rulemaking by the department; to provide for practices that may invoke copayments; to define terms; and to permit exceptions. . . . . <b>Amended in the House (See House Journal)</b>	212	264	288
664	Health & Welfare	Law	MEDICAID ELIGIBILITY - DISABLED WORKER - Adds to existing law relating to Medicaid to provide legislative findings; to provide eligibility requirements for workers with disabilities to qualify for Medicaid; to provide an exception for paying a Medicaid premium; and to provide for a premium based on income. . . . .	156	190	211
668	Health & Welfare	Senate Health & Welfare	MEDICAID FRAUD - Adds to existing law to provide for the investigation and prosecution of Medicaid fraud by the Office of the Attorney General; to provide for the adoption of procedures; to provide for the collection of overpayments; to provide for the employment of necessary personnel; to provide for reporting; to provide a definition; and to provide for rulemaking authority. . . . .	202	--	202

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House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
671	State Affairs	Law	SCHOOL DISTRICTS - ELECTIONS - Relating to school district elections to allow the candidate to authorize a watcher to observe the counting of votes; to permit challengers and watchers to work in shifts; to provide for watchers at school district elections which are other than for the election of officers; to remove the requirement that such watchers not absent themselves until the polls close; to provide that challengers or watchers shall not be a candidate at the election where they are serving; and to remove the requirement that an elector be absent from the district or be unable because of disability to vote by absentee ballot. . . . <b>Amended in the Senate</b> . . . . .	124 167	189	249
672	State Affairs	Law	ELECTIONS - To provide for watchers to observe the conduct of an election; to allow pro and con persons to be at polling places for the purpose of challenging voters and observing the conduct of an election; to provide procedures; to provide for utilization of the registration system for notifying officials where the elector was previously registered so the prior registration may be canceled; to delete language allowing an elector to request a change in the information; and to provide that the county clerk shall supply to a requesting school board a list of registered electors. . .	124	166	182
673	State Affairs	Law	LIQUOR LICENSES - Relating to liquor licenses to provide for license fees; to provide for the issuance of not more than 3 licenses to the owner, operator or lessee of beverage, lodging or dining facilities located within a year-round resort; to provide for the issuance of a liquor license within limitations to the owner, operator or lessee of a golf course, ski resort, cross-country skiing facility or waterfront resort located within a year-round resort; to provide for the nontransferability of licenses; to provide reference to fees; and to define "year-round resort." . . . . . <b>Amended in the Senate</b> . . . . .	145 191	222	323
676	Revenue & Taxation	Law	PROPERTY TAX - AGRICULTURAL LAND - PLATTING - Relating to property taxation to provide that if the land qualified for the exemption in Section 63-602FF, <i>Idaho Code</i> , in 2005, the land will qualify in 2006 for the speculative portion of agricultural land exemption upon certain events occurring; to provide that the platting of land actively devoted to agriculture does not alone cause the land to lose its status; and to define terms. . . . . <b>Amended in the Senate</b> . . . . .	106 209	229	272
678	Revenue & Taxation	Senate Local Government & Taxation	SCHOOL DISTRICTS - TAX LEVIES - To reduce the maintenance and operation levy; to revise how maximum maintenance and operation levies are calculated for tax year 2007 and thereafter; to provide for a budget stabilization levy for certain districts; to reduce the local district's contribution; to require districts to reduce their local district contribution to be eligible for education support program distributions; to provide ongoing property tax relief; to provide that moneys in the fund shall be state discretionary funds; to provide for the transfer of excess revenues upon certain circumstances occurring; and to provide for transfers to the Public School Income Fund. . . . .	106	--	243

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679	Revenue & Taxation	Senate Local Government & Taxation	SALES TAX - Adds to existing law to impose an additional one-half cent sales tax on and after June 1, 2006. . . . .	106	--	243
680	Revenue & Taxation	Law	PROPERTY TAX DEFERRAL ACT - Adds to and amends existing law to enact the "Property Tax Deferral Act"; to provide for definitions; to provide for application for deferral of property tax; to provide for procedures and appeals; to provide for a deferral of property taxes and interest and liens relating to the deferral; to provide for reimbursement by the State Tax Commission of local taxes deferred; to provide for events terminating the deferral; to provide for payment of deferred taxes; to provide for recovery of amounts subject to recovery; to provide a misdemeanor penalty for knowingly filing a false claim; and to coordinate reimbursement payments for property tax relief and tax deferrals. . . . .	106	238	255
684	Education	Law	IDAHO COMMISSION FOR LIBRARIES - Amends existing law to replace the Idaho State Library with the Idaho Commission for Libraries; to provide for the appointment of the Idaho Commission for Libraries Board; and to provide for the employment of a qualified state librarian. . . . .	155	232	249
685	Revenue & Taxation	Law	INCOME TAX CREDITS - Amends existing law to provide for an income tax credit for charitable contributions made to the Learning Lab, Inc., or its foundation. . . . .	124	169	182
686	Revenue & Taxation	Law	SALES TAX EXEMPTIONS - Adds to existing law to provide an exemption from sales tax for certain fees and membership dues related to nonprofit hunting or shooting sports. . . . .	145	237	255
687	Revenue & Taxation	Law	SALES TAX EXEMPTION - Amends existing law to provide that the sale or purchase of a glider kit shall be exempt from the sales and use tax when the glider kit will be used to assemble a glider kit vehicle, which will be immediately registered under the international registration plan or similar proportional or pro rata registration system. . . . .	145	238	255
688	Revenue & Taxation	Law	INCOME TAX CREDIT - Amends existing law to provide an income tax credit for charitable contributions made by a taxpayer to a Project Safe Place located within the state of Idaho. . . . .	129	225	242
692	Revenue & Taxation	Senate Transportation	RENEWABLE FUEL STANDARD - FUEL TAX - Amends existing law to provide that on and after adoption of a renewable fuel standard by statute and implementation of that standard, the deduction from the fuels tax shall apply to those fuels not specifically included in the renewable fuel standard. . . . .	138	--	138
693	Revenue & Taxation	Senate Local Government & Taxation	CIGARS - TAXATION - Amends existing law to provide that the tax on cigars shall not exceed fifty cents per cigar. . . . .	155	--	155

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House Bill No.	Introduced by	Final Action	Subject Matter	Intro-duction Page	Senate Vote Page	Final Disp. Page
694	State Affairs	Law	UTILITY RATES - CONSTRUCTION WORK - Relating to utility rates to provide that, except upon its finding that the public interest will be served thereby, the Public Utilities Commission is prohibited in any order from setting rates for a utility that grants a return on construction work in progress or on property held for future use and which is not currently used and useful in providing utility service; to delete reference to short-term construction work in progress; and to provide that if the commission sets rates for any utility including a return on property held for future use and subsequently determines that such property is not needed to provide utility service, then the commission shall determine whether any gain or loss occurring from the sale may be included in the utility's rates. . . . .	145	204	227
695	State Affairs	Law	EMERGENCY COMMUNICATIONS FEE - Amends existing law relating to the emergency communications fee to provide that the fee may be used for the management, maintenance and operation of hardware and software applications; to reference dispatching for purposes of general funding payments; and to provide for application. . . . . <b>Amended in the Senate</b> . . . . .	145 208	229	272
696	State Affairs	Law	ELECTRIC GENERATION PLANT - COUNTIES - Amends existing law to authorize counties to establish, create, develop, acquire, own, maintain and operate or contract for the ownership, operation and maintenance of certain electrical generation plants not to exceed twenty-five megawatts in capacity which use as a fuel source landfill gas, wood waste or other biomass fuels; and to provide that all the electricity produced from the electrical generation facility shall be sold by the county at wholesale. . . . .	183	225	242
698	Education	Senate Education	SCHOLARSHIPS - Adds to existing law to provide eligibility criteria for scholarships for drug, alcohol and tobacco free students; to provide that drug, alcohol and tobacco free students shall remain drug, alcohol and tobacco free to qualify for the scholarship; to provide for the amount and length of the scholarship award; to provide for reports; to provide for rules; and to define terms. . . . .	156	--	156
700	Appropriations	Law	APPROPRIATIONS - JUVENILE CORRECTIONS - Amends law to revise the fiscal year 2006 appropriation to the Department of Juvenile Corrections; and to authorize an additional ten full-time equivalent positions. . . . .	124	159	179
701	Appropriations	Law	APPROPRIATIONS - Amends existing law to revise the appropriation to the Superintendent of Public Instructions/State Department of Education for fiscal year 2006; and to authorize additional full-time positions. . . . .	124	159	179
702	Education	Senate Education	POSTSECONDARY EDUCATION SCHOLARSHIPS - Adds to existing law relating to postsecondary education scholarships to state legislative intent; to create an Idaho Opportunity Scholarship Program; to provide for procedures; to create an Idaho Opportunity Scholarship Fund in the state treasury; and to provide for board responsibility. . . . . <b>Amended in the House (See House Journal)</b>	188	--	188



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House Bill No.	Introduced by	Final Action	Subject Matter	Intro- duction Page	Senate Vote Page	Final Disp. Page
705	Revenue & Taxation	Law	SCHOOLS - To provide that a cooperative service agency may request its member school districts to authorize a levy not to exceed one-tenth of one percent for the purpose of constructing and maintaining cooperative service agency facilities; to provide for continuation of the levy upon approval of district electors; and to provide for administration and accounting of moneys received. . . . . <b>Amended in the House (See House Journal)</b>	188	264	288
706	Revenue & Taxation	Law	SALES TAX EXEMPTIONS - Relating to sales tax to exempt sales to or purchases by nonprofit organizations offering free dental clinic services to children. . . . .	155	225	242
707	State Affairs	Law	LOBBYING - Amends existing law relating to lobbying to require persons attempting to influence executive or administrative actions for compensation at the state level to register and file annual and periodic reports with the Secretary of State. . . . .	150	204	227
708	State Affairs	Law	HEALTH CARE DIRECTIVE REGISTRY - Adds to and amends existing law to provide a health care directive registry exception to the Public Records Act; to define "health care directive"; to permit registration of a health care directive and a health care directive revocation; to provide immunities; to create a health care directive registry in the Office of the Secretary of State; to provide for the information to be included in the registry; to permit the Secretary of State to charge a fee for registration of a health care directive; to provide duties and responsibilities of the Secretary of State; to provide a means of access to the registry; to limit access to the information contained in the registry; to limit liability; and to create the Health Care Directive Registry Fund. . . . .	129	166	182
709	State Affairs	Law	DEAD BODIES - LAW ENFORCEMENT - Amends existing law relating to the reporting of deaths to require notification of certain officials. . . . . <b>Amended in the House (See House Journal)</b>	188	230	249
711	State Affairs	Law	MUNICIPAL ELECTIONS - Amends, adds to and repeals existing law relating to municipal election laws; to revise filing deadlines, ballot preparation and printing deadlines and general administration provisions of city election law. . . . .	150	190	211
712	Education	Law	PROPRIETARY SCHOOLS - Relating to proprietary schools to revise and clarify the powers of the State Board of Education relating to maintaining registers of postsecondary educational institutions and schools approved by the board and in determining acceptance of academic credits; to revise definitions; to provide for registration of postsecondary educational institutions and assessment of an annual registration fee; to allow the State Board of Education to set by rule the annual agent's permit fee; to provide that courses of a proprietary school will not be accepted for transfer into any Idaho public postsecondary educational institution; to revise information required on an application; and to provide for enforcement of violations of the provisions of Chapter 24, Title 33, <i>Idaho Code</i> . . . . .	183	237	255

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House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
713	Education	Law	SEX OFFENDERS - SCHOOL CHILDREN - Adds to existing law to prohibit access to school children by any person currently registered or required to register under the Idaho Sex Offender Registration Act; to provide exceptions; to provide a penalty; and to allow more stringent safety and security requirements by school districts. . . . .	179		
			<b>Amended in the House (See House Journal)</b>			
			<b>Amended in the Senate</b> . . . . .	239	261	298
714	State Affairs	Law	MORTGAGE BROKERS - Amends existing law to authorize the director of the Department of Finance to participate in the establishment and implementation of a multistate automated licensing system for mortgage brokers and lenders and individual mortgage loan originators; to require criminal history record checks; and to exempt certain individuals and persons from information and participation requirements. . . . .	202		
			<b>Amended in the House (See House Journal)</b>			
			<b>Amended in the Senate</b> . . . . .	270	285	309
716	State Affairs	Law	DRUG OR MENTAL HEALTH COURT PROGRAM - Amends existing law to provide that a defendant may be discharged or a judgment amended upon a showing relating to the defendant's graduation from a drug court program or mental health court program and compliance with applicable probation terms and conditions. . . . .	156	205	227
717	State Affairs	Senate State Affairs	PRECINCT COMMITTEEMEN - To provide that the precinct committeemen within each legislative district shall meet within the legislative district or at a convenient location in a county contiguous to the legislative district, within eleven days after the primary election. . . . .	138		
			<b>Amended in the Senate</b> . . . . .	167		
			<b>Amended in the Senate</b> . . . . .	208	--	237
718	State Affairs	Law	PUBLIC RECORDS - Amends existing law relating to public records to provide a limitation on a fee that may be charged; to provide that statistical information descriptive of an identifiable person may be disclosed unless prohibited by law; to authorize a public agency or independent public body corporate and politic to provide a copy of a public record in electronic form if the record is available in electronic form or can be converted to an electronic format using standard marketplace software and an electronic copy is specifically requested; to provide that a request for and delivery of a public record may be conducted by electronic mail; and to provide an exception to the requirement that a public record must be provided within a specified time. . . . .	150	190	211
719	State Affairs	Law	CREUTZFELDT-JAKOB DISEASE - Amends existing law relating to autopsies to require autopsies to be performed in certain cases in which Creutzfeldt-Jakob Disease is suspected; and to require that the findings of such autopsies be reported to the Department of Health and Welfare. . . .	188	230	249
			<b>Amended in the House (See House Journal)</b>			

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720	Revenue & Taxation	Senate Local Government & Taxation	TAXING DISTRICT ELECTIONS - To provide that when a taxing district is holding an election to increase the property tax portion of its budget it shall mail a notice of the election to every property taxpayer in the taxing district in a similar manner that property tax notices are sent out; to provide that the notice shall state with specificity the date of the election, polling places, the time the polls will open, the aggregate amount of taxes that will be raised if the election is successful and the increased taxes that will occur to the median valued property of residential property, of business property and of agricultural property. . . . .	184	--	184
722	State Affairs	Law	INSURANCE - Relating to insurance trade practices and frauds to provide that a life insurer or casualty insurer, or producers who are marketing life insurance, property insurance or casualty insurance, shall not be prohibited from providing to a policyholder or prospective policyholder of life, property or casualty insurance, inducements of an aggregate value of \$50.00 or less. . . . .	156	224	242
723	State Affairs	Law	HAIRCUTTERS - To restrict the use of certain terminology and barber poles; to define terms; to set forth requirements for a haircutter license; to set forth curriculum and training requirements; to provide fees; to provide sanitation standards; and to require minimum hours of instruction for students rendering chemical services. . . . . <b>Amended in the Senate</b> . . . . .	184 268	284	309
724	State Affairs	Law	LOCAL LAND USE PLANNING - TESTIMONY - Relating to local land use planning to strike an exception allowing members of governing boards to testify or present evidence in public hearings in which they have acknowledged nonparticipation in the matter due to a conflict of interest.	156	225	242
726	Revenue & Taxation	Law	INCOME TAX - CREDIT - To provide a state income tax credit for charitable contributions made to Project P.A.T.C.H., Planned Assistance for Troubled Children. . .	179	262	288
727	Transportation & Defense	Law	SALVAGE VEHICLES - Relating to titling of salvage vehicles to delete the age and market value limitations relating to obtaining a salvage certificate of ownership; and to provide a procedure for obtaining a branded certificate of title for a vehicle which is more than five years old or which has a known market value \$6,000 or less which has been determined to be a salvage vehicle and not required to be inspected by the Idaho Transportation Department. . . . .	150	205	227
728	State Affairs	Law	COMMUNITY REINVESTMENT PILOT INITIATIVE - Relating to land remediation to provide for the Idaho Community Reinvestment Pilot Initiative; to provide for a fund; to provide for financial assistance to eligible property owners; to provide limitations on the financial assistance; to provide for the development of annual priority lists for revitalization projects by the Department of Environmental Quality; to provide for community investment rebate requests, reviews and certifications; and to prohibit eligible property owners that receive investment rebates from receiving a specified property tax exemption. . . . .	228	266	288

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House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
729	Revenue & Taxation	Law	INTERNAL REVENUE CODE - Amends existing law to update references to the Internal Revenue Code. . . . .	149	238	255
731	Revenue & Taxation	Law	INCOME TAX CREDIT - Amends existing law to provide an income tax credit for charitable contributions made to Idaho Drug Free Youth Inc. or its foundation. . . . .	202	265	288
734	State Affairs	Law	MENTAL ILLNESS - Relating to mental illness to remove language referencing medical attendance upon the mentally ill; to revise the definition for "voluntary patient"; to revise provisions applicable to the authority to admit voluntary patients and to receive involuntary patients; to revise provisions applicable to a detention with a hearing; and to revise exemptions from liability. . . . .	184	224	242
735	State Affairs	Law	URBAN RENEWAL - Amends existing law relating to urban renewal to revise definitions. . . . . <b>Amended in the House (See House Journal)</b>	188	264	288
736	State Affairs	Law	GROUND WATER DISTRICTS - Relating to ground water districts to provide for assessment credits relating to ground water district mitigation obligations by the Director of the Department of Water Resources based on mitigation plans of certain nonirrigators; to provide that the Director may require certain accountings by ground water districts relating to nonmember participants; to clarify provisions relating to petitions for exclusion of ground water irrigated lands from ground water districts; and to provide for petitions for exclusion of lands of nonirrigators from ground water districts. . . . . <b>Amended in the House (See House Journal)</b>	219	282	298
737	State Affairs	Law	GROUND WATER RIGHTS - EASTERN SNAKE RIVER Amends existing law relating to the administration of ground water rights within the Eastern Snake River Plain; to strike a date; to provide for notice by the Director of the Department of Water Resources to the holders of certain junior ground water rights relating to joining and participating in ground water districts for mitigation purposes; and to authorize the Director to take certain action in the event any of the junior priority ground water rightholders elect not to join ground water districts or do not have approved mitigation water plans. . . . . <b>Amended in the House (See House Journal)</b>	236	282	298
738	State Affairs	Law	DEPARTMENT OF HEALTH AND WELFARE - Adds to existing law to set forth legislative intent; to establish the Health Quality Planning Commission within the Department of Health and Welfare; to provide for commission membership and meetings; to set forth provisions applicable to funding; and to set forth commission duties. . . . . <b>Amended in the House (See House Journal)</b>	188	231	249
739	Education	Law	WRITING AND MATH ASSESSMENTS - STUDENTS - Adds to existing law relating to public schools to provide for an exception to participation in the direct writing and the direct mathematics assessments. . . . .	202	284	298

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House Bill No.	Introduced by	Final Action	Subject Matter	Intro-duction Page	Senate Vote Page	Final Disp. Page
742	Education	Law	IDAHO DIGITAL LEARNING ACADEMY - Adds to existing law to clarify that the Idaho digital learning academy is a state department for risk management purposes. . . . . <b>Amended in the House (See House Journal)</b>	188	277	295
743	Ways & Means	Law	SCHOOL FACILITIES IMPROVEMENT - To provide references to the appointing authority of the State Board of Education and the Superintendent of Public Instruction; to remove the limitation on certain financial assistance; to provide application to school districts with an index value of less than one and one-half; to provide a Public School Facilities Cooperative Funding Program; to provide for building maintenance matching funds; to require school districts to deposit an amount to a school building maintenance fund, less the amount deposited from state funds; to provide for calculation of the appropriation; to provide for a state appropriation; to provide for use of the fund moneys; to direct the Administrator of the Division of Building Safety and the Department of Education to draft a best practices maintenance plan; to provide a condition under which the administrator shall submit an application to the Fund panel to abate an identified safety hazard; to provide that an amount equal to the General Fund appropriation for bond levy equalization shall be annually distributed to the General Fund; and to transfer and appropriate \$25,000,000 from the General Fund to the Public School Facilities Cooperative Fund. . . . .	174	244	259
744	Revenue & Taxation	Failed in the Senate	SALES TAX - EXEMPTION - Amends existing law relating to exemptions from the sales and use tax to provide that Project P.A.T.C.H., Planned Assistance for Troubled Children, shall be included in the definition of "health related entities." . . . . .	179	262	263
745	Revenue & Taxation	Law	ORGAN DONATION - INCOME TAX CREDIT - Adds to existing law to provide an income tax credit for live organ donation expenses incurred by a taxpayer; and to provide a limit. . . . .	236	267	288
746	Appropriations	Law	APPROPRIATIONS - Amends existing law to revise the fiscal year 2006 appropriation to the Department of Health and Welfare for public health services in the Physical Health Program and the Emergency Medical Services Program. . .	149	175	188
747	Appropriations	Law	APPROPRIATIONS - Appropriating an additional \$5,000,000 to the Catastrophic Health Care Cost Fund for fiscal year 2006. . . . .	149	176	188
748	Appropriations	Law	APPROPRIATIONS - Appropriating an additional \$800,000 to the Department of Health and Welfare for the developmentally disabled in the Community Developmental Disability Service Program for fiscal year 2006; and providing for a transfer of funds. . . . .	149	176	188

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House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
750	Education	Law	SCHOOLS - BULLYING - Amends and adds to existing law to provide that superintendents and principals may temporarily suspend pupils for student harassment, intimidation or bullying; to provide additional powers and duties for boards of trustees; and to provide that any student who commits or conspires to commit an act of harassment, intimidation or bullying may be guilty of an infraction. . . . <b>Amended in the House (See House Journal)</b>	188	266	288
752	Education	Law	STATE BOARD OF EDUCATION - Amends existing law relating to the Idaho State Board of Education to permit the board to adopt rules to provide for a student information management system. . . . .	183	231	249
753	State Affairs	Law	FIRE INSURANCE - Amends existing law relating to standard fire policies to set forth notice provisions applicable to policy cancellation based upon nonpayment of premium; and to provide when the notification period shall begin. . . <b>Amended in the House (See House Journal)</b>	243	296	304
754	Revenue & Taxation	Law	INCOME TAX CREDIT - NEW PLANT FACILITIES - Amends existing law to provide that the jobs credit, additional investment tax credit and a sales tax rebate shall apply to new plant and building facilities instead of headquarters or administrative facilities. . . . .	184	262	288
755	Revenue & Taxation	Senate Finance	BUDGET STABILIZATION FUND - Amends existing law to increase the maximum percentage of total general fund receipts that may be in the Budget Stabilization Fund; and to provide that appropriation of moneys from the Budget Stabilization Fund in any year shall be limited to fifty percent of the increased percentage. . . . .	184	--	184
756	Revenue & Taxation	Law	SALES TAX EXEMPTIONS - Amends existing law to delete the reference to the sales and use tax exemption for heating materials in the production exemption and in the logging exemption. . . . .	184	262	288
757	Revenue & Taxation	Law	SALES TAX EXEMPTION - Amends existing law to provide that donations to, sales to, or purchases by the Advocates for Survivors of Domestic Violence and Sexual Assault, Inc., a nonprofit corporation, shall be exempt from the sales and use tax. . . . .	184	262	288
758	State Affairs	Law	BELLEVUE CITY CHARTER - Amends the Charter of the City of Bellevue to provide for the election dates and election procedures to be as set forth in the general laws of the state of Idaho applicable to election of city officials; and to provide quorum requirements and requirements for passage of ordinances, resolutions and other questions. . . .	188	264	288
760	Revenue & Taxation	Law	MOPED - Amends existing law relating to motor vehicles to revise the definition of "moped" to include vehicles without pedals that are powered solely by electrical energy. . . . . <b>Amended in the House (See House Journal)</b>	212	277	295

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House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
761	State Affairs	Senate Commerce & Human Resources	CONTRACTOR LICENSING - BONDS - Relating to contractor licensing to authorize the Idaho Electrical Board to set forth bonding requirements and to set forth license application requirements; to revise powers and duties of the Idaho Plumbing Board and to set forth license application requirements; and to revise provisions applicable to requirements for certificates of competency for heating, ventilation and air conditioning contractors and specialty contractors. . . . . <b>Amended in the House (See House Journal)</b>	289	--	289
762	State Affairs	Law	UNIFORM CONTROLLED SUBSTANCES - Amends existing law relating to uniform controlled substances to revise penalties applicable to the manufacture, possession and other prohibited actions relating to specified amounts of pseudoephedrine. . . . .	184	230	249
763	State Affairs	Law	FIRE PROTECTION DISTRICTS - Relating to fire protection districts to clarify the purpose and policy of the fire protection district law; to provide for costs of publication and election relating to petitions for organization of fire districts; to provide for oaths of commissioners and appointed officers; to provide for terms of office for commissioners and to provide for the filling of vacancies of commissioners; to revise provisions relating to annexation; to revise provisions relating to consolidation; to provide for and to revise corporate powers and duties of the board; to provide for and revise provisions relating to the sale, conveyance and disposition of property; to provide for compensation, benefits and expenses; to provide for liability; to provide for and to revise provisions relating to the handling of district funds; to revise provisions applicable to the inclusion, annexation or withdrawal of areas in cities; to provide for cooperation and reciprocating use of firefighting forces and apparatus of districts, political subdivisions and municipalities; to provide for fees and liens; to revise provisions relating to contracts between fire protection districts and individual property owners outside of the districts; and to revise provisions relating to the dissolution of fire protection districts. . . . .	188	266	288
764	Revenue & Taxation	Law	PERSONAL PROPERTY TAX - Amends existing law to provide that certain property of a county hospital or hospital district is exempt from taxation; and to provide that the Board of Equalization shall grant an exemption to the property of a county hospital or a hospital district if certain circumstances occur. . . . .	228	266	288
765	Revenue & Taxation	Law	INCOME TAX CREDIT - Amends existing law to provide an income tax credit for charitable contributions made by a taxpayer to Shepherd's Home, Inc. or its foundation. . . . .	184	263	288
766	Appropriations	Law	APPROPRIATIONS - DIVISION OF FINANCIAL MANAGEMENT - Appropriates \$2,074,900 to the Office of the Governor for the Division of Financial Management for fiscal year 2007; limits the number of full-time equivalent positions to 24; directs the allocation of salary savings. . . . .	183	204	227

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House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
767	Appropriations	Law	APPROPRIATIONS - OFFICE OF THE GOVERNOR - Appropriates \$1,654,700 to the Executive Office of the Governor for fiscal year 2007; limits the number of full-time equivalent positions to 24; and directs the allocation of salary savings. ....	183	204	227
770	Education	Law	PUBLIC SCHOOL FUNDING - Amends existing law relating to public school funding to provide for additional instructional staff allowance for certain separate secondary schools. .... <b>Amended in the Senate</b> ..... <b>Amended in the Senate</b> .....	188 240 270	286	309
771	State Affairs	Law	ALFALFA AND CLOVER SEED COMMISSION - Amends existing law to revise provisions relating to the disbursement of moneys from the accounts of the Idaho Alfalfa and Clover Seed Commission; and to provide for a system of internal accounting controls. ....	228	277	295
772	State Affairs	Law	MINT COMMISSION - Amends existing law to revise provisions relating to the disbursement of moneys from the accounts of the Idaho Mint Commission; and to provide for a system of internal accounting controls. ....	228	277	295
773	State Affairs	Law	CANOLA AND RAPESEED COMMISSION - Amends existing law to revise provisions relating to the disbursement of moneys from the accounts of the Idaho Canola and Rapeseed Commission; and to provide for a system of internal accounting controls. ....	228	277	295
774	State Affairs	Law	BEAN COMMISSION - Amends existing law to revise provisions relating to the disbursement of moneys from the accounts of the Idaho Bean Commission; and to provide for a system of internal accounting controls. ....	228	278	295
775	State Affairs	Law	ALFALFA AND CLOVER SEED COMMISSION - Amends existing law relating to the Alfalfa and Clover Seed Commission to delete definitions relating to districts; and to revise provisions relating to the composition of grower nominating committees appointed by the Department of Agriculture. ....	228	278	295
776	State Affairs	Law	MEDICAID SIMPLIFICATION ACT - Adds to existing law relating to the Medicaid Simplification Act to provide a short title; to state legislative intent; to provide definitions; to provide powers and duties of the Director of the Department of Health and Welfare; to provide for medical assistance payments by the Department of Health and Welfare to or on behalf of designated categories of eligible persons; to permit the Department of Health and Welfare to make payment for medically necessary services furnished by providers to designate categories of eligible participants; and to specify the services for which payment may be made. ....	193	246	259
778	Revenue & Taxation	Law	PROPERTY TAX - Amends existing law relating to property tax to provide for valuation of property used primarily for nonprofit school purposes. .... <b>Amended in the House (See House Journal)</b>	243	284	298



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House Bill No.	Introduced by	Final Action	Subject Matter	Intro-duction Page	Senate Vote Page	Final Disp. Page
780	Revenue & Taxation	Law	DEVELOPMENT IMPACT FEES - Amends existing law to revise the procedure for the imposition of development impact fees; to increase the number of years that a governmental entity may hold development impact fees before expending them from five to eight years; and to increase the maximum number of years that collected development impact fees may be held from eight to eleven years before they need to be expended. . . . .	228	267	288
781	Revenue & Taxation	Law	PROPERTY TAX NOTICES - Amends existing law to provide that school district taxes shall be separately shown as "maintenance and operation," "bond," "supplemental" and "other" on property tax notices; and to allow payments of current or future real or personal property taxes on a monthly or quarterly basis. . . . .	228	267	288
782	Appropriations	Law	APPROPRIATIONS - DEPARTMENT OF FISH AND GAME - Appropriates \$73,132,800 to the Department of Fish and Game for fiscal year 2007; limits the number of full-time equivalent positions to 525; and directs the allocation of salary savings. . . . .	184	205	227
783	Appropriations	Law	APPROPRIATIONS - SPECIES CONSERVATION OFFICE - Appropriates \$7,477,600 to the Office of the Governor for the Office of Species Conservation for fiscal year 2007; authorizes 6 full-time equivalent positions; and directs the allocation of salary savings. . . . .	184	205	227
784	State Affairs	Law	TITLE LOANS - Adds to existing law relating to title loans to provide a short title; to define terms; to require licensure; to set forth requirements applicable to title loan agreements; to provide for disclosure; to provide for the renewal of title loan agreements; to set forth default provisions; to prohibit specified actions; and to provide an exemption. . . . .	212	265	288
787	Revenue & Taxation	Senate State Affairs	SNUFF - TOBACCO - TAXATION - Amends, adds to and repeals existing law to define "moist snuff"; to provide the rate of taxation for tobacco products other than moist snuff and to provide for distribution of revenues; to provide that moist snuff shall be taxed at the rate of one dollar per ounce of moist snuff, if the wholesale price is \$2.50 or less per ounce, or forty percent of the wholesale price of moist snuff, if the wholesale price is greater than \$2.50 per ounce; and to provide for distribution of tax revenues. . . . .	202	--	202
788	Appropriations	Law	APPROPRIATIONS - Appropriating an additional \$1,718,700 to the Department of Health and Welfare for psychiatric hospitalization in the Community Hospitalization Program for fiscal year 2006; appropriating an additional \$980,000 to the Department of Health and Welfare for psychiatric hospitalization in the State Hospital South Program for fiscal year 2006; and to provide for transfers of funds. . . . .	188	223	242

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House Bill No.	Introduced by	Final Action	Subject Matter	Intro-duction Page	Senate Vote Page	Final Disp. Page
791	Ways & Means	Law	COAL FIRED POWER PLANT - MORATORIUM - Adds to existing law to provide legislative intent; and to place a two year moratorium on issuing any variances, licenses or permits for construction of certain coal fired power plants or applying for variances, licenses or local conditional use, or building or air permits. . . . .	236	273	295
793	Appropriations	Law	APPROPRIATIONS - HUMAN RESOURCES DIVISION Appropriates \$2,878,500 to the Office of the Governor for the Human Resources Division for fiscal year 2007; limits the number of authorized full-time equivalent positions to 36; and directs the allocation of salary savings. . . . .	202	238	255
794	Appropriations	Law	APPROPRIATIONS - AGRICULTURAL RESEARCH/COOPERATIVE EXTENSION PROGRAM Appropriates \$30,622,000 to the Board of Regents of the University of Idaho for the Agricultural Research and Cooperative Extension Service Program for FY 2007. . . .	202	238	255
795	Ways & Means	Law	PUBLIC UTILITIES COMMISSION - STATE TAX COMMISSION - INDUSTRIAL COMMISSION - Provides for a salary increase for members of the Public Utilities Commission, the State Tax Commission and the Industrial Commission commencing in July 1, 2006. . . . .	236	290	304
796	Revenue & Taxation	Law	SALES TAX EXEMPTION - POLLUTION CONTROL EQUIPMENT - Amends existing law to revise the tax exemption applicable to pollution control equipment. . . . .	202	266	288
797	Appropriations	Law	APPROPRIATIONS - ENDOWMENT FUND INVESTMENT BOARD - Appropriates \$621,900 to the State Board of Land Commissioners for the Endowment Fund Investment Board for fiscal year 2007; limits the number of full-time equivalent positions to 4; provides for continuous appropriation authority for moneys in the Endowment Administration Fund for consulting fees, bank custodial fees and portfolio-related costs; provides legislative intent regarding the transfer of moneys from the various earning reserve funds to the income funds; and directs the allocation of salary savings. . . . .	202	238	255
798	Appropriations	Law	APPROPRIATIONS - WATER RESOURCES DEPARTMENT - Appropriates \$23,062,900 to the Department of Water Resources for fiscal year 2007; limits the number of full-time equivalent positions to 180; and directs the allocation of salary savings. . . . .	202	239	255
799	Appropriations	Law	APPROPRIATIONS - PUBLIC UTILITIES COMMISSION - Appropriates \$4,475,200 to the Public Utilities Commission for fiscal year 2007; limits the number of full-time equivalent positions to 49; and directs the allocation of salary savings. . . . .	202	239	255
800	Ways & Means	Failed in the Senate	WATER RIGHTS - Amends existing law relating to water to revise provisions regarding rights associated with permits and licenses relating to ground water recharge. . . . .	219	283	283

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House Bill No.	Introduced by	Final Action	Subject Matter	Intro- duction Page	Senate Vote Page	Final Disp. Page
801	Appropriations	Law	APPROPRIATIONS - APPELLATE PUBLIC DEFENDER - Appropriates \$1,965,500 to the State Appellate Public Defender for fiscal year 2007; limits the number of full-time equivalent positions to 21; and directs the allocation of salary savings. ....	212	243	259
802	Appropriations	Law	APPROPRIATIONS - CATASTROPHIC HEALTH CARE - Appropriates \$20,766,800 for Catastrophic Health Care for fiscal year 2007. ....	212	243	259
803	Appropriations	Law	APPROPRIATIONS - SPECIAL PROGRAMS - STATE BOARD OF EDUCATION - Appropriates \$10,395,700 to the State Board of Education and the Board of Regents of the University of Idaho for Special Programs, including the Forest Utilization Research Program, Idaho Geological Survey Program, Scholarships and Grants Program, Idaho Museum of Natural History, Idaho Small Business Development Centers, and the Idaho Council on Economic Education for fiscal year 2007; and limits the number of full-time equivalent positions to 24.8. ....	212	243	259
804	Appropriations	Law	APPROPRIATIONS - HEALTH EDUCATION PROGRAMS - STATE BOARD OF EDUCATION - Appropriates \$9,229,700 to the State Board of Education and the Board of Regents of the University of Idaho for Health Education Programs including the WOI Veterinary Education Program, WWAMI Medical Education Program, Idaho Dental Education Program, University of Utah Medical Education Program, the Family Practice Residency Program and WICHE for fiscal year 2007; limits the number of full-time equivalent positions to 20.39; and reappropriates any unexpended and unencumbered fund balances for nonrecurring expenditures. ....	212	244	259
805	Appropriations	Law	APPROPRIATIONS - DEPARTMENT OF COMMERCE AND LABOR - Appropriates \$33,617,500 to the Department of Commerce and Labor for fiscal year 2007; appropriates federal funds for the unemployment insurance program; limits the number of full-time equivalent positions to 63.5; directs the allocation of salary savings; and directs reports regarding the Film/Tourism Marketing Specialist, the Small Business Assistance Fund and the twelve Rural Economic Development professionals. ....	212	244	259
808	Appropriations	Law	APPROPRIATIONS - INSURANCE DEPARTMENT - Appropriates \$7,247,300 to the Department of Insurance for FY 2007; limits the number of full-time equivalent positions to 73; and directs the allocation of salary savings. ....	219	245	259
809	Appropriations	Law	APPROPRIATIONS - IDAHO STATE LOTTERY - Appropriates \$11,062,100 to the Idaho State Lottery in the Department of Self-Governing Agencies for fiscal year 2007; limits the authorized full-time equivalent positions to 48; provides legislative intent that amounts necessary to pay prizes, retailer commissions, advertising and promotional costs shall be continuously appropriated; and directs the allocation of salary savings. ....	219	245	259

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House Bill No.	Introduced by	Final Action	Subject Matter	Intro-duction Page	Senate Vote Page	Final Disp. Page
810	Appropriations	Law	APPROPRIATIONS - PUBLIC EMPLOYEE RETIREMENT SYSTEM - Appropriates \$6,312,500 to the Office of the Governor for the Public Employee Retirement System for fiscal year 2007; provides legislative intent that moneys appropriated for the Portfolio Investment Program are for administrative costs of the program; limits the number of authorized full-time equivalent positions to 63; and directs the allocation of salary savings. ....	219	245	259
811	Appropriations	Law	APPROPRIATIONS - STATE TREASURER - Appropriates \$1,856,400 to the State Treasurer for fiscal year 2007; provides that moneys assessed for State Treasurer banking services be placed in the Indirect Cost Recovery Fund and provides for transfers of moneys from the fund; reappropriates certain unexpended and unencumbered balances of moneys; limits the number of full-time equivalent positions to 18; and directs the allocation of salary savings. ....	219	245	259
812	Appropriations	Law	APPROPRIATIONS - HUMAN RIGHTS COMMISSION Appropriates \$893,900 to the Office of the Governor for the Human Rights Commission for fiscal year 2007; limits the number of full-time equivalent positions to 11; and directs the allocation of salary savings. ....	219	245	259
813	Appropriations	Law	APPROPRIATIONS - ARTS COMMISSION - Appropriates \$1,750,500 to the Office of the Governor for the Commission on the Arts for fiscal year 2007; limits the number of full-time equivalent positions to 11; and directs the allocation of salary savings. ....	219	246	259
814	Ways & Means	Law	JUDGES - SALARIES - Amends existing law to provide for an increase in the salaries of judges. .... <b>Amended in the House (See House Journal)</b>	243	275	295
816	Revenue & Taxation	Senate Local Government & Taxation	WIND ENERGY - TAX - Relating to producers of electricity by means of wind energy to provide a wind energy tax; to provide for the filing of operators' statements; to provide for the computation, allotment and apportionment of the tax; to provide for the collection and distribution of taxes; to provide for tax liens; to provide for the assessment of nonoperating property; and to provide an exemption from taxation for certain operating property. ....	251	--	284
817	Appropriations	Law	APPROPRIATIONS - LANDS DEPARTMENT - Appropriates \$37,357,300 to the Department of Lands for fiscal year 2007; limits the number of full-time equivalent positions to 265.61; and directs the allocation of salary savings. ....	236	263	288
818	Appropriations	Law	APPROPRIATIONS - SOIL CONSERVATION COMMISSION - Appropriates \$4,980,700 to the Soil Conservation Commission for fiscal year 2007; limits the number of full-time equivalent positions to 24; and directs the allocation of salary savings. ....	236	263	288

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House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
819	Appropriations	Law	APPROPRIATIONS - AGRICULTURE DEPARTMENT - Appropriates \$31,133,000 to the Department of Agriculture for fiscal year 2007; limits the number of full-time equivalent positions to 206.60; and directs the allocation of salary savings. . . . .	228	262	288
820	Ways & Means	Law	RURAL ECONOMIC DEVELOPMENT AND INTEGRATED FREIGHT TRANSPORTATION PROGRAM - To provide the Rural Economic Development and Integrated Freight Transportation Program; to authorize the Department of Commerce and Labor to administer the program; to clarify funding for state projects; to create an interagency working group; to provide for duties of the interagency working group; to authorize the Department of Commerce and Labor to administer the Fund; to redefine "qualified lines"; to provide for distribution of moneys; to direct the Idaho Transportation Department to prepare and update a state rail and intermodal facility system plan; to revise the elements of the plan; and to direct the Idaho Transportation Department to provide certain information to the interagency working group. . . . .	251	296	304
822	State Affairs	Law	SELF-FUNDED HEALTH CARE PLANS - Relating to self-funded health care plans to revise the declaration of purpose; to revise definitions; to revise provisions applicable to registration requirements; to require written notice; to set forth plan requirements; to revise provisions applicable to applications; to revise contracts of the trust fund to be in writing; to revise provisions applicable to investments of trust funds; to revise provisions applicable to reserves; to provide for extensions of filing times; to require the filing financial reports; to exempt self-funded plans from certain provisions relating to taxes, licenses and fees; to revise provisions applicable to the examination of certain records; to revise provisions applicable to administrators and the issuance of bonds or other coverage; to reference plans for purposes of prohibited pecuniary interests; to revise provisions applicable to termination of registration; to revise provisions applicable to liquidation of a trust fund; to revise provisions applicable to rules; to revise provisions applicable to penalties; and to prohibit specific benefits restrictions. . . . .	243	292	304
825	State Affairs	Law	SELF-FUNDED HEALTH CARE PLANS - Adds to existing law relating to joint public agency self-funded health care plans to set forth a declaration of purpose; to define terms; to require registration; to set forth exemptions; to provide qualifications for registration; to provide for application for registration; to provide for grants or denials of applications; to provide for trust fund powers and liability; to provide for investment of trust fund moneys; to require reserves; to provide for records, accounts and annual statements; to exempt plans from taxes; to provide for examination of books, records and accounts; to provide for a board of trustees and administrators; to provide for recovery of depleted funds; to provide for termination of registration; to provide for the liquidation of a trust fund; to authorize rules; to set forth penalties; and to set forth mandated coverage provisions. . . . .	243	296	304

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House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
826	Appropriations	Law	APPROPRIATIONS - DEPARTMENT OF HEALTH AND WELFARE - CHILD WELFARE - Appropriates \$50,103,000 to the Department of Health and Welfare for the Child Welfare Program for FY '07; authorizes the State Controller to make transfers to the Cooperative Welfare Fund; limits the authorized full-time equivalent positions to 385.47; and directs the use of salary savings. . . . .	236	263	288
827	Appropriations	Law	APPROPRIATIONS - DEPARTMENT OF HEALTH AND WELFARE - WELFARE DIVISION - Appropriates \$131,372,400 to the Department of Health and Welfare for the Welfare Division for FY '07; authorizes the State Controller to make transfers to the Cooperative Welfare Fund; reappropriates certain fund balances of the Fund; limits the number of full-time equivalent positions to 623.56; and directs the use of salary savings. . . . .	236	263	288
828	Appropriations	Law	APPROPRIATIONS - DEPARTMENT OF HEALTH AND WELFARE - INDIRECT SUPPORT SERVICES - Appropriates \$33,842,900 for Indirect Support Services for fiscal year 2007; specifies that the State Controller shall make transfers to the Cooperative Welfare Fund; limits the authorized full-time equivalent positions to 318.98; and directs the allocation of salary savings. . . . .	236	264	288
829	Appropriations	Law	APPROPRIATIONS - DEPARTMENT OF HEALTH AND WELFARE - INDEPENDENT COUNCILS - Appropriates \$4,700,000 to the Department of Health and Welfare for the Independent Councils for FY '07; authorizes the State Controller to make transfers to the Cooperative Welfare Fund; limits the number of full-time positions for the Councils; and directs the allocation of salary savings. . . . .	243	265	288
830	Appropriations	Law	DEPARTMENT OF HEALTH AND WELFARE - DEVELOPMENTAL DISABILITIES SERVICES - Appropriates \$17,907,800 to the Department of Health and Welfare for the Community Developmental Disabilities Services Program for FY '07; limits the authorized full-time equivalent positions for the Disabilities Services Program to 171.44; appropriates \$21,219,300 to the Department for the Idaho State School and Hospital Program for fiscal year 2007; limits the authorized full-time equivalent positions for the Idaho State School and Hospital Program to 375.53; authorizes the State Controller to make transfers to the Cooperative Welfare Fund; reappropriates certain fund balances; and directs the allocation of salary savings. . . . .	243	265	288
831	Appropriations	Law	APPROPRIATIONS - DEPARTMENT OF ENVIRONMENTAL QUALITY - Appropriates \$53,091,400 to the Department of Environmental Quality for FY '07; limits the number of full-time equivalent positions to 378.55; directs the transfer of funds to the Environmental Remediation Fund; provides intent regarding remediation of the Coeur d'Alene Basin; provides intent regarding the Water Pollution Control Fund; directs the allocation of salary savings; and provides intent regarding the Technical Leadership Group of the Coeur d'Alene Basin Environmental Improvement Project Commission. . . . .	243	265	288

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House Bill No.	Introduced by	Final Action	Subject Matter	Intro-duction Page	Senate Vote Page	Final Disp. Page
832	Ways & Means	Law	HEALTH AND WELFARE BOARD - To provide for oversight of the Department of Health and Welfare by the Board of Health and Welfare; to provide an exception to the powers and duties of the director of the Department of Health and Welfare; to increase membership of the Board of ; to provide for certain qualifications for board members; to provide for additional voting and nonvoting members; to remove the requirement that a board secretary be elected; to provide for meetings and special meetings; to clarify the scope of the board's duties; to revise voting requirements; to provide additional powers and duties of the board; and to require certain issues be addressed in an annual report by the board to the Governor and the Legislature. . . . . <b>Amended in the House (See House Journal)</b>	289	300	304
833	Ways & Means	Law	SUBSTANCE ABUSE - Amends, adds to and repeals existing law relating to substance abuse; to define terms; to revise a definition; to remove a provision relating to the designation of a State Substance Abuse Authority; to create the Interagency Committee on Substance Abuse Prevention and Treatment; to state the purpose of the interagency committee and to provide membership and duties; to provide for meeting requirements; to provide for sharing of interagency committee administrative costs; to establish regional advisory committees that address substance abuse; to provide for appointment to the regional advisory committees; to provide for meeting of the regional advisory committee chairs; to provide for the selection of a representative to the interagency committee; to provide reporting requirements; to provide that the Department of Health and Welfare is designated as the State Substance Abuse Authority; and to provide for the interagency committee to advise the Department on the content of the comprehensive program for treatment of alcoholics, intoxicated persons and drug addicts. . . . .	256	284	298
834	State Affairs	Law	IDAHO GUARD AND RESERVE FAMILY SUPPORT FUND - Amends existing law relating to the Idaho Guard and Reserve Family Support Fund to provide for investment of idle moneys in the fund and for return of interest earned on such investments to the fund. . . . .	243	290	304
836	Appropriations	Law	APPROPRIATIONS - DEPARTMENT OF HEALTH AND WELFARE - MENTAL HEALTH SERVICES - Appropriates \$19,498,100 to the Department of Health and Welfare for the Children's Mental Health Program for fiscal year 2007; limits the authorized full-time equivalent positions for the Children's Mental Health Program to 92.2; appropriates \$19,710,700 to the Department of Health and Welfare for Community Mental Health Services for fiscal year 2007; limits the authorized full-time equivalent positions for Community Mental Health Services to 252.1; authorizes the State Controller to make transfers to the Cooperative Welfare Fund; provides for transfers of funds from the Drug Court, Mental Health Court and Family Court Services Fund; provides intent regarding the Idaho Council on Children's Mental Health; and directs the allocation of salary savings. . . . .	256	274	295

SENATE INDEX

House Bill No.	Introduced by	Final Action	Subject Matter	Intro-duction Page	Senate Vote Page	Final Disp. Page
837	Appropriations	Law	APPROPRIATIONS - DEPARTMENT OF HEALTH AND WELFARE - PSYCHIATRIC HOSPITALIZATION - Appropriates \$2,160,400 to the Department of Health and Welfare for the Community Hospitalization Program for FY '07; appropriates \$7,240,300 to the Department for the State Hospital North for FY '07; limits authorized positions for the State Hospital North; appropriates \$17,547,700 to the Department for the State Hospital South for FY '07; limits authorized positions for the State Hospital South; authorizes the State Controller to make transfers to the Cooperative Welfare Fund; directs the Department to pursue certain contracts; and directs the allocation of salary savings. . . . .	256	274	295
838	Appropriations	Law	APPROPRIATIONS - DEPARTMENT OF HEALTH AND WELFARE - PUBLIC HEALTH SERVICES - Appropriates \$70,386,700 to the Department of Health and Welfare for the Physical Health Services Program for FY '07; limits authorized positions for the Health Program; appropriates \$6,547,600 to the Department for the Emergency Medical Services Program for FY '07; limits authorized positions for the Medical Services Program; appropriates \$5,029,500 to the Department for the Laboratory Services for FY '07; limits authorized positions for the Laboratory Services Program; appropriates \$24,738,600 to the Department for Substance Abuse Programs for FY '07; limits authorized positions for the Substance Abuse Programs; authorizes the State Controller to make transfers to the Cooperative Welfare Fund; provides intent regarding use of funds; and directs the allocation of salary savings. . . . .	256	274	295
839	Appropriations	Law	APPROPRIATIONS - PUBLIC WORKS PROJECTS - Appropriates \$52,428,300 to the Division of Public Works for specified projects; provides intent regarding expenditures by the Division; exempts the appropriations from certain provisions of the <i>Idaho Code</i> ; directs the State Treasurer to issue tax anticipation notes; and directs the Controller to transfer moneys. . . . .	256	274	295
841	Ways & Means	Senate Resources & Environment	WATER RIGHTS - Amends existing law to provide an effective date for House Bill No. 800. . . . .	256	--	291
844	Appropriations	Law	STATE EMPLOYEES - SALARY INCREASE - Stating intent regarding salary increases for state employees; directing the Department of Administration to pay estimated FY '07 increases in group health insurance premiums, to pay one month of group premiums and to pay basic life and disability premiums for the employer for seven months; appropriating additional moneys for FY '07 to state agencies and institutions for personnel costs; appropriating additional moneys to state agencies for FY '07 for personnel costs of specified job classifications; appropriating additional moneys to the Attorney General for specified personnel costs; appropriating additional moneys to the School for the Deaf and the Blind for specified personnel costs; directing state agencies and institutions regarding the use and reporting of salary savings; and providing intent relating to costs of mental health insurance parity for state employees. . . . .	260	283	298



SENATE INDEX

House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
845	Appropriations	Law	APPROPRIATIONS - PUBLIC SCHOOLS - DIVISION OF TEACHERS - Appropriates \$742,906,400 to the Public Schools, Division of Teachers, for fiscal year 2007; provides moneys for unemployment insurance; distributes moneys for master teacher award payments; distributes moneys for training for working with gifted and talented students; and amends existing law to increase instructional staff base salary. . . . .	272	295	304
846	Appropriations	Law	APPROPRIATIONS - PUBLIC SCHOOLS - OPERATIONS DIVISION - Appropriates \$287,981,500 for the Educational Support Program/Division of Operations for FY '07; provides for expenditures for certain technology and remediation programs; appropriates moneys for property tax replacement; provides an estimate of discretionary funds; amends existing law to revise the local district's contribution calculation and to increase the salary-based apportionment for classified staff; and to provide for a transfer of funds to the Public Education Stabilization Fund. . . . .	272	291	304
847	Appropriations	Law	APPROPRIATIONS - PUBLIC SCHOOLS - CHILDREN'S PROGRAMS - Provides a description of the Division of Children's Programs; appropriates \$132,246,100 to the Public School Income Fund/Division of Children's Programs for FY '07; provides for expenditures regarding moneys received pursuant to certain sections of <i>Idaho Code</i> ; provides for allocation of moneys and requirements for the Safe and Drug-Free Schools Program; provides intent that the Program must include certain features; provides for expenditures for literacy programs; provides for expenditures for students with limited or non-English proficiency; distributes moneys to the Idaho Digital Learning Academy and provides intent regarding assistance to students failing to achieve proficiency in areas of the Standards Achievement Test; and grants authority to transfer funds between the five divisions of the Educational Support Program budget. . . . .	272	291	304
848	Appropriations	Law	APPROPRIATIONS - PUBLIC SCHOOLS - ADMINISTRATORS DIVISION - Appropriates \$81,451,200 to the Public Schools, Division of Administrators, for FY '07; provides intent regarding public school employee benefits; and amends existing law to increase the base salary for administrative staff. . . . .	272	295	304
849	Appropriations	Law	APPROPRIATIONS - DEPARTMENT OF HEALTH AND WELFARE - MEDICAL ASSISTANCE SERVICES - Appropriates \$1,246,284,800 to the Department of Health and Welfare for Medical Assistance Services for FY '07; authorizes the State Controller to make transfers to the Cooperative Welfare Fund; reappropriates certain fund balances of the Cooperative Welfare Fund; authorizes expenditure of all receipts collected as noncognizable funds; limits the number of positions to 287.5; provides for a contract for a market analysis of certain service providers; provides for a study regarding parent-directed care for children with developmental disabilities; directs the allocation of salary savings; and provides legislative intent regarding the fiscal impact on respite care services. . . . .	282	296	304

## SENATE INDEX

House Bill No.	Introduced by	Final Action	Subject Matter	Intro- duction Page	Senate Vote Page	Final Disp. Page
851	Appropriations	Law	APPROPRIATIONS - TRANSPORTATION DEPARTMENT - Appropriates \$499,743,900 to the Idaho Transportation Department for fiscal year 2007; appropriates an additional \$3,725,400 to the Idaho Transportation Department for fiscal year 2006; limits the number of full-time equivalent positions to 1,833.5; provides legislative intent that all moneys transferred to the Local Bridge Inspection Fund and Railroad Grade Crossing Protection Fund be continuously appropriated; reappropriates certain unexpended and unencumbered balances for the Contract Construction and Right-of-Way Acquisition Program; reappropriates certain unexpended and unencumbered balances for Airport Development Grants; authorizes the transfer of moneys to the Tourism and Promotion Fund in the Department of Commerce and Labor for matching fund support of the Gateway Visitor Centers; and directs the allocation of salary savings. . . . .	282	329	330
852	Appropriations	Law	APPROPRIATIONS - LEGISLATIVE COUNCIL - Appropriates \$300,000 to the Legislative Council for consulting services for the Interim Committee on Energy, Environment and Technology; and to provide for allocation of the funds. . . . .	282	298	304
853	Ways & Means	Law	MOVIE THEATERS - ALCOHOL SERVED - Amends existing law to provide that it shall not be unlawful for any person under the age of twenty-one years of age to enter or be in any movie theater that is allowed to sell beer or wine for consumption on the premises; to provide that state and federal laws regarding pornography, indecency or obscenity shall apply to the premises; and to define the term "movie theater." . . . .	289	306	312
854	Appropriations	Law	HIGHWAY PROJECTS - BONDING AUTHORITY - Approves the bonding authority for the issuance of GARVEE bonds for highway transportation projects; states legislative intent regarding obligations of future legislatures or governors and provides for financing of specific projects; authorizes a transfer of funds; states legislative intent regarding adjustment of allocation of GARVEE bond proceeds among projects; states the desire of the legislature regarding use of federal funds; and provides that the Idaho Transportation Board and future governors may request future bonding authority. . . . .	329	329	330
857	Ways & Means	Law	RULES - Adds to existing law to provide that administrative rules that expire on July 1, 2006, will continue to be effective until July 1, 2007; to provide that administrative rules approved or extended by the adoption of a concurrent resolution shall be effective until July 1, 2007, or until such time as they expire; to provide that rules rejected by concurrent resolution shall be null, void and of no force and effect; and to authorize agencies to amend or repeal certain rules pursuant to the Administrative Procedure Act. . . . .	289	306	312

**SENATE INDEX**

House Bill No.	Introduced by	Final Action	Subject Matter	Intro-duction Page	Senate Vote Page	Final Disp. Page
858	Ways & Means	Law	EMERGENCY MEDICAL SERVICES - To provide definitions; to revise rulemaking authority; to create an Idaho Emergency Medical Services Physician Commission; to provide for governance; to eliminate grandfather rights for ambulances; and to provide for supervision of the medical services provided by personnel affiliated with licensed ambulance or non-transport services. . . . .	289	301	304
860	Appropriations	Law	APPROPRIATIONS - Appropriates an additional \$911,500 to the Supreme Court for salary increases for FY '07. . . . .	295	305	312
861	Appropriations	Law	APPROPRIATIONS - Appropriating additional moneys for FY '07 for salary increases for the Governor, Lieutenant Governor, Secretary of State, Superintendent of Public Instruction, State Treasurer, State Controller and the Attorney General. . . . .	305	311	315
862	Appropriations	Law	APPROPRIATIONS - Appropriating additional moneys for FY '07 for salary increases for members of the Public Utilities Commission, Tax Commission and Industrial Commission. . . . .	295	305	312
863	Education	Senate Education	SCHOOL CLUBS - PARENTS - NOTIFICATION - To direct the boards of trustees of school districts to adopt policies and procedures for notifying parents or legal guardians of students regarding school clubs and organizations in which a student may participate, and for obtaining permission from a parent or legal guardian before the student joins or participates in a school club or organization; and to define "club or organization" and "competitive interscholastic activity or events." . . . . .	300	--	300
864	Appropriations	Law	APPROPRIATIONS - PUBLIC SCHOOLS - FACILITIES Appropriates \$22,722,900 to the Educational Support Program/Division of Facilities for FY '07; provides for the transfer and appropriation of moneys to the Bond Levy Equalization Fund; and amends law to provide that moneys in the Equalization Fund be continuously appropriated. . .	300	307	312
865	State Affairs	Law	ELECTIVE OFFICERS - SALARIES - To increase the salaries of state elective officers by four percent per annum on the first Monday in January of 2007, and then again by three percent per annum on each of the first Mondays in January of 2008, 2009 and 2010. . . . .	305	311	315
866	Appropriations	Law	APPROPRIATIONS - Directing the transfer of \$10,000,000 to the Public Education Stabilization Fund. . . . .	305	312	315
868	Appropriations	Law	APPROPRIATIONS - Authorizing a transfer of funds; and appropriating an additional \$650,000 to the Physical Health Services Program in the Department of Health and Welfare for a grant to Terry Reilly Health Services for the development of a community health center. . . . .	305	313	317

## SENATE INDEX

House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
869	Appropriations	Law	APPROPRIATIONS - Directing the Controller to transfer funds; appropriating an additional \$4,000,000 to the Department of Agriculture for Plant Industries for eradication of Watermilfoil for FY '07 and '08; authorizing one additional position; and providing intent regarding the future funding of the Watermilfoil Control Program. . . . .	315	318	323
870	Appropriations	Law	APPROPRIATIONS - Directing the State Controller to transfer funds; directing the transfer of \$5,000,000 to the Idaho Water Resource Board Revolving Development Fund; and providing for the use of the moneys. . . . .	315	318	323
871	Appropriations	Law	APPROPRIATIONS - Directing the State Controller to transfer funds; and appropriating an additional \$50,000 to the State Board of Education for Special Programs for the TechHelp Program. . . . .	315	319	323
872	Appropriations	Law	APPROPRIATIONS - Directing the transfer of funds; and appropriating an additional \$250,000 to the Department of Commerce and Labor for fiscal years 2007 and 2008 for providing expertise to successful applicants among rural communities to obtain innovative growth management strategies. . . . .	315	319	323
873	Appropriations	Law	APPROPRIATIONS - Directing the transfer of funds; creating the Incumbent Worker Training Revolving Loan Fund; and appropriating an additional \$2,000,000 to the Department of Commerce and Labor for fiscal years 2007 and 2008 to assist businesses in training workers. . . . .	315	319	323
874	Appropriations	Law	APPROPRIATIONS - Directing the transfer of funds; and appropriating an additional \$5,000,000 to the Department of Commerce and Labor for fiscal years 2007 and 2008 for short line rail or intermodal freight shipping infrastructure.	315	320	323
875	Appropriations	Law	APPROPRIATIONS - Directing the transfer of funds; appropriating an additional \$26,500,000 to the Department of Parks and Recreation for fiscal years 2007 and 2008; specifying that the money be used on certain projects; requiring a report to the Joint Finance-Appropriations Committee; requiring a comprehensive plan for the development of Eagle Island State Park; and providing for use of proceeds from Eagle Island State Park's natural resources. . . . .	315	320	323
876	Revenue & Taxation	Failed in the Senate	SALES TAX - PUBLIC SCHOOL FUNDING - Repeals and amends existing law to enact the "Property Tax Relief Act of 2006"; to revise school funding; to remove the maintenance and operation levy for school funding; to provide that \$75,000 of the market value for assessment purposes or 50% of the market value for assessment purposes, whichever is the lesser, shall be exempt from property taxation; and to increase the sales and use tax to 6.25%. . . . .	313	317	317
877	State Affairs	Law	MEDICAID - Adds to existing law to state legislative findings; to establish a Medicaid program for caregivers; to provide for program criteria; to require an annual report; and to provide a sunset date. . . . .	318	320	323

## SECTION XIV

## NUMERICAL INDEX OF HOUSE CONCURRENT RESOLUTIONS RECEIVED BY THE SENATE

House Concurrent Resolution	Introduced By	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
30	Denney & Jaquet	Adopted	GOVERNOR - STATE OF STATE ADDRESS - Provides for a joint session of the House of Representatives and the Senate to hear the Governor's State of the State Address.	2	2	18
31	Health & Welfare	Adopted	SUICIDE PREVENTION PLAN - Stating findings of the Legislature and expressing support for Idaho's Suicide Prevention Plan. ....	116	133	148
32	Education	Adopted	BULLYING AWARENESS WEEK - Designates the week of September 10 through September 16, 2006, as Bullying Awareness Week. ....	121	145	164
33	Education	Adopted	CIVIC AND HISTORIC LEARNING SUMMIT - Urging the Secretary of State to convene a Summit for Civic and Historical Learning; to provide composition of the committee; and to require a report. ....	121	145	164
34	Health & Welfare	Adopted	COLON CANCER - Stating findings of the Legislature concerning the impacts of colon cancer on the citizens of Idaho and declaring the month of March as "Colorectal Cancer Awareness Month." ....	96	111	124
36	Resources & Conservation	Adopted	NIAGARA SPRINGS CREEK - Stating findings of the Legislature and approving applications to appropriate water for minimum streamflows in Niagara Springs Creek, tributary to the Snake River and in Niagara Springs and its creeks tributary to the Snake River. ....	129	197	219
37	Resources & Conservation	Adopted	CLEARWATER RIVER - NORTH FORK - Stating findings of the Legislature and approving an application to appropriate water for minimum streamflow in the North Fork of the Clearwater River. ....	129	197	219
38	Resources & Conservation	Adopted	IDAHO BIRDING TRAIL - Stating findings of the Legislature and expressing support for the development of the Idaho Birding Trail and recognizing the economic opportunities and benefits the trail will afford to communities in the state of Idaho. ....	149	211	235
39	Transportation & Defense	Adopted	MILITARY PERSONNEL - HEALTH CARE - Stating findings of the Legislature and commending most members of the Idaho Medical Association for providing health care to military personnel and their families during deployment.	111	133	148
40	Health & Welfare	Adopted	PHYSICIANS - Directing the Department of Health and Welfare and the Office of the Attorney General to develop a statewide universal system and form for physician orders for life-sustaining treatment; and to report their proposals to the Legislature. ....	128	149	173
41	Health & Welfare	Failed in Senate	HEALTHY LIFESTYLE - Encouraging the development and implementation of a state website portal to assist Idahoans in becoming more informed about healthy lifestyles and available health care options in Idaho. ....	128	144	144

## SENATE INDEX

House Concurrent Resolution	Introduced by	Final Action	Subject Matter	Intro- duction Page	Senate Vote Page	Final Disp. Page
45	Revenue & Taxation	Adopted	MISSING PERSONS DAY - Stating findings of the Legislature and proclaiming September 14 as Missing Persons Day. . . . .	236	281	298
46	State Affairs	Adopted	PATRIOT'S DAY - Stating findings of the Legislature and proclaiming April 19 as Patriot's Day in commemoration of the events of April 19, 1775. . . . .	129	164	182
47	State Affairs	Adopted	CAPITOL RESTORATION - Restating the Legislature's support for the restoration, preservation and maintenance of the State Capitol Building; authorizing the Idaho Capitol Commission to modify its Master Plan; authorizing the Department of Administration to enter into an agreement with the Idaho State Building Authority to provide financing and to restore and refurbish the State Capitol Building; and supporting a design and construction schedule for the restoration of the State Capitol Building to begin following the 2007 legislative session, and to be completed prior to the beginning of the 2010 legislative session. . . . .	165	197	219
48	State Affairs	Adopted	MEDICAID MENTAL HEALTH SERVICES - Encouraging the Department of Health and Welfare to eliminate partial care services for low-income children and adults without serious mental health disorders; encouraging the Department to limit Medicaid mental health benefits for low-income children without serious emotional disturbance and working-age adults without severe and persistent mental illness; encouraging the Department to establish a health risk assessment for certain individuals; encouraging the Department to continue the provision of intensive mental health treatment benefits to certain individuals; encouraging the Department to explore modifications of mental health benefits for individuals with disabilities or special health needs; and requesting a report to the Legislature. . . . .	202	250	272
49	State Affairs	Adopted	PRESCRIPTION DRUGS - MEDICAID - FINANCING PROGRAM - Encouraging the Department of Health and Welfare to proceed with the development and design of integrated programs for financing Medicare excluded prescription drugs covered under Idaho Medicaid in such a way that creates a seamless delivery system for prescription drug benefits for those individuals dually eligible for Medicaid and Medicare and which reduces program costs; and requesting a report to the Legislature. . . . .	202	250	272
50	State Affairs	Adopted	MEDICAID - Stating findings of the Legislature; encouraging the Department of Health and Welfare to establish cost-sharing in the form of premiums for certain Idaho Medicaid participants; encouraging the Department of Health and Welfare to permit Medicaid participants to pay part or all of their premiums with funds in personal health accounts assigned to the participants and held by the Department; encouraging the Department to join a drug prescription pool with the resulting savings to be used to fund the personal health accounts; and requesting a report to the Legislature. . . . . <b>Amended in the House (See House Journal)</b>	243	255	280

**SENATE INDEX**

House Concurrent Resolution	Introduced by	Final Action	Subject Matter	Intro- duction Page	Senate Vote Page	Final Disp. Page
51	State Affairs	Adopted	MEDICAID PRODUCTS - Stating findings of the Legislature; encouraging the Department of Health and Welfare to contract with a limited number of providers of certain Medicaid products and services and to seek additional opportunities for consolidated purchasing; and requesting a report to the Legislature. . . . .	202	250	272
52	State Affairs	Adopted	LONG-TERM CARE - Encourages the Department of Health and Welfare to proceed with development of a long-term care options counseling program as part of the Planned Aging Resource Center Initiative; and requesting a report to the Legislature. . . . .	202	250	272
53	State Affairs	Adopted	MEDICARE - MEDICAID - Stating findings of the Legislature; encouraging the Department of Health and Welfare to require individuals eligible for Medicare Parts A, B and D to enroll in Medicare as a condition of eligibility for the Idaho Medicaid Program; and requesting a report to the Legislature. . . . .	202	250	272
54	Education	Adopted	BIOSCIENCE TAX INCENTIVES TASK FORCE - Stating findings of the Legislature and requesting that a task force be convened by the Office of Science and Technology in the Idaho Department of Commerce and Labor to study specific tax and investment incentive proposals for the biosciences and report findings to the Legislature. . . . .	155	212	235
55	State Affairs	Adopted	DIVISION OF BUILDING SAFETY - Stating findings of the Legislature and rejecting pending rules of the Division of Building Safety governing electrical specialty licensing. . .	182	219	242
56	Transportation & Defense	Adopted	TRANSPORTATION DEPARTMENT - Stating findings of the Legislature and rejecting pending administrative rules of the Idaho Transportation Department governing overlegal permittee responsibility and travel restrictions and governing the sale of no longer useful or usable real property. . . . .	156	201	227
58	Education	Adopted	ELEMENTARY SCHOOL TEACHERS - Stating findings of the Legislature and urging the establishment and promotion of programs to improve the training of elementary school teachers in the disciplines of mathematics and science. . . . .	174	212	235
59	Resources & Conservation	Adopted	FISH AND GAME - RULES - Stating findings of the Legislature and rejecting pending administrative rules of the Department of Fish and Game governing the importation, possession, release, sale or salvage of wildlife. . . . .	174	236	255
60	State Affairs	Adopted	HUNGER AND FOOD INSECURITY AWARENESS MONTH - Stating findings of the legislature concerning hunger and food insecurity in Idaho and designating the month of October 2006 as "Hunger and Food Insecurity Awareness Month"; commending efforts to address hunger and food insecurity; and encouraging Idahoans to support and actively participate in the 2006 Idaho Summit on Hunger and Food Security. . . . .	174	197	219

## SENATE INDEX

House Concurrent Resolution	Introduced by	Final Action	Subject Matter	Intro- duction Page	Senate Vote Page	Final Disp. Page
61	Ways & Means	Senate Education	STATE DEPARTMENT OF EDUCATION - STATE BOARD OF EDUCATION - Stating findings of the Legislature and requesting the State Board of Education, in collaboration with the State Department of Education, to gather input from all 115 Idaho school districts and to research and provide reports and recommendations to the Legislature; and requesting a change, if necessary, to a new rule regarding High School Redesign. . . . .	188	--	188
62	Ways & Means	Adopted	INTEGRATED STATE ENERGY PLAN - Stating findings of the Legislature and requesting the Legislative Council Interim Committee on Energy, Environment and Technology to develop an integrated energy plan that provides for the state's power generation needs and protects the health and safety of the citizens of Idaho, and to report to the legislature. . . . .	236	259	288
63	State Affairs	Adopted	MENTAL HEALTH/SUBSTANCE ABUSE - STUDY - Stating findings of the Legislature and authorizing the Legislative Council to appoint a committee to undertake and complete a study of the current mental health and substance abuse treatment delivery systems in Idaho and to review alternative ways to provide these services. . . . .	251	324	325
64	State Affairs	Adopted	WATER QUALITY STANDARDS - Stating findings of the Legislature and encouraging the Department of Environmental Quality to evaluate, adopt and implement certain standards and rules relating to water quality. . . . .	260	289	304
65	Ways & Means	Adopted	COLLEGES AND UNIVERSITIES - Stating findings of the Legislature and requesting the Idaho State Board of Education to conduct a study of personnel issues and challenges facing Idaho's institutions of higher education, including the areas of recruitment and retention. . . . .	260	289	304
66	Education	Adopted	NO CHILD LEFT BEHIND - Stating findings of the Legislature and urging the Idaho State Board of Education to propose changes to the Idaho No Child Left Behind compliance agreement plan that would place a temporary suspension on the imposition of sanctions for non-Title I schools until state funding for remediation is available. . . .	260	309	315
67	Ways & Means	Adopted	CARL F. BIANCHI - Stating findings of the Legislature and recognizing, honoring and commending Carl F. Bianchi, upon his retirement, for his years of service to the Legislature and the State of Idaho and to the Idaho courts. . . . .	289	300	304



SECTION XV

NUMERICAL INDEX OF HOUSE JOINT MEMORIALS RECEIVED BY THE SENATE

House Joint Memorial	Introduced By	Final Action	Subject Matter	Intro- duction Page	Senate Vote Page	Final Disp. Page
10	Resources & Conservation	Adopted	WOLVES - DELISTING - Stating findings of the Legislature and urging the Secretary of the Interior, Gale Norton, to meet with representatives from Idaho and Montana to consider and agree upon alternative strategies to immediately delist the gray wolf within Idaho and Montana as requested in the October 7, 2005, letter from Montana Governor Schweitzer and Idaho Governor Kempthorne to Secretary Norton. . . . .	75	108	119
11	Resources & Conservation	Adopted	WOLVES - Stating findings of the Legislature and urging that the U.S. Forest Service enter a decision as soon as possible granting a special use permit allowing the Idaho Department of Fish and Game to land helicopters in the wilderness areas for the purpose of monitoring gray wolves in those areas, which is essential for the state of Idaho to fulfill its obligations under the Idaho Wolf Recovery Plan of 2002, the U.S. Fish and Wildlife Service 10j rule of 2005, as well as requirements imposed by the Endangered Species Act. . . . .	75	108	119
12	Agricultural Affairs	Adopted	AMERICAN FARMERS AND RANCHERS - FREE TRADE - Stating findings of the Legislature and urging that American farmers, ranchers and food producers be enabled to compete freely and trade fairly in foreign markets on a strictly level playing field; urging that foreign countries wishing to participate in markets that lie within the boundaries of the United States be held to the same standards as American producers and food processors; and encouraging the education of the general public as to the importance of the role agriculture plays in the development of society, recognizing that such public education is critical in the preservation and strengthening of the family farm unit and the overall preservation and strengthening of the agricultural industry itself. . . . .	124	149	173
13	Education	Adopted	NO CHILD LEFT BEHIND - Stating findings of the Legislature and urging Congress to support federal legislation that will enhance specified aspects of the "No Child Left Behind Act." . . . .	129	179	197
14	Resources & Conservation	Adopted	FEDERAL LANDS RECREATION ENHANCEMENT ACT - Stating findings of the Legislature and demanding that the Federal Lands Recreation Enhancement Act be repealed and that no recreational fees authorized under the Federal Lands Recreation Enhancement Act be imposed to use federal public lands in the state. . . . .	165	197	219
16	State Affairs	Adopted	ENDANGERED SPECIES ACT - Stating findings of the Legislature and supporting the efforts of Senator Mike Crapo to reform and improve the Endangered Species Act through the enactment of the Collaboration for the Recovery of Endangered Species Act (CRESA), promoting species conservation and preservation within the state of Idaho and the United States of America. . . . .	116	128	144

## SENATE INDEX

House Joint Memorial	Introduced by	Final Action	Subject Matter	Intro- duction Page	Senate Vote Page	Final Disp. Page
18	Education	Adopted	NO CHILD LEFT BEHIND - Stating findings of the Legislature and urging Congress to support proposed amendments to the No Child Left Behind Act. . . . . <b>Amended in the House (See House Journal)</b>	188	250	272
20	Resources & Conservation	Adopted	FEDERAL LANDS RECREATION ENHANCEMENT ACT - Stating findings of the Legislature and declaring that should the Federal Lands Recreation Enhancement Act be repealed, then the authority for permitting outfitters and guides on public lands should be replaced immediately to allow for outfitter and guide operations to continue uninterrupted and declaring that the outfitter special use fee that is currently assessed should be reauthorized under a new authority and returned to the managing agency for outfitter permit administration rather than being designated for other uses. . . . .	165	197	219
21	Ways & Means	Adopted	NATIONAL FOREST LAND - STATE MANAGEMENT - Stating findings of the Legislature and urging Congress to support federal legislation transferring management of National Forest System lands within Idaho to the state of Idaho to be managed for the benefit of the rural counties and schools, with the state of Idaho being held harmless from the costs of administration; and urging Congress to seek a long-term solution to the significant issues that will face rural counties in the event the Secure Rural Schools payments are not reauthorized or are allowed to expire following the 2006 reauthorization. . . . .	212	236	255
22	Ways & Means	Adopted	WORLD HEALTH ORGANIZATION - Stating findings of the Legislature and supporting the participation of Taiwan in a meaningful and appropriate way in the World Health Organization. . . . .	212	259	288
25	Ways & Means	Adopted	OFFSHORE ENERGY DEVELOPMENT - Stating findings of the Legislature and encouraging the President of the United States of America to revoke administrative withdrawals on offshore energy development on the nation's Outer Continental Shelf and direct the Minerals Management Service to contract for test wells to be drilled in order to provide needed energy resources to the United States in an environmentally responsible manner; and encouraging the Congress of the United States of America to make the nation's Outer Continental Shelf available for energy development in an environmentally responsible manner. . .	260	298	304
26	Ways & Means	Adopted	BASQUE HOMELAND - Stating findings of the Legislature, recognizing the Basque ETA terrorist organization's decision to lay down its arms and commending and congratulating the governments of the Basque Autonomous Region and of Spain and all other parties in Spain and France for their actions to promote the cessation of violence and to achieve a lasting peace in the Basque Homeland and all of Europe. . . . .	324	329	330

SECTION XVI

NUMERICAL INDEX OF HOUSE JOINT RESOLUTIONS RECEIVED BY THE SENATE

House Joint Resolution	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
2	State Affairs	Adopted	MARRIAGE - Proposing an amendment to the <i>Constitution of the State of Idaho</i> to provide that a marriage between a man and a woman is the only domestic legal union that shall be valid or recognized in this state. . . . .	69	94	103
6	State Affairs	Senate State Affairs	ELECTED OFFICIALS - START OF TERM - Proposing an amendment to the <i>Constitution of the State of Idaho</i> to provide that the term of office for Governor, Lieutenant Governor, Secretary of State, State Controller, State Treasurer, Attorney General and Superintendent of Public Instruction shall begin at noon on the first Monday in January following the state executive officer's election. . . .	228	--	228
7	State Affairs	Senate State Affairs	LEGISLATORS - START OF TERM - Proposing an amendment to the <i>Constitution of the State of Idaho</i> to provide that State Senators and Representatives shall be elected for a term of two years commencing at noon the first day of December next following the general election. . . . .	228	--	228

## SENATE INDEX

## SECTION XVII

## SENATE SPONSORS - SENATE LEGISLATION VOTED ON IN SENATE - 2006

BILL NO.	SPONSOR(S)
S 1243 aa	Brandt
S 1247	Brandt
S 1250	Lodge
S 1251	Jorgenson
S 1252	Sweet
S 1255	Davis/Kelly
S 1256	Davis
S 1258	Langhorst
S 1259	Williams
S 1260	Little
S 1263	Cameron
S 1264	Keough
S 1266 aa	Little
S 1268	Goedde
S 1269	Compton
S 1270	Stegner
S 1271	Werk
S 1272	Coiner
S 1275	Sweet
S 1276	Stennett/Corder
S 1277	Lodge
S 1278	McGee
S 1283	Schroeder/Brandt
S 1295	Compton
S 1296	Davis
S 1297	Kelly
S 1299	Little
S 1300 aa, aaH	Lodge

BILL NO.	SPONSOR(S)
S 1301	Darrington/Jorgenson
S 1302	Kelly
S 1303	Richardson
S 1304	Sweet
S 1305	Keough
S 1306	Hill
S 1307	Marley
S 1308	Hill
S 1311	Bunderson/Keough
S 1312	Darrington/Goedde/ Broadword/McGee
S 1314 aa	Stegner
S 1315	Goedde
S 1316	Jorgenson
S 1317	Little
S 1318	Kelly
S 1319	Sweet
S 1320	Richardson
S 1321	Davis
S 1322	Burkett
S 1323	Sweet
S 1324	Richardson
S 1326	Lodge
S 1327	Lodge
S 1328	Lodge
S 1329	Richardson
S 1330	Lodge
S 1331	Lodge

BILL NO.	SPONSOR(S)
S 1332 aa	Davis
S 1333	Goedde
S 1334	Goedde
S 1335	Jorgenson
S 1336	Lodge/McGee/Davis
S 1337	Darrington
S 1338	Darrington
S 1339	McGee
S 1340 aa	McGee
S 1341	Andreason
S 1342	Werk
S 1343	Broadsword
S 1345	Corder
S 1347	McGee
S 1348	Corder
S 1350 aa	McKenzie
S 1351	Hill
S 1352	Stennett
S 1353	Burtenshaw
S 1354 aa, aa	Richardson
S 1355	Darrington
S 1356 aa	Jorgenson
S 1357 aa	Corder
S 1360	Goedde
S 1362	Stennett
S 1363 aaH	Andreason/McGee/Kelly
S 1364	Williams/McKenzie/ Langhorst/McGee
S 1365	Kelly/Davis/Langhorst
S 1367	Jorgenson
S 1370	McGee

BILL NO.	SPONSOR(S)0
S 1371	Werk
S 1373	Burkett
S 1374	Werk
S 1375	Stennett
S 1377	Andreason/Bunderson
S 1379	Burkett
S 1382	Schroeder
S 1383	McKenzie
S 1385	Keough/Sweet
S 1386 aa	Langhorst
S 1387	Langhorst
S 1388	Cameron/Stegner/ Compton/Corder
S 1389 aaH	Stegner
S 1390 aa	Werk
S 1391	Stennett
S 1393	Schroeder
S 1395 aa	Little
S 1396	Kelly/Corder
S 1397	Bunderson/McGee
S 1399	Keough/Davis
S 1400 aa	Corder
S 1401	Sweet
S 1403	Davis
S 1404	Little
S 1407	Lodge/Jorgenson
S 1408	Bunderson
S 1409 aa	Darrington
S 1411	Compton
S 1412	Coiner
S 1413	Darrington

BILL NO.	SPONSOR(S)
S 1414	Jorgenson/Langhorst
S 1415	Bunderson
S 1416	Lodge/Cameron
S 1417	Cameron
S 1418 aa	Cameron
S 1422	Lodge
S 1423 aa	Broadsword
S 1425 aaH	Darrington
S 1427	Marley/Bunderson
S 1428	Sweet
S 1429	Brandt
S 1430	Keough
S 1431	McGee
S 1432	Pearce
S 1434	Keough
S 1435	Lodge
S 1436	Richardson
S 1437	Geddes
S 1438	Goedde
S 1441 aa, aaH	Richardson
S 1442	Cameron
S 1443	Hill
S 1444	Cameron
S 1445	McGee
S 1446	Lodge
S 1447	Hill
S 1449	Lodge
S 1450	Hill
S 1451	Keough
S 1452	Werk
S 1453	Stegner

BILL NO	SPONSOR(S)
S 1454	Hill
S 1455	Lodge
S 1456	McGee
S 1457	Sweet
S 1458	Hill
S 1459	Keough
S 1460	Lodge
S 1461	Richardson
S 1462	Darrington
S 1463	Marley
S 1464	Werk
S 1465	Keough
S 1466	McGee
S 1467	Hill
S 1469	Lodge
S 1470	Hill
S 1471	Lodge
S 1472	Davis
S 1473	Lodge
S 1474	Lodge
S 1475	Keough
S 1476	Hill
S 1477	Hill
S 1478	Werk
S 1479	Richardson
S 1480	Pearce
S 1481	Pearce
S 1482 aa	Bunderson
S 1484	Keough
S 1487	Cameron
S 1490	Lodge

<b>BILL NO.</b>	<b>SPONSOR(S)</b>
S 1491	Cameron
S 1492	Davis
S 1493	Pearce
S 1494	Werk/Langhorst
S 1495	Keough
S 1496	Hill
S 1497	Richardson
S 1498	McGee
S 1499	McGee
S 1500	Richardson
S 1501	Little
S 1502	Little
<b>SCR NO.</b>	<b>SPONSOR(S)</b>
SCR 120	Davis/Stennett
SCR 123	Werk
SCR 124	Darrington
SCR 125	Compton
SCR 126	Compton
SCR 127	Compton
SCR 128	Geddes
SCR 129	Geddes
SCR 130	Bunderson
SCR 131	Compton/Coiner/Kelly
SCR 132	Lodge
SCR 133	Bunderson
SCR 134	Schroeder
SCR 135	Bunderson
SCR 136	Geddes

<b>SJR NO.</b>	<b>SPONSOR(S)</b>
SJR 106	Brandt
SJR 107	Lodge/Cameron/Werk
SJR 108	Little
<b>SJM NO.</b>	<b>SPONSOR(S)</b>
SJM 113	Davis/Darrington
SJM 114	Bunderson
SJM 118	Gannon
SJM 119	Sweet
SJM 120	Little/Stennett/Schroeder
<b>SR NO.</b>	<b>SPONSOR(S)</b>
SR 107	Broadsword
SR 108	Davis
SR 109	Davis
<b>SP NO.</b>	<b>SPONSOR(S)</b>
SP 101	Cameron

## SECTION XVIII

## SENATE SPONSORS - HOUSE LEGISLATION VOTED ON IN SENATE - 2006

BILL NO.	SPONSOR(S)
H 403	McGee
H 404	Werk
H 405	Goedde
H 406	Coiner
H 409	Cameron
H 410	Broadsword
H 411	Gannon
H 412	Broadsword
H 413	McKenzie
H 414	Malepeai
H 415	Little
H 421 aaS	Langhorst/Corder/Hill
H 422 aaS	Hill
H 430	Richardson
H 431	Darrington
H 432	Burkett
H 433	Werk
H 434	Little
H 435	McKenzie
H 436	Sweet
H 440	Lodge
H 443 aas	Hill
H 444 aa	Williams
H 446	Cameron
H 447	Cameron
H 448	Goedde
H 451	Stegner
H 452	Goedde

BILL NO.	SPONSOR(S)
H 453	Corder
H 454	Lodge/Stennett
H 457	McKenzie
H 458	Malepeai
H 459	Langhorst
H 461	Langhorst
H 462	McKenzie
H 463 aa	McKenzie
H 464	McGee
H 465	Kelly
H 466	Broadsword/Stennett
H 471	Corder
H 472 aa	Richardson
H 473	Corder
H 474 aa	Corder
H 475	Corder
H 476	McKenzie
H 477	Burtenshaw
H 483	Corder
H 488	Malepeai
H 490	Coiner
H 491	Burtenshaw
H 492	Coiner
H 493	Corder
H 497 aaS	Langhorst/Corder/Bunderson
H 508 aaS	Corder
H 513	Coiner
H 514	Gannon



BILL NO.	SPONSOR(S)
H 515	Gannon
H 517	Little
H 520	Malepeai
H 521	Goedde
H 522	Goedde
H 524	Little
H 525	Brandt
H 526	Burtenshaw
H 527	Langhorst
H 528	Brandt
H 529	Little
H 530	Burkett
H 533 aaS	Jorgenson
H 534 aa	Geddes/Jorgenson
H 535	Richardson
H 536	Darrington/Compton/Malepeai
H 538	Compton
H 539	Compton
H 541	Davis
H 544	Cameron
H 545	Jorgenson
H 546	Pearce
H 547	Pearce
H 548	Stegner
H 549	Goedde
H 550	Broadsword
H 551	Cameron
H 554	Goedde
H 555	Richardson/Pearce/McGee
H 556	Stennett

BILL NO.	SPONSOR(S)
H 559	Langhorst
H 560	Marley
H 561 aaS aaS	McGee
H 562 aa	Brandt
H 564	Werk
H 565 aa	Broadsword
H 566	Coiner
H 567	Brandt
H 570 aa	Malepeai
H 571	Lodge/McKenzie
H 574	Lodge
H 575	Pearce
H 576	Little
H 577	Compton
H 578	Cameron
H 579	Kelly
H 580	Richardson
H 581	Lodge
H 582	Bunderson
H 584	Goedde
H 585	Goedde
H 586	Coiner
H 587	Compton
H 589 aa	Davis
H 590	Cameron
H 591	Little
H 592	Little
H 593	Corder
H 594	Corder
H 596	Broadsword

<b>BILL NO.</b>	<b>SPONSOR(S)</b>
H 599	Burtenshaw
H 601 aaS	Brandt/Jorgenson
H 602 aa	Darrington/Lodge/Kelly
H 603	Keough
H 605	McGee
H 606	Marley
H 607	Compton/McGee
H 608	Brandt
H 609	Brandt
H 611 aa	Coiner
H 613 aa	Werk
H 614	Broadsword
H 615	Stegner/Corder
H 619	Brandt/McGee
H 621	Little
H 624 aaS	Goedde
H 627	Jorgenson
H 628	Darrington
H 629	Darrington
H 630 aa	Bunderson/Marley
H 631	Kelly
H 632	Sweet
H 633	Jorgenson
H 634 aa	Sweet
H 636	Williams
H 637	Stennett
H 638	Little
H 639	Williams
H 640	Pearce
H 645	Broadsword

<b>BILL NO.</b>	<b>SPONSOR(S)</b>
H 646	Coiner
H 648 aaS	Broadsword
H 649	Goedde
H 650 aa	Compton
H 652	Werk
H 653	Goedde
H 655 aaS	Goedde
H 659	Langhorst
H 663 aa	Compton/McGee
H 664	Compton/Keough
H 671 aaS	Little
H 672	Little
H 673 aaS	McGee
H 676 aaS	Corder
H 680	Stegner
H 684	Andreason
H 685	McKenzie
H 686	Sweet
H 687	McKenzie
H 688	Malepeai
H 694	McKenzie
H 695 aaS	McKenzie
H 696	McKenzie/Stennett
H 700	McGee
H 701	Keough
H 705 aa	McKenzie/Lodge
H 706	Langhorst
H 707	Davis/Kelly/Langhorst
H 708	Broadsword
H 709 aa	Hill

BILL NO.	SPONSOR(S)
H 711	McKenzie
H 712	Marley
H 713 aa	Goedde/Jorgenson
H 714 aa, aaS	Stegner
H 716	Lodge
H 718	McKenzie
H 719 aa	Keough
H 722	Compton
H 723 aaS	Goedde
H 724	Corder
H 726	Corder
H 727	Marley
H 728	Kelly
H 729	Hill
H 731	Jorgenson
H 734	Broadsword
H 735 aa	Williams
H 736 aa	Williams
H 737 aa	Burtenshaw
H 738 aa	Compton/Stegner
H 739	Werk
H 742 aa	Schroeder
H 743	McKenzie/Keough
H 744	Corder
H 745	Acting Senator Burnie Clark
H 746	Keough
H 747	Hill
H 748	Lodge
H 750 aa	Jorgenson
H 752	Burkett

BILL NO.	SPONSOR(S)
H 753 aa	Malepeai
H 754	Hill
H 756	Keough
H 757	Stennett
H 758	Stennett
H 760 aa	Brandt
H 762	Bunderson
H 763	Broadsword
H 764	Hill
H 765	Williams
H 766	Cameron
H 767	Hill
H 770 aaS, aaS	Brandt
H 771	Gannon
H 772	Gannon
H 773	Gannon
H 774	Gannon
H 775	Corder
H 776	Compton/Broadsword/Darrington
H 778 aa	Corder
H 780	Jorgenson
H 781	McKenzie
H 782	Pearce
H 783	Sweet
H 784	Goedde
H 788	Werk
H 791	Stennett
H 793	Richardson
H 794	Pearce
H 795	Geddes

BILL NO.	SPONSOR(S)
H 796	Williams
H 797	Marley
H 798	Pearce
H 799	Richardson
H 800	Burtenshaw/Williams
H 801	Lodge
H 802	Hill
H 803	Hill
H 804	Werk
H 805	Richardson
H 808	Hill
H 809	Lodge
H 810	Werk
H 811	Lodge
H 812	Werk
H 813	McGee
H 814 aa	Darrington
H 817	McGee
H 818	Sweet
H 819	Pearce
H 820	Geddes
H 822	Goedde
H 825	Cameron
H 826	McGee
H 827	Werk
H 828	Keough
H 829	Lodge
H 830	Keough
H 831	Werk
H 832 aa	Keough

BILL NO.	SPONSOR(S)
H 833	Keough
H 834	McGee
H 836	McGee
H 837	Keough
H 838	McGee
H 839	Richardson
H 844	Cameron
H 845	Marley
H 846	Keough
H 847	Cameron
H 848	Marley
H 849	Keough
H 851	Keough
H 852	Hill
H 853	Stennett
H 854	McGee
H 857	Geddes
H 858	Werk
H 860	Cameron
H 861	Hill
H 862	Hill
H 864	Keough
H 865	Geddes
H 866	Marley
H 868	McGee
H 869	Keough
H 870	Cameron
H 871	Keough
H 872	Marley
H 873	Lodge

<b>BILL NO.</b>	<b>SPONSOR(S)</b>
H 874	Cameron
H 875	Cameron
H 876	Stegner
H 877	Compton
<b>HCR NO.</b>	<b>SPONSOR(S)</b>
HCR 30	Davis
HCR 31	Brandt
HCR 32	Marley
HCR 33	Marley
HCR 34	McGee
HCR 36	Stennett
HCR 37	Burtenshaw
HCR 38	Langhorst
HCR 39	McKenzie
HCR 40	McGee
HCR 41	Werk
HCR 45	Richardson
HCR 46	Pearce
HCR 47	Stegner
HCR 48	Coiner
HCR 49	Broadsword
HCR 50 aa	Coiner
HCR 51	McGee
HCR 52	Broadsword
HCR 53	Keough
HCR 54	Williams
HCR 55	Werk
HCR 56	McGee

<b>HCR NO.</b>	<b>SPONSOR(S)</b>
HCR 58	Andreason
HCR 59	Williams
HCR 60	Stegner
HCR 62	Geddes
HCR 63	Stegner
HCR 64	Pearce
HCR 65	Andreason
HCR 66	Burkett/Gannon
HCR 67	Geddes
<b>HJM NO.</b>	<b>SPONSOR(S)</b>
HJM 10	Brandt
HJM 11	Brandt
HJM 12	McGee
HJM 13	Goedde/Jorgenson/Schroeder/ Andreason/Pearce/Gannon/Fulcher/ Marley/Burkett
HJM 14	Langhorst/Stennett
HJM 16	Little
HJM 18 aa	Werk/Gannon
HJM 20	Little
HJM 21	Pearce
HJM 22	Geddes
HJM 25	Brandt
HJM 26	Little
<b>HJR NO.</b>	<b>SPONSOR(S)</b>
HJR 2	Geddes