

JOURNAL
of the
STATE SENATE



SECOND REGULAR SESSION

of the

SIXTIETH LEGISLATURE

of the

STATE OF IDAHO
2010

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SENATE JOURNAL

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SECOND REGULAR SESSION

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SENATE JOURNAL
OF THE
IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTIETH LEGISLATURE

FIRST LEGISLATIVE DAY
MONDAY, JANUARY 11, 2010

Senate Chamber

At the hour of 12 noon on Monday, January 11, 2010, the time established for the convening of the Second Regular Session of the Sixtieth Idaho Legislature, the members of the Senate convened in the Senate Chamber of the Capitol in the City of Boise, PresidentBrad Little presiding.

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

STATE OF IDAHO
OFFICE OF THE SECRETARY OF STATE

CERTIFICATE OF ELECTION

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 Sixtieth Legislature, as shown by official records on file in my office:

Table with 2 columns: DISTRICT and NAME. Lists senators for districts 1 through 24, including names like Shawn Keough, Joyce M. Broadsword, Mike Jorgenson, etc.

Table with 2 columns: District number and Name. Lists senators for districts 25 through 35, including names like Clint Stennett, Dean L. Cameron, Denton Darrington, etc.

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 Sixth day of January, in the year of our Lord, two thousand and ten, and of the Independence of the United States of America, the two hundred and thirty-fourth.

/s/ BEN YSURSA
Secretary of State

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

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

Prayer was offered by Chaplain Montie Ralstin, Pastor, Boise Valley Christian Communion, Boise, Idaho.

President Pro Tempore Geddes provided a brief history of the Idaho State flag that is flown over the domes of the House and Senate Chambers during each session of the Legislature. He explained that the flags are raised when the Legislature convenes and retired when the Legislature adjourns sine die. Today, we again celebrate this tradition by having the Idaho Air National Guard Honor Guard formally retrieve from the President of the Senate the flag that will fly over this Chamber this Session.

The Pledge of Allegiance was led by Sarah Jane McDonald, Sergeant at Arms. The Honor Guard exited the Chamber.

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

Messages from the Governor

December 22, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Michelle Stennett of Ketchum, Idaho, to be Acting State Senator for Legislative District 25, Blaine, Camas, Gooding, and Lincoln Counties, State of Idaho.

This appointment is effective January 11, 2010, and will continue until such time as Senator Clint Stennett is able to resume his duties.

As Always - Idaho, Esto Perpetua
/s/ C. L. "Butch" Otter
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*, Clint Stennett, State Senator, District 25, Blaine, Camas, Gooding, and Lincoln Counties, State of Idaho, has nominated Michelle Stennett of Ketchum, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 25, Blaine, Camas, Gooding, and Lincoln Counties.

NOW, THEREFORE, I, C. L. "Butch" Otter, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Michelle Stennett to the office of State Senator, District 25, State of Idaho, for a term commencing on January 11, 2010, and continuing until such time as Senator Clint Stennett 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 December, in the year of our Lord two thousand and nine and of the Independence of the United States of America, the two hundred and thirty-fourth year.

/s/ BY THE GOVERNOR C. L. "BUTCH" OTTER
/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 announced that the Oath of Office had been administered previously to Acting Senator Stennett, and she was recorded present at this order of business.

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

Moved by Senator Davis, seconded by Senator Kelly, that the Rules of the Senate and Joint Rules of the Senate and House of Representatives as adopted during the First Regular Session of the Sixtieth Idaho Legislature be adopted as the temporary Rules of the Senate and Joint Rules of the Senate and House of Representatives of the Second Regular Session of the Sixtieth Legislature. The question being, "Shall the rules be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

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

On request by Senator Davis, granted by unanimous consent, the seats as presently occupied were permanently assigned to the Senators for the Second Regular Session of the Sixtieth Idaho Legislature.

On request by Senator Davis, granted by unanimous consent, President Little appointed a committee consisting of Senator McKenzie, Chairman, and Senator Jorgenson and Acting Senator Stennett to escort the committee from the House of Representatives into the Senate Chamber. Representatives

Harwood, Labrador, and Ruchti informed the Senate that the House is now organized and ready to conduct business.

The Senate committee was discharged.

On request by Senator Davis, granted by unanimous consent, President Little appointed a committee consisting of Senator Broadsword, Chairman, and Senators Smyser and Bilyeu 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, President Little appointed a committee consisting of Senator Keough, Chairman, and Senators Siddoway and LeFavour 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 11, 2010

Dear Mr. President:

I transmit herewith [HCR 35](#), which has passed the House.

ALEXANDER, Chief Clerk

[HCR 35](#) 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 35](#), by Moyle and Rusche, was introduced and read the first time at length.

Moved by Senator Davis, seconded by Senator Kelly, that all rules of the Senate interfering with the immediate consideration of [HCR 35](#) be suspended. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended and announced that [HCR 35](#) was now before the Senate for final consideration.

The question being, "Shall the resolution be adopted?"

On motion by Senator Davis, seconded by Senator Werk, [HCR 35](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

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.

JOINT SESSION

Pursuant to **HCR 35**, the hour of 1 p.m. having arrived, the members of the Senate entered into the Chamber of the House of Representatives and met in Joint Session with Speaker Denney presiding.

Roll call of the House of Representatives showed all members present except Representative Schaefer, absent and excused.

Roll call of the Senate showed all members present.

Prayer was offered by House Chaplain Tom Dougherty.

On request by Representative Moyle, 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 Fulcher and Malepeai and Representatives Raybould and Pasley-Stuart as the committee to wait upon and escort the elected officials to the House Chamber.

The Speaker excused the committee.

The Speaker appointed Senators Darrington and Bock and Representatives Clark 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 Davis and Kelly and Representatives Moyle and Rusche 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 elected officials, 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, C. L. "Butch" Otter, and the following **State of the State and Budget Address** was delivered by the Governor:

Mr. Speaker, Mr. President, Honorable Justices, my fellow constitutional officers, legislators, members of my Cabinet, Senator Risch, honored guests, friends, my family and our First Lady, and my fellow Idahoans.

Welcome back to the People's House!

It's been three years since a State of the State address was delivered in this historic building this great monument to freedom and self-determination.

Please join me in showing our thanks to the skilled men and women who restored our Capitol beyond its original glory, and in doing so reflected our best hopes for an even brighter future.

And they did it on time and on budget!

Now let me extend my congratulations to two outstanding football teams that have made all of us in Idaho proud.

Whether you're a Bronco or a Vandal, you have a lot to celebrate right now!

I also appreciate them giving me bragging rights as one of only three Governors in America with a 100-percent winning percentage in this season's bowl games!

Let's hear it now for the University of Idaho Vandals and head coach Robb Akey, and for the Boise State University Broncos and head coach Chris Petersen for giving us all so much to cheer about!

We take great pride in our football teams and in ALL our young people here in Idaho. And rightly so.

That's one reason it's been so difficult for us to watch these past few years that we've been away from this Capitol while the world around us has changed so dramatically.

We have a different president. We have a different economic climate. And out of necessity we have different priorities.

But our people's indomitable spirit remains the same challenged but strong, concerned but resilient.

I have been consistently inspired and energized during the past year by the sense of shared responsibility and community support shown by the hard-working Idahoans I meet all over this great state.

And I want to express my deep gratitude and highest praise for everyone who looked beyond themselves in this difficult time.

Thank you to everyone who held your families and friends close in their struggles.

Thank you to everyone who reached out to neighbors and even complete strangers to assure them that we're all in this together; to offer comfort and hope that things will get better.

And they will.

What I said a year ago is just as true today: We have the experience; we have the talent, the intelligence, the will and most of all the people to get through this smarter, tougher and better than ever, and we will.

Ladies and gentlemen, after a lifetime in Idaho and a generation in Idaho's public life, and having traveled to every corner of this state listening to the people we serve, I will tell you that our corner of this great republic is alive and well.

But make no mistake a rebirth of prosperity won't happen on its own.

It will require strength of character and the courage of our convictions.

It will require all of us to look beyond the next election, or even the next budget, to the next generation of Idahoans who will be reaping the harvest we sow for good or ill.

And it will require reasserting the core values that define us as Idahoans and as public servants.

So what are those core values?

Idahoans are as independent and freedom-loving as ever.

They rightly believe that *their* money is – well – *their* money.

They believe government should champion and help realize the peoples' own solutions without imposing its own.

They believe that what government does, it must do well effectively and efficiently.

They believe that what government does not do well, it must either do better or not do at all.

They believe the best government is the government closest to them and most reflective of their will our cities, counties and other local jurisdictions.

They believe that more government does not mean more opportunity or more freedom.

And they are just as firm as ever in their belief that government is meant to have only a limited and well-defined role in their lives.

So what does maintaining the proper role of government have to do with us here today?

Everything starting with our commitment to some fundamental principles in the work we are about to undertake.

Number one, we must not raise taxes.

It is not our place to impose an additional economic burden on the people of Idaho who already are struggling, or to put a damper on our economic recovery.

What's more, I hear over and over from small business owners and individual Idahoans that they expect stability and predictability in our State tax structure. Chairmen Lake and Hill understand that.

Number two, we must continue to maintain some level of cash reserve against the prospect of our economic recovery taking longer and being less robust than we hope.

Even the best-case economic scenario involves months and months of delay between business activity and the receipt of State tax revenue.

Prudence demands that we act with caution.

Number three, we must do whatever we can to protect the educational opportunities and safeguard the potential of the next generation of Idahoans our children and grandchildren.

And as our recovery advances, one of our first priorities for new dollars should be our public schools and higher education.

I'm sure that Chairmen Nonini and Goedde will be their champions.

Number four, we must do whatever we can to protect the health, safety and well-being of our citizens especially the neediest and most vulnerable among us.

And number five, we must do whatever we can to avoid any duplication of effort or any waste of the taxpayers' hard-earned dollars.

You will hear more about that in a few minutes.

As you know, I spent a lot of time during the past year listening to Idaho employers and employees. I conducted

day-long public meetings with scores of business and innovation leaders from throughout Idaho.

I held extensive follow-up discussions with participants and policy makers.

I met with more than a dozen chambers of commerce from Sandpoint to Pocatello and from Salmon to Fruitland.

Just this past week, I met with leaders of the business financing community from all over Idaho about capitalizing and promoting our economic resurgence.

Next week Commerce Director Don Dietrich and I are meeting with economic development professionals from every corner of Idaho to get their perspective.

My Project 60 initiative, our business plan for Idaho's renewed prosperity, involves taking all that good advice and building public-private partnerships that are leveraging the effectiveness of our message to employers.

And that message is that Idaho is open for business, that we have the stable tax and regulatory climate in place to help them thrive, and that our people are ready to compete with any in the world for the opportunity to shine.

Great individuals in businesses large and small are making a real difference all over our state.

People like:

Martin Zacha at ATK, whose ammunition business is thriving, creating jobs and growing in Lewiston.

Robin Woods at Alturas Analytics, whose Moscow company is at the cutting edge of work for the pharmaceutical and biotech industries.

Doug Sayer at Premier Technology, whose Blackfoot operation now is expanding to Mackay and elsewhere, setting the standard for economic opportunity throughout our state.

Paul Schaller at Quest Aircraft, whose Sandpoint business has been recognized nationally for its groundbreaking technology and can-do attitude.

Ron Nilson at Ground Force Manufacturing, whose Post Falls business is creating innovation and incredible value that's in demand around the world.

Tom Harris at Western States Equipment, whose faith in Idaho, our people and our potential convinced him to expand to a great new location in Hayden this past year.

Michael Boerner at Unity Media Group in Eagle, whose breakthrough new online technology already is being adopted by health-care professionals and other businesses throughout America.

Ellen Meyer at Great American Appetizers, whose Nampa company is among our most competitive and aggressive exporters.

John Ihli at Nunhems, which recognized the unique quality and opportunity available in Parma as a location to grow and prosper in America's best seed producing area.

Tim Britt at Synoptek in Boise, who is solving problems for his customers while he works to attract partners from other states to take advantage of all the benefits of doing business here in Idaho.

Jefferson Jewell of Blackfin Technology in Boise, who looked beyond his own software company to recognize that a rising tide lifts all boats, and now is working with his industry and innovators throughout Idaho to grow our economy.

Tom Carbone at Nordic Windpower in Pocatello, who is helping to turn eastern Idaho into a renewable energy hot spot that will drive our future prosperity.

And Steve Appleton at a resurgent Micron Technology, which continues to believe so strongly in Idaho and the potential of our state and our people that it's seeing a rebirth of new technologies and business opportunities.

They all are showing the way to a smarter, more responsive and more promising future for their employees and their communities.

Some of them are with us here today. Ladies and gentlemen, please stand and let us thank you.

With the kind of talent and economic energy they represent, my message today is let's build on that success.

Let's find more ways to unlock the tremendous potential that resides in our cities and towns, in our countryside, and within our citizens. We have many great examples of how to grow our economy for the benefit of all Idahoans.

That involves more aggressively building partnerships, collaborating, listening, and making our public policy consistent with the real needs of the men and women who make our economy go.

Speaking of "aggressive," that's exactly the approach we're taking to convince the Air Force that Boise and Mountain Home are the best places to provide the training and operational homes for its new F-35 Joint Strike Fighters.

This is an exciting opportunity that has the potential to bring 3,000 or more direct career-level jobs and many more positions in support of the new mission throughout the Treasure Valley.

At my direction, Lieutenant Governor Brad Little, our Department of Commerce, and National Guard leaders at Gowen Field are working closely with folks at Mountain Home Air Force Base, Idaho's congressional delegation, our State agencies, and community leaders to make a compelling case for bringing the F-35s here.

I appreciate the help and support that members of the Legislature are providing in the effort to bring a new generation of freedom's wings here to Idaho.

Our citizens have proven themselves time and again to be tremendous supporters of and contributors to our Armed Forces.

The F-35 campaign gives us yet another opportunity to show our patriotism and civic virtue, as well as the tremendous advantages we have in terms of air space, weather, proximity and enthusiastic citizen support for military missions here in Idaho.

We have a great opportunity to make this happen, thanks largely to the contributions our troops have made to Idaho over the years. But it will take us all working together to achieve our goal cities, counties, the State, private businesses and individual citizens.

I know I can count on your support.

At the same time, we are not putting all our eggs in one basket.

We are reaching out every day to employers who are considering a move to Idaho to take advantage of our quality of life, our stable, business-friendly tax and regulatory structure and our world-class work force.

To keep improving our chances, we soon will be submitting reports from my Business and Innovation summits to germane committees of the Legislature on what we're hearing from Idaho businesses.

In those reports, you'll see calls for eliminating the personal property tax.

You'll see a recommendation for significant tax credits for infrastructure construction investments including those involving education.

You'll see a proposal to create a home buyer tax credit similar to the program that was used so successfully down in Utah.

And you will see calls for continuing the work of our Innovation Council toward making it easier to move great ideas at our universities to great products and services in the marketplace.

Folks, as incredible as they are, our universities are not the only source of great ideas in Idaho.

And great ideas certainly don't all come from here in Boise or from within this Capitol.

That's why I also held a dozen capitals for a day in 2009, from Kendrick to Franklin and from Cascade to Dubois.

For those of you who don't yet know, my Capital for a Day program takes our seat of State government to small and in some cases remote communities in every corner of our state every month. I'm joined by members of my Cabinet in hearing directly from the people about their challenges, their hopes and their fears.

In some cases my visits to Capital for a Day communities have come hard on the heels of devastating news an employer is going out of business or shutting down the local operation, or an opportunity for local development is missed.

There are few experiences in this job as difficult as consoling those who are frustrated by the troubles that life has handed them.

But there also are few experiences in this job as inspiring and as uplifting as looking into the eyes of the people we serve and recognizing that spark of civic virtue that motivates them to stay involved and keep working for something better.

What I hear clearly and consistently from Idahoans is great pride tempered by incredible humility. And I hear a desire from everyone for opportunity for the freedom to have just a chance at succeeding on their own terms.

Idahoans are people who want only to define their own success.

They want only what they earn by their own intellect or the sweat of their own brow, and they want jobs that can become careers by virtue of their own hard work, creativity and commitment.

From government, they expect us to be accountable, to live up to our commitments and to live within our means and then to get out of the way.

They do not want a federal-style, one-size-fits-all, nanny government that not only tells them what to do but how and when to do it.

They do not want a federal-style government intent on spending us into recovery by mortgaging our children's future.

They do not want a federal-style government that is willing to cut any deal, put aside any principle or risk any freedom to build costly entitlement programs at our expense.

That's why it's so very important that those of us entrusted with these jobs fulfill our responsibility to make government as efficient as it can possibly be and to never forget that this is the people's money.

There is no need today for me to recount our economic situation.

We all know this downturn has been among the deepest and longest since the Great Depression. We also know that State government must limit our spending to our revenue.

As H.L. Mencken said, "[Government's] great contribution to human wisdom is the discovery that the taxpayer has more than one pocket."

Now, I wouldn't go quite that far. But our history does show that it's far easier to expand government than to rein it in.

It also is true that government which tries to be all things to all people inevitably fails both itself and the people whose expectations it raises.

I will not ask you to believe that there is a magic potion to cure what ails our economy or our State government. It will require sacrifice and hard work.

As you know, the tiered holdback that I ordered in September gets us only part of the way to addressing the projected shortfall in our Fiscal Year 2010 revenue.

I am asking you today to approve that holdback and to bring your collective wisdom and experience to bear on the remaining shortfall.

I am asking you to work with me in a way that reflects our shared priorities and our commitment to doing what must be done rather than choosing the expedient or popular course.

Ladies and gentlemen, I know that Chairmen Cameron and Bell agree with me that State government must lead by example. We must live within our means.

That means finding and encouraging more efficiency, more innovation, more creativity, more collaboration, and more flexibility.

And perhaps most of all, we must earn the trust and understanding of our people – both those who serve and those who rely on our services.

Building public trust and understanding is why we will be continuing our discussion about the funding needs of our roads and bridges throughout the coming year.

Transportation remains a very important priority for my administration as I know it does for you.

Our economic well-being as individuals and as a state will remain in jeopardy without safe and efficient corridors of commerce.

That's why Lieutenant Governor Little is leading my Transportation Task Force with the help of legislators and private citizens to carefully study and consider the long-term needs that still must be addressed once our economy turns around.

In the meantime, we're focusing on what works in making better use of the people's money!

At the Idaho Transportation Department, changing the way we're doing business is working. It's led to millions of dollars in savings on highway projects throughout the state.

Along with federal stimulus funding, that's enabling us to stretch our transportation dollars farther than ever – a fact I know Chairmen McGee and Wood appreciate.

The inmate population in our State prisons has leveled off.

That's due in large measure to your work led by Chairmen Darrington and Clark.

And it's thanks to the efforts of an interagency committee that includes Brent Reinke's Department of Correction, Debbie Field's Office of Drug Policy, Dick Armstrong's Department of Health and Welfare, and Colonel Jerry Russell at the Idaho State Police.

It also includes Sharon HARRISFIELD at the Department of Juvenile Corrections, Pardons and Parole Director Olivia Craven, courts administrator Patty Tobias, as well as public-private partnerships that extend to all branches of government.

And it's resulted in substance abuse treatment programs that are working.

At Kelly Pearce's Division of Building Safety, a cross-training initiative that's enabling more inspections to be conducted by fewer, better-trained inspectors is working.

At the Public Utilities Commission and Paul Kjellander's Office of Energy Resources, energy efficiency measures with local organizations and jurisdictions are working.

In fact, they're already saving enough power each year to serve a city about the size of Twin Falls!

At Celia Gould's Department of Agriculture, Toni Hardesty's Department of Environmental Quality and Gary Spackman's Department of Water Resources, an end to duplication of water quality monitoring efforts is working.

In our Judicial Branch, Idaho's State courts recently won national recognition for their innovation and improvement of rural justice administration thanks to the leadership of Chief Justice Dan Eismann and the other justices.

And the judges themselves – 100 percent of them throughout Idaho – voluntarily worked two days without pay during this past year to help us balance the budget.

These examples and many more are aligned with Ronald Reagan's goals and mine when he said, "It is not my intention to do away with government. It is rather to make it work with us, not over us; stand by our side, not ride our back. Government can and must provide opportunity, not smother it; foster productivity, not stifle it."

You often hear the term "good government" being tossed around.

Well, Idahoans believe "good government" doesn't mean "more government" or "bigger government."

It means government that is effective, transparent, accessible, accountable and responsive while maximizing individual freedom.

Most of all, it is government that understands its limitations and that its authority derives from the people in whose individual creativity and civic virtue lie the answers to our collective challenges.

Before I go any further, let me say a few words about the dedication and professionalism of our State agency directors and administrators and their staffs, as well as all the great public employees throughout Idaho.

Seeing their willingness to engage in this good-government process and put forth their best efforts on behalf of our citizens is one of the most satisfying parts of my job.

And I remain committed over the long term to making sure they are not only appreciated but also compensated competitively for their service to the people of Idaho.

For about six weeks now our State employees have been joined in actively addressing our budget concerns by anyone in Idaho with an Internet connection and an interest in good government.

In fact, today we are launching a new feature on the *efficiency.idaho.gov* website, an interactive discussion of some of the more promising ideas that our citizens have submitted.

I want to thank the hundreds of Idahoans from every walk of life who are going online and offering opinions, insights, and perspectives on our State budget.

Those ideas are appreciated and an important part of our considerations. Some of them already are being put in place.

For example, about a dozen individuals suggested improving the energy efficiency of our State buildings.

I'm pleased to report that our newly restored Capitol and hundreds of State-owned buildings throughout Idaho now have been outfitted with such improvements as better insulation, high-efficiency light bulbs, and motion sensors that turn out the lights and turn down the heat when rooms are unoccupied.

That effort is being led by Mike Gwartney at the Department of Administration.

Mike also is working across State government to implement a shared system of fleet management to ensure we're getting the most out of the thousands of vehicles used by State agencies.

Of course, not all the public suggestions can be implemented right away. So we're compiling a report and will join the germane committees of the Legislature in exploring what works for the people we serve.

With that in mind, let me say again that the budget recommendations I bring you today are based on the fact that it is not State government's money. It is the peoples' money.

As a result, these recommendations are responsibly conservative.

They were developed with great care, deliberation, and a full understanding of their consequences – real and perceived.

And they provide for a balanced budget, as our Idaho Constitution so wisely requires.

My recommendations include some sweeping changes to the way we do business in State government.

Those changes are meant to be permanent based on a philosophy of government that recognizes our responsibility to individual Idahoans rather than to government itself.

I believe they represent what can and must be achieved within the realities we face, and to more closely align our government with its properly limited role.

Having said that, no one in this room respects the separation of powers and the importance of checks and balances in our system of government more than I do.

While we share a long history and a strong set of values, like any people of good will we sometimes can review the same set of facts and come to starkly different conclusions about a path forward.

I have no doubt that there will be disagreement with some elements of my plan. That is your prerogative.

I am not asking you to substitute my judgment for your own. I am not contending that I have any greater insights or superior perspective on the challenges we face.

I only hope that you will make the time and effort to study what I'm proposing and join me in working patiently and with civility.

I appreciate the tone set by Speaker Denney and Pro Tem Geddes during this difficult process.

As you will see in my Executive Budget, my recommendations are based on zero revenue growth in Fiscal Year 2011.

That threshold agreement on a starting point for our budget work was reached over four months of unprecedented discussions with legislative leaders.

It reflects the relationship between economic recovery and revenue recovery, as well as our continuing commitment to being frugal stewards of the peoples' money.

As a result, my budget eliminates more than 400 positions throughout State government including about 375 that now are vacant and consolidates some agency operations.

And finally, I'm proposing that for the balance of Fiscal Year 2010 we hold back an additional \$40 million from all State agencies and operations including public schools.

That is among the toughest recommendations I make today.

But the fact is that while other Executive Branch agencies have cut their spending by \$499 million as a result of holdbacks over the past two budget years, we have used almost \$318 million from reserve accounts and federal stimulus funds during that same period to reduce the impact on public schools.

That has buffered them to some degree from our difficult economic realities.

Now legislative leadership and I are in agreement that public schools must participate in this new effort to respond to sharp revenue reductions by paring an additional 1.6 percent from our spending for the remainder of Fiscal Year 2010.

Our proposal would look to local school districts for their specific ideas on how to best achieve the savings, including their discretionary use of local reserve accounts and in extreme cases advances future State funding.

This is not the course that any of us would prefer to follow.

It is unfortunate, but it is a temporary situation made necessary by our circumstances.

Keeping faith with our fundamental principles and with your support we will get through this together.

Keeping faith with our principles also is the basis for my proposal to continue increasing the grocery tax credit as planned in the coming budget year.

Two years ago we agreed on the importance of providing some relief for the neediest and most vulnerable among us from what then was a new increase in our State sales tax.

Ladies and gentlemen, it is a fundamental principle of good government that we ensure we can pay for the promises we make.

To that end, I am recommending that we continue to carefully use our "rainy day" funds to address some of our most immediate and pressing needs.

Specifically, I'm recommending that we use almost \$241 million from our reserve accounts including the non-endowed portion of the Millennium Fund to address projected revenue shortfalls in the balance of Fiscal Year 2010 and in Fiscal Year 2011.

That includes the \$49 million that I asked you in late September to draw from the Public Education Stabilization Fund to cover the public schools portion of the tiered holdback I ordered at that time.

Like you, I remain sensitive to the serious budget challenges facing school districts throughout Idaho.

That's why I am working with Superintendent Luna, the State Board of Education and a diverse coalition of education advocates from the public and private sectors to develop long-term strategies for improving our public schools.

Skip Oppenheimer from the Idaho Business Coalition for Education Excellence and Guy Hurlbutt from the Education Alliance of Idaho are here with us today. Please show them how much we appreciate their efforts to provide world-class education opportunities in Idaho.

I also want to thank the J.A. and Kathryn Albertson Foundation for its great generosity in helping to continue expanding our Idaho Education Network.

Jamie MacMillan of the Albertson Foundation is with us today.

Jamie, please stand so we can acknowledge your organization's contribution to education in Idaho.

By the end of the current budget year we expect to have 80 high schools connected with the Idaho Education Network's broadband capability.

That already is expanding the horizons of students from Bonners Ferry to Bear Lake.

It's empowering students in Weiser and Emmett who might otherwise never get the chance to benefit from uniquely qualified instructors elsewhere.

And it's enabling students in Sugar City to get the same high level of educational opportunity as those in Jerome and Twin Falls.

I understand that we have students from some of those schools watching us live today over the network.

The Albertson Foundation support will enable us to add 80 more high schools in Fiscal Year 2011 and 40 more in Fiscal Year 2012.

That will make a big difference for access to education, and the ability of our students to engage in the dual-credit enrollment programs that offer a leg up on higher education.

It also will help us keep improving student achievement scores by building on the work of Superintendent Luna, local educators and our newly created assessment group led by Christine Donnell.

But I don't want anyone to think that the Idaho Education Network is only about schools.

It also is about bringing employment opportunities to our communities, making government more efficient, accessible and responsive, and opening up the wider world to all our citizens.

Those goals are why I am proposing that we continue preparing for tomorrow's work force by:

- Providing funds to handle the tremendous enrollment growth at the College of Western Idaho,

- By fully funding our commitments to cooperative medical education programs,

- By continuing to invest in the ground-breaking work being done at the Center for Advanced Energy Studies in Idaho Falls,

- And by providing \$1 million in Opportunity Scholarships to help our deserving students stay here at home to continue their education.

After all, we badly need the best and brightest of our Idaho young people to get their educations here and stay here for productive and fulfilling careers.

Careers like those being created in such emerging green industries as geothermal, wind, solar, biomass and other renewable energy generation, and for what we hope and believe will be a resurgence of cleaner, carbon-neutral and more efficient nuclear power.

We need our Idaho young people to stay here on the land.

And that means ensuring we have the water they need to keep making the desert bloom, to raise their families as well as their crops and livestock in keeping with our strong and rich agricultural heritage.

That's why I'm proposing that we invest \$1 million to continue implementing the Comprehensive Aquifer Management Plan that's showing such great promise in protecting and preserving our precious water resources.

I appreciate the work of Chairman Stevenson, Representative Raybould, Representative Bedke, Senator Brackett, Senator Siddoway, and others in that effort.

We need our Idaho young people to stay here for the careers that will be created in smarter new electrical transmission corridors being planned throughout the region.

And we need our Idaho young people to stay here to bring their passion, energy and talents to our growing health care community.

That's why we're launching a new public-private partnership aimed at paying for more newly minted physicians to perform their residencies here in Idaho.

I'm very pleased today to announce that Blue Cross of Idaho is leading the way in that effort by committing \$300,000 to Idaho residencies over the next three years.

Blue Cross President and CEO Ray Flachbart is with us here today. Ray, stand up and be recognized my friend!

Thank you for your willingness to act on your belief in a stronger, better, healthier Idaho.

Now we want to challenge our partners in the insurance and health care communities to join us in this endeavor to put more medical residents in Idaho communities.

You can expect to hear more about health care later this year as we work with Chairmen Lodge and Block on those issues.

The bottom line of all these efforts is empowering Idahoans ensuring they have the freedom and opportunity to reach their own greatest individual potential.

We also deserve the opportunity to reach our own greatest potential as a state.

That's why I want to congratulate the Idaho Fish and Game Commission, Director Cal Groen's Department of Fish and Game, the Legislature, and our Idaho sportsmen for developing a State wolf management plan that passed muster with the U.S. Fish and Wildlife Service and a federal judge.

Now this federally imposed predator is being managed for long-term sustainability as a trophy game animal, and our ungulates and livestock once again have a fighting chance.

I also want to congratulate Nate Fisher at the Office of Species Conservation, other State agencies, local units of government and, especially, the landowners who worked so well together to protect and preserve the southern Idaho desert plant known as slick spot peppergrass.

Unfortunately, the federal government in its infinite wisdom concluded that local folks weren't up to that task, so it imposed Endangered Species Act protections.

Yes, the feds are casting aside the collective judgment of the people born to this land and who care most about it in favor of bureaucratic nonsense and an invitation to endless court battles.

Well, ladies and gentlemen, I am fighting that decision in court.

And with your help and continued strong support we will carry the day while doing the right thing by the species and our people.

I also am continuing my fight to keep the feds from using Idaho as a dumping ground for its elemental mercury.

We have worked too hard protecting the Snake River Plain Aquifer and building a strong and collaborative relationship with our partners at the Idaho National Laboratory to allow it all to be put at risk by a misguided federal decision.

I will not allow Idaho to become the nation's dumping ground for its elemental mercury!

There is a similar policy-making sleight-of-hand going on with the federal administration's efforts to foist the cost of a budget-breaking entitlement program onto our backs.

The so-called health care "reform" bills being promoted by the President's party in Congress could add as much as half a billion dollars to Medicaid costs in Idaho.

Folks, that kind of unprecedented expansion would force us here at home to make even more difficult and painful decisions about what gets cut from public schools, higher education, corrections, public safety and other fundamental services.

Just as importantly, it would saddle our children and our children's children with what Thomas Jefferson called the "moral canker" of staggering public debt far into the future.

Thank you for supporting me and our entire Idaho congressional delegation in fighting against this wholesale assault on our self determination.

That message of a desire for individuals and communities to have the freedom and opportunity to live up to their own greatest potential is a thread that ran through all my Capital for a Day events during this past year.

Idahoans need and deserve to know we're listening, and that their opinions and well-being are all that really matters.

I have been humbled time and again by the expressions of thanks and surprise I hear from citizens in communities throughout our state when they get to stand up and be heard.

Sometimes they arrive angry. Many times they arrive frustrated.

But for the most part they come away from our Capital for a Day events with a renewed belief in what government can and should be, and a renewed faith in their own ability to make a difference.

The people of Idaho are not looking for handouts or for government to solve their problems.

They only want government to get behind their own solutions and not stand in the way.

You and I can and must be the champions for those local solutions.

You and I can and must put aside any parochialism or partisanship that clouds our vision, and focus instead on the great things we can do together for the people we serve.

Being together here in the Capitol again will be a big help.

Our communications may have suffered during these past two years that we were displaced. But please remember that my door is and always will remain open to you.

My friends, there is no limit to what we can accomplish when we work together.

Consider how we reached a beneficial settlement to a long-running dispute with Idaho Power over Snake River water rights.

Consider how we found a way to reduce grass-field burning in northern Idaho by bringing together growers and those concerned about local air quality.

Consider how we protected the precious drinking water for hundreds of thousands of Idahoans and ended years of litigation with waste cleanup agreements at the Idaho National Laboratory.

Consider how we laid the groundwork for hundreds of high-paying careers by convincing AREVA to build a multibillion-dollar uranium enrichment plant near Idaho Falls.

Consider how we created more community college and training opportunities for Idaho's young people and those working through mid-career transitions.

And consider how we joined hands to create the Opportunity Scholarship Trust Fund.

As a result, we now are able to help ensure money doesn't keep more Idaho students out of college or career training.

And we can do all these good and appropriate things without imposing seemingly endless squabbles on the people we serve.

Legislative sessions have averaged 82 days over the past 20 years or so. Last year factors beyond our control pushed us about 50 percent over that average.

I'm sure you share my hope today that by sticking to our principles and core values we can balance the scales and make this among the shortest, most congenial, most collaborative and most productive legislative sessions in our history.

Before I close, let me say just a few words about the men and women of our Idaho National Guard.

As you know, there is a very real possibility that thousands of our friends, neighbors and loved ones will be deployed into a war zone later this year.

That knowledge made the recent holiday season particularly bittersweet for our citizen soldiers preparing to once again go into harm's way to help protect our freedoms and way of life.

Miss Lori and I were there early on the Sunday morning after Christmas as a group of Idaho Army National Guard warriors bound for duty in Afghanistan said goodbye to their families.

Those troops from Detachment 35 of the Operational Support Airlift Command will be helping protect their comrades in arms from the improvised explosive devices that are killing and wounding so many of our brave men and women.

Please join me in remembering them in your prayers and well wishes for their safety.

And please join me as well in praying for the freedom and safe return to his Idaho family of Private First Class Bowe Bergdahl of Hailey, who has been held prisoner by the Taliban since June.

We are united in our outrage at his abduction and our support for his family, friends and loved ones here at home.

Ladies and gentlemen, we are an Idaho family. We have a shared history and a shared vision for our future a vision of an Idaho where our opportunities match our unlimited dreams and potential, where individual freedom and civic virtue are synonymous, and where we are the architects of our own destiny.

Because we truly are all in this together.

Thank you for your attention. Thank you for your service to the people of Idaho. May God bless this Legislature and the work it is about to do. And may God bless us all.

The Speaker thanked Governor Otter for his message.

On motion by Representative Moyle, seconded by Representative Rusche, 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 Moyle, seconded by Representative Rusche, by voice vote the Joint Session was dissolved.

The appointed committees came forward and escorted the Justices and Judges, the elected officials, the Governor, and the Senators from the House Chamber.

The members of the Senate returned to the Senate Chamber.

The Senate reconvened at 2:25 p.m., President Little presiding.

Prior to going at ease the Senate was at the Twelfth Order of Business, Second Reading of 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 Kelly, by voice vote, the Senate adjourned at 2:30 p.m. until the hour of 11:30 a.m., Tuesday, January 12, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

SECOND LEGISLATIVE DAY TUESDAY, JANUARY 12, 2010

Senate Chamber

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

Roll call showed all members present except Senators Cameron and Coiner, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Noah Bush, 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, 2010, 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

Senator Coiner was recorded present at this order of business.

December 2, 2009

Ms. Jeannine Wood, Secretary of the Senate
Idaho State Capitol
Boise, ID 83720-0081

Dear Secretary of the Senate:

On behalf of the Board of Commissioners of the Idaho State Bar, I am pleased to inform you that the Commission voted to appoint Steven A. Tuft of Burley to replace William A. Parsons, as a member of the Idaho Judicial Council. Mr. Tuft will serve a six-year term commencing on July 1, 2009 and expiring on June 30, 2015. Pursuant to Idaho Code Section 1-2101, the appointment requires the consent of the Idaho State Senate.

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.

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

Messages from the Governor

January 11, 2010

Jeannine Wood
Secretary of the Senate
Idaho State Legislature

Dear Madam Secretary:

As required by Section 57-1601, *Idaho Code*, I am transmitting the following report of the Governor's Emergency Fund for fiscal years 2009 and 2010.

Balance as of July 1, 2008 **\$83,744.48**

No activity in fiscal year 2009

Balance as of June 30, 2009 **\$83,744.48**

No activity year-to-date in
fiscal year 2010

Balance as of December 31, 2009 **\$83,744.48**

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 11:38 a.m. until the hour of 11:30 a.m., Wednesday, January 13, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

**THIRD LEGISLATIVE DAY
WEDNESDAY, JANUARY 13, 2010**

Senate Chamber

At the request of the President, Senator Darrington called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Andreason, Cameron, Corder, Lodge, and Schroeder, absent and excused; President Pro Tempore Geddes, absent and formally excused by the Chair; and Senator Bock, formally excused by the Chair to attend to his gravely ill mother.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Meredith DeMordaunt, 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, 2010, 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

January 13, 2010

Brad Little
President of the Senate
Idaho Legislature
Boise, ID 83720

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, please do not hesitate to contact this office.

Sincerely,
/s/ Ben Ysursa
Secretary of State

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

The Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

Senator Schroeder was recorded present at this order of business.

SR 101

BY SCHROEDER

A SENATE RESOLUTION

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

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

WHEREAS, the Senate deems it necessary and desirable 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 Sixtieth Idaho Legislature, that Rule 42 of the Rules of the Senate shall 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.

SR 101 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 Kelly, by voice vote, the Senate adjourned at 11:41 a.m. until the hour of 11:30 a.m., Thursday, January 14, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

**FOURTH LEGISLATIVE DAY
THURSDAY, JANUARY 14, 2010**

Senate Chamber

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

Roll call showed all members present except Senators Bock and Lodge, absent and formally excused by the Chair; and Senators McKenzie and Pearce, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Haley Egan, 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 13, 2010, 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 McKenzie was recorded present at this order of business.

January 14, 2010

The JUDICIARY AND RULES Committee reports that SR 101 has been correctly printed.

DARRINGTON, Chairman

SR 101 was referred to the Judiciary and Rules Committee.

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

Messages from the Governor

January 13, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Harold W. Davis of Idaho Falls, Idaho, was appointed as a member of the State Building Authority to serve a term commencing August 4, 2009, and expiring January 1, 2013.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 13, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that John Ewing of Meridian, Idaho, was appointed as a member of the State Building Authority to serve a term commencing January 1, 2009, and expiring January 1, 2014.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 13, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Emma Lou Atchley of Ashton, Idaho, was appointed as a member of the State Board of Education to serve a term commencing August 8, 2009, and expiring March 1, 2010.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor

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

The Gubernatorial appointment was referred to the Education Committee.

January 13, 2010

The Honorable Brad Little
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 April 11, 2009, and expiring April 11, 2013.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 13, 2010

The Honorable Brad Little
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, 2009, and expiring April 11, 2013.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 13, 2010

The Honorable Brad Little
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 April 11, 2009, and expiring April 11, 2013.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 13, 2010

The Honorable Brad Little
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 June 30, 2009, and expiring June 30, 2014.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 13, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Andrea Wassner of Boise, Idaho, was appointed as a member of the Idaho Commission on Human Rights to serve a term commencing July 1, 2009, and expiring July 1, 2012.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 13, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Bob Bolinder of Boise, Idaho, was appointed as a member of the Idaho Commission on Human Rights to serve a term commencing July 6, 2009, and expiring July 1, 2012.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 13, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Joe B. McNeal of Mountain Home, Idaho, was appointed as a member of the Idaho Commission on Human Rights to serve a term commencing July 6, 2009, and expiring July 1, 2012.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 13, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that J. Philip Reberger of Boise, Idaho, was appointed as a member of the Idaho Judicial Council to serve a term commencing July 1, 2009, and expiring July 1, 2015.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 13, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Linda Mitchell of Sagle, Idaho, was appointed as a member of the Lake Pend Oreille Basin Commission to serve a term commencing July 24, 2009, and expiring July 24, 2012.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 13, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Ford Elsaesser of Sandpoint, Idaho, was appointed as a member of the Lake Pend Oreille Basin Commission to serve a term commencing July 24, 2009, and expiring July 24, 2012.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 13, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Anna Jane "Janie" Dressen of Coeur d'Alene, Idaho, was appointed as a member of the Commission on Pardons and Parole to serve a term commencing January 1, 2010, and expiring January 1, 2013.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 13, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jean S. McDevitt of Pocatello, Idaho, was appointed as a member of the Idaho Park and Recreation Board to serve a term commencing June 30, 2009, and expiring June 30, 2015.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 13, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that John T. Cowden of Boise, Idaho, was appointed as a member of the Idaho Personnel Commission to serve a term commencing July 1, 2009, and expiring July 1, 2015.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 13, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Joy Fisher of Moscow, Idaho, was appointed as a member of the Public Employee Retirement System of Idaho Board to serve a term commencing August 13, 2009, and expiring July 1, 2014.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 13, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Gary O. Horton of Blackfoot, Idaho, was appointed as a member of the Sexual Offender Classification Board to serve a term commencing January 1, 2010, and expiring January 1, 2016.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 13, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Thomas J. Hearn of Coeur d' Alene, Idaho, was appointed as a member of the Sexual Offender Classification Board to serve a term commencing October 1, 2009, and expiring January 1, 2014.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 13, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Richard Bronson of Payette, Idaho, was appointed as a member of the State Soil Conservation Commission to serve a term commencing August 19, 2009, and expiring July 1, 2014.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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.

January 13, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Lyle R. Cobbs of Boise, Idaho, was appointed as a member of the Board of Tax Appeals to serve a term commencing June 30, 2009, and expiring June 30, 2012.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 13, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that David Langhorst of Boise, Idaho, was appointed as a member of the State Tax Commission to serve a term commencing July 6, 2009, and expiring March 8, 2015.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 13, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Kent Ireton of Twin Falls, Idaho, was appointed as a member of the Commission for the Blind and Visually Impaired to serve a term commencing July 1, 2009, and expiring July 1, 2012.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 11:53 a.m. until the hour of 11:30 a.m., Friday, January 15, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

**FIFTH LEGISLATIVE DAY
FRIDAY, JANUARY 15, 2010**

Senate Chamber

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

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

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Erin Griffard, 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 14, 2010, 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

January 14, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Sharon Harrigfeld of Boise, Idaho, was appointed as Director of the Department of Juvenile Corrections to serve a term commencing August 3, 2009, and continuing at the pleasure of the Governor.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 14, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Mike Matthews of Declo, Idaho, was appointed as a member of the Commission on Pardons and Parole to serve a term commencing January 17, 2010, and expiring January 1, 2013.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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

January 13, 2010

Dear Mr. President:

I transmit herewith Enrolled [HCR 35](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HCR 35](#) and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On motion by Senator Davis, seconded by Senator Kelly, 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:

- Majority Leadership Secretary Beverly Boyle
- Assistant to Majority Leadership Marian Smith
- Assistant to Secretary of Senate June Keithly
- Journal Clerk Jennifer Etter
- Assistant Secretary of Senate Rusti Horton
- Minority Chief of Staff Diane Kelly
- Minority Staff Assistant..... Jonathan Carkin
- Minority Staff Assistant..... Brian Peterson
- Doorkeeper Robert McDonald

Sergeant at Arms Sarah Jane McDonald
 Assistant Sergeant at Arms Jerry Csutoras
 Republican Secretarial Pool:
 Secretary Lois Bencken
 Secretary Mary Harvey
 Secretary Ann Ingram
 Secretary Jennifer Novak
 Secretary Alicia Keefe
 Committee Secretaries:
 Agricultural Affairs Betty Osborn
 Commerce & Human Resources Carol Deis
 Education Dorena Schrader
 Finance Peggy Moyer
 Health and Welfare Joy Dombrowski
 Judiciary and Rules Leigh Hinds
 Local Government and Taxation Twyla Melton
 Resources and Environment Juanita Budell
 State Affairs Deborah Riddle
 Transportation Lizzie Kukla
 Senate Chaplain Pastor Montie Ralstin

Pages:

Noah Bush, Pocatello
 Meredith DeMordaunt, Eagle
 Haley Egan, Boise
 Erin Griffard, Boise
 Brittney Infanger, Salmon
 Jenna Johnson, Boise
 Samantha Kiley, Boise
 Elise Knapp, Parma
 Danni Petersen, Boise
 Rebecca Powell, Boise
 Sara Schaefer, Boise
 Rachel Schiell-Pagel, Potlatch
 Hannah Schwarz, Boise

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 1247

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

RELATING TO THE STATE PERSONNEL SYSTEM AND VACATION TIME; AMENDING SECTION 67-5334, IDAHO CODE, TO REVISE A PROVISION RELATING TO THE TRANSFER OF ACCRUED VACATION TIME; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

S 1248

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

RELATING TO IDAHO REAL ESTATE LICENSE LAW; AMENDING SECTION 54-2012, IDAHO CODE, TO PROVIDE FOR AN EXEMPTION REVIEW PROCESS

TO DETERMINE SUITABILITY FOR LICENSURE FOR CERTAIN REVOKED LICENSES, TO MAKE TECHNICAL CORRECTIONS AND TO PROVIDE CORRECT TERMINOLOGY; AND AMENDING SECTIONS 54-2015, 54-2026 AND 54-2033, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES.

S 1249

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

RELATING TO IDAHO REAL ESTATE LICENSE LAW; AMENDING SECTION 54-2013, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO ERRORS AND OMISSIONS INSURANCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-2018, IDAHO CODE, TO PROVIDE THAT A LICENSED SALESPERSON WHO OBTAINS A BROKER LICENSE SHALL RETAIN THE RENEWAL PERIOD AND EXPIRATION DATE OF HIS SALESPERSON LICENSE; AMENDING SECTION 54-2023, IDAHO CODE, TO REVISE CONTINUING EDUCATION REQUIREMENTS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 54-2055, IDAHO CODE, TO REQUIRE THAT A LICENSEE MAKE A CERTAIN DISCLOSURE WITHIN A SPECIFIED AMOUNT OF TIME.

S 1250

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

RELATING TO IDAHO REAL ESTATE LICENSE LAW; AMENDING SECTION 54-2011, IDAHO CODE, TO REMOVE REFERENCE TO A RECIPROCAL IDAHO REAL ESTATE LICENSE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-2016, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE RELATING TO SALESPERSONS ACTING AS BRANCH MANAGERS ON JULY 1, 2005, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2027, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO COURSE COMPLETION LISTS SUBMITTED TO THE COUNCIL OR COMMISSION BY A COURSE PROVIDER; AMENDING SECTION 54-2036, IDAHO CODE, TO REMOVE REFERENCE TO A NATIONAL ASSOCIATION OF REAL ESTATE LICENSE LAW OFFICIALS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 54-2093, IDAHO CODE, TO REMOVE REFERENCE TO A SUBAGENT AND TO PROVIDE CORRECT TERMINOLOGY.

S 1251

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

RELATING TO THE SUBDIVIDED LANDS DISPOSITION ACT; AMENDING SECTION 55-1801, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 55-1802, IDAHO CODE, TO REVISE DEFINITIONS, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1803, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 55-1804, IDAHO CODE, TO REQUIRE THAT A CERTAIN STATEMENT BE DELIVERED TO A PURCHASER, A DATED AND SIGNED RECEIPT BE OBTAINED AND PURCHASER BE GIVEN

AN OPPORTUNITY TO EXAMINE THE STATEMENT, TO SPECIFY WHEN AN OFFER IS MADE IN THIS STATE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 18, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-1804A, IDAHO CODE, TO PROVIDE A RIGHT OF RESCISSION AND REQUIREMENTS FOR RESCISSION; AMENDING SECTION 55-1805, IDAHO CODE, TO REMOVE REFERENCE TO THE IDAHO COMMISSIONER OF FINANCE AND THE DIRECTOR OF THE DEPARTMENT OF FINANCE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1806, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO AN APPLICATION FOR REGISTRATION OF SUBDIVIDED LANDS, TO REVISE BONDING REQUIREMENTS NECESSARY TO REGISTER ANY SUBDIVIDED LANDS, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1807, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO THE PUBLIC OFFERING STATEMENT, TO REQUIRE THAT CERTAIN ADVERTISING MATERIAL BE SUBMITTED TO THE COMMISSION PRIOR TO ITS USE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1808, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE COMMISSION'S EXAMINATION OF AN APPLICATION FOR REGISTRATION, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1809, IDAHO CODE, TO REVISE PROVISIONS RELATING TO REGISTRATION AND RENEWAL FEES, TO INCREASE THE APPLICATION AND REGISTRATION MAXIMUM FEE AMOUNT, TO PROVIDE A REDUCTION IN THE MAXIMUM FEE AMOUNT FOR APPLICANTS WHO USE A CERTAIN WEB-BASED DOCUMENT MANAGEMENT SYSTEM, TO GRANT THE COMMISSION AUTHORITY TO PROMULGATE CERTAIN RULES, TO REVISE PROVISIONS RELATING TO THE REJECTION OF AN APPLICATION FOR REGISTRATION, TO REVISE RENEWAL REQUIREMENTS, TO PROVIDE THAT CERTAIN FACTS DO NOT CONSTITUTE COMMISSION FINDINGS, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1810, IDAHO CODE, TO REQUIRE THAT SUBDIVIDERS FILE A RENEWAL REPORT, TO PROVIDE A DUTY TO REPORT CONVICTIONS AND JUDGMENTS, TO PROVIDE A RENEWAL EXAMINATION PROCESS AND TO GRANT THE COMMISSION AUTHORITY TO ISSUE A CEASE AND DESIST ORDER; AMENDING SECTION 55-1811, IDAHO CODE, TO REVISE THE COMMISSION'S GENERAL POWERS AND DUTIES, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1812, IDAHO CODE, TO REMOVE REFERENCE TO THE PURCHASE OF SUBDIVIDED LANDS, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1813, IDAHO CODE, TO REVISE PROVISIONS RELATING TO INVESTIGATIONS AND PROCEEDINGS, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1814, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CEASE AND DESIST ORDERS, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1815, IDAHO CODE, TO REVISE PROVISIONS

RELATING TO THE REVOCATION OF A REGISTRATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1817, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1818, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 55-1819, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 18, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-1819A, IDAHO CODE, TO PROVIDE THAT ANY OFFER OR DISPOSITION MADE IN VIOLATION OF CHAPTER 18, TITLE 55, IDAHO CODE, CONSTITUTES AN UNFAIR AND DECEPTIVE ACT OR PRACTICE; AMENDING SECTION 55-1820, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS HAVE SUBMITTED TO THE JURISDICTION OF THIS STATE AND OF THE ADMINISTRATIVE JURISDICTION OF THE COMMISSION, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1821, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1822, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 55-1823, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS.

S 1252
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
AN ACT

RELATING TO THE DIVISION OF HUMAN RESOURCES; AMENDING SECTION 67-5309, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A RULE.

[S 1247](#), [S 1248](#), [S 1249](#), [S 1250](#), [S 1251](#), and [S 1252](#) 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 Kelly, by voice vote, the Senate adjourned at 11:58 a.m. until the hour of 11:30 a.m., Monday, January 18, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

EIGHTH LEGISLATIVE DAY
MONDAY, JANUARY 18, 2010

Senate Chamber

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

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

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Brittney 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 January 15, 2010, 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 18, 2010

The JUDICIARY AND RULES Committee reports that [S 1247](#), [S 1248](#), [S 1249](#), [S 1250](#), [S 1251](#), and [S 1252](#) have been correctly printed.

DARRINGTON, Chairman

[S 1247](#), [S 1248](#), [S 1249](#), [S 1250](#), [S 1251](#), and [S 1252](#) were referred to the Commerce and Human Resources 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 1253

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO AN APPEAL; AMENDING SECTION 16-1512, IDAHO CODE, TO REVISE PROVISIONS RELATING TO AN APPEAL FROM AN ORDER GRANTING OR REFUSING TO GRANT AN ORDER OF ADOPTION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 16-1625, IDAHO CODE, TO REVISE PROVISIONS RELATING TO AN APPEAL FROM CERTAIN COURT ORDERS OR DECREES; AND AMENDING SECTION 16-2014, IDAHO CODE, TO REVISE PROVISIONS RELATING TO AN APPEAL FROM A COURT ORDER OR DECREE GRANTING OR REFUSING TO GRANT A TERMINATION.

S 1254

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE IDAHO STATE BAR; AMENDING SECTION 3-405, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS.

S 1255

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE ESCAPE OF PRISONERS; AMENDING SECTION 18-2505, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE ESCAPE BY A JUVENILE FROM CUSTODY; AND AMENDING SECTION 18-2506, IDAHO

CODE, TO REVISE PROVISIONS RELATING TO THE ESCAPE BY A JUVENILE FROM CUSTODY.

S 1256

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO EXECUTIONS; AMENDING SECTION 11-101, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE RIGHT OF THE COURT TO STAY EXECUTION AND TO REMOVE REFERENCE TO CERTAIN IDAHO CODE SECTIONS.

S 1257

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO JUSTICE COURT AND POLICE COURT; REPEALING SECTION 19-3907, IDAHO CODE, RELATING TO CHANGE OF VENUE, GROUNDS AND APPLICATION; REPEALING SECTION 19-3908, IDAHO CODE, RELATING TO CHANGE OF VENUE AND PROCEEDINGS; AND AMENDING SECTION 50-2207, IDAHO CODE, TO REMOVE REFERENCE TO THE POLICE COURT.

[S 1253](#), [S 1254](#), [S 1255](#), [S 1256](#), and [S 1257](#) 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 request by Senator Davis, granted by unanimous consent, JoAnn Bujarski was elected to serve as Secretary to the Agricultural Affairs Committee, replacing Betty Osborn, and she was administered the oath of office.

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 11:50 a.m. until the hour of 11:30 a.m., Tuesday, January 19, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

**NINTH LEGISLATIVE DAY
TUESDAY, JANUARY 19, 2010**

Senate Chamber

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

Roll call showed all members present except Senators Andreason, Cameron, Hill, Schroeder, and Stegner, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Samantha Kiley, 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, 2010, 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.

Senators Andreason, Cameron, Hill, Schroeder, and Stegner were recorded present at this order of business.

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

Reports of Standing Committees

January 19, 2010

The JUDICIARY AND RULES Committee reports that [S 1253](#), [S 1254](#), [S 1255](#), [S 1256](#), and [S 1257](#) have been correctly printed.

DARRINGTON, Chairman

[S 1253](#), [S 1254](#), [S 1255](#), [S 1256](#), and [S 1257](#) were referred to the Judiciary and Rules 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 1258
BY SCHROEDER
AN ACT**

RELATING TO HEALTH AND SAFETY; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 7, TITLE 39, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO STATE LEGISLATIVE FINDINGS AND PURPOSE, TO PROVIDE FOR THE ALZHEIMER'S DISEASE STRATEGIC PLAN TASK FORCE, TO PROVIDE TASK FORCE AUTHORITY AND DUTIES, TO REQUIRE THAT THE TASK FORCE PREPARE A REPORT AND TO PROVIDE SUPPORT FOR THE TASK FORCE; AND PROVIDING A SUNSET DATE.

[S 1258](#) 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 Kelly, by voice vote, the Senate adjourned at 11:45 a.m. until the hour of 11:30 a.m., Wednesday, January 20, 2010.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

**TENTH LEGISLATIVE DAY
WEDNESDAY, JANUARY 20, 2010**

Senate Chamber

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

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

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Jenna 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 January 19, 2010, 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 102
BY MCGEE**

A SENATE RESOLUTION
STATING FINDINGS OF THE SENATE AND COMMENDING THE COLLEGE OF IDAHO FOR CONTRIBUTIONS TO THE ACADEMIC EXCELLENCE OF IDAHO, FOR STRENGTHENING THE SCOPE AND ABILITY OF IDAHO'S WORKFORCE AND FOR THE CONTINUED IMPROVEMENT OF AFFORDABLE EDUCATION IN THIS STATE AND DECLARING THE COLLEGE OF IDAHO DAY.

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

WHEREAS, The College of Idaho has provided a means of higher education since 1891 when it first opened its doors to 19 students shortly after Idaho's admission to the Union; and

WHEREAS, The College of Idaho has played an integral role in the history of Idaho and has produced great Idahoans such as "Joe" Albertson, R.C. Owens, the Honorable Warren E. Jones, Governor Robert Smylie, and many other Idahoans who have excelled in industry, education and government; and

WHEREAS, professors and students of The College of Idaho have made significant contributions in a number of academic and business-related fields, including, but not limited to, the hard sciences, which has led to meaningful advances in the agricultural and environmental well-being of Idaho's farms, ranches and forests; and

WHEREAS, professors and students of The College of Idaho have made significant contributions to the cultural background of Idaho's population through excellence in fine arts, hands-on study of cultures from around the world and an international student population representing 40 different countries; and

WHEREAS, The College of Idaho has been a reliable source for citizen action in local, state and national governments, an intelligent and ethical workforce with hands-on experience in innumerable facets of Idaho's economy and has provided leaders who have the social and practical skills to participate in the recovery of Idaho's economy; and

WHEREAS, The College of Idaho, with consistent ratings as one of the finest institutions providing collegiate education in the nation, has proven that Idaho can provide education that engages students and equips them with the skills and understanding necessary to flourish in our rapidly changing, diverse and technologically informed world; and

WHEREAS, with the introduction of the PEAK curriculum during this economic downturn, The College of Idaho provides an example of how education can be improved even while costs have to be cut and the pursuit of academic excellence is the best investment that can be made in a democratic society.

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled in the Second Regular Session of the Sixtieth Idaho Legislature, to recognize and honor the contributions that The College of Idaho is making to the state of Idaho and to declare January 20, 2010, "The College of Idaho Day."

[SR 102](#) 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

January 20, 2010

The JUDICIARY AND RULES Committee reports that [S 1258](#) and [SR 102](#) have been correctly printed.

DARRINGTON, Chairman

[S 1258](#) was referred to the Health and Welfare Committee.

On request by Senator Davis, granted by unanimous consent, [SR 102](#) was referred to the Twelfth Order of Business, Second Reading of Bills, pursuant to Senate Rule 12(A).

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 1259
BY BILYEU
AN ACT

RELATING TO MOTOR VEHICLE RULES OF THE ROAD; AMENDING SECTION 49-124, IDAHO CODE, TO DEFINE A TERM; AND AMENDING CHAPTER 6, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-658A, IDAHO CODE, TO PROVIDE AN INFRACTION FOR USE OF A WIRELESS COMMUNICATION DEVICE IN A SCHOOL ZONE.

S 1260
BY BILYEU
AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-3717B, IDAHO CODE, TO REVISE THE DEFINITION OF "RESIDENT STUDENT."

[S 1259](#) and [S 1260](#) 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 Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate consideration of [SR 102](#) were suspended.

The President declared the rules suspended and announced that [SR 102](#) was now before the Senate for final consideration. The question being, Shall the resolution be adopted?"

On motion by Senator McGee, seconded by Senator Bilyeu, [SR 102](#) was adopted by voice vote, title was approved, and the resolution ordered filed in the office of the Secretary of the Senate.

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 11:55 a.m. until the hour of 11:15 a.m., Thursday, January 21, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

ELEVENTH LEGISLATIVE DAY THURSDAY, JANUARY 21, 2010

Senate Chamber

President Little called the Senate to order at 11:15 a.m.

Roll call showed all members present except Senators Bock and Siddoway, absent and formally excused by the Chair; and Senators Cameron, Coiner, Lodge, and McGee, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Elise Knapp, 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 20, 2010, 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 21, 2010

The JUDICIARY AND RULES Committee reports that [S 1259](#) and [S 1260](#) have been correctly printed.

DARRINGTON, Chairman

[S 1259](#) was referred to the Transportation Committee.

[S 1260](#) 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**

**S 1261
BY KELLY
AN ACT**

RELATING TO LOBBYING; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6617A, IDAHO CODE, TO PROHIBIT LOBBYING AND REGISTRATION AS LOBBYISTS BY EXECUTIVE OFFICIALS OR LEGISLATORS FOR A PERIOD OF ONE YEAR FROM TERMINATION OF OFFICE; AMENDING SECTION 67-6625, IDAHO CODE, TO PROVIDE PENALTIES FOR VIOLATING THE PROHIBITION OF LOBBYING AND REGISTRATION AS LOBBYISTS BY EXECUTIVE OFFICIALS OR LEGISLATORS FOR A PERIOD OF ONE YEAR FROM TERMINATION OF OFFICE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

**S 1262
BY KELLY
AN ACT**

RELATING TO PUBLIC OFFICIALS; AMENDING CHAPTER 7, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-704B, IDAHO CODE, TO PROVIDE FOR A COOLING-OFF PERIOD OF ONE YEAR UNDER CERTAIN CONDITIONS FOR PUBLIC OFFICIALS WHEN THEY LEAVE PUBLIC OFFICE; AND AMENDING SECTION 59-705, IDAHO CODE, TO PROVIDE A CIVIL PENALTY FOR VIOLATING THE COOLING-OFF PERIOD BY FORMER PUBLIC OFFICIALS.

**S 1263
BY KELLY
AN ACT**

RELATING TO CAMPAIGN FINANCE; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6607A, IDAHO CODE, TO PROHIBIT ACCEPTING CERTAIN CAMPAIGN CONTRIBUTIONS, TO PROVIDE EXCEPTIONS AND TO PROVIDE PENALTIES; AND DECLARING AN EMERGENCY.

**S 1264
BY BOCK
AN ACT**

RELATING TO MOTOR VEHICLES AND CELLULAR TELEPHONES; AMENDING SECTION 49-104, IDAHO CODE, TO REVISE DEFINITIONS AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING CHAPTER 14, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1431, IDAHO CODE, TO PROHIBIT THE USE OF A CELLULAR TELEPHONE WHILE OPERATING A MOTOR VEHICLE, TO PROVIDE FOR EXCEPTIONS, TO

PROVIDE THAT THE SEIZURE OR FORFEITURE OF A CELLULAR TELEPHONE IS NOT AUTHORIZED UNLESS OTHERWISE PROVIDED FOR IN LAW AND TO PROVIDE A PENALTY.

**S 1265
BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT**

RELATING TO OUTFITTERS AND GUIDES; AMENDING SECTION 36-2110, IDAHO CODE, TO REMOVE REFERENCE TO TERRITORIAL CONFLICTS BETWEEN BIG GAME OPERATIONS AS IT RELATES TO ADJUSTMENT OF TERRITORIAL SCOPE OF OPERATIONS OF LICENSED OUTFITTERS BY THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD.

**S 1266
BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT**

RELATING TO OUTFITTERS AND GUIDES; AMENDING SECTION 36-2109, IDAHO CODE, TO REVISE TERM OF LICENSE PROVISIONS AND TO MAKE TECHNICAL CORRECTIONS.

**S 1267
BY JUDICIARY AND RULES COMMITTEE
AN ACT**

RELATING TO LICENSE FEES FOR LAWYERS; AMENDING SECTION 3-409, IDAHO CODE, TO REVISE LICENSE FEE PROVISIONS AND TO PROVIDE LICENSE FEE PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

[S 1261](#), [S 1262](#), [S 1263](#), [S 1264](#), [S 1265](#), [S 1266](#), and [S 1267](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

Senators Cameron, Coiner, Lodge, and McGee were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, President Little appointed a committee consisting of Senator Darrington, Chairman, and Senators Hill and Kelly to escort Idaho Supreme Court Chief Justice Daniel T. Eismann into the Senate Chamber where he delivered the following **State of the Judiciary Address**:

"Mr. President, Mr. President Pro Tem, and distinguished members of the Idaho Senate, my colleagues on the Court, and fellow Idahoans.

Thank you for inviting me to report on the state of the Idaho Judiciary. It is an honor to be invited into this historic chamber that has been refurbished to its prior glory in our magnificently restored and rededicated capitol. In a word, the state of the Idaho judiciary is "excellent."

I want to explain why I say that, but more importantly I want to thank you for all you do in helping us to provide an excellent Judiciary for all Idahoans. I will highlight some of the legislative action that has laid the foundation upon which Idaho's outstanding judicial system has been built.

Idaho's court system began, as did most states, with several disconnected and individualized courts. At statehood, Idaho's courts consisted of a supreme court, district courts, probate courts, and justices of the peace. Later, as towns grew, police courts were added. The justices of the peace and police court judges were not lawyers, had no formal legal training, and generally worked part time, holding court in pool halls, barber shops, cafes, homes, or wherever it was convenient.

In the 1960's, the Legislature in its foresight began making the constitutional and statutory changes necessary to transform the various courts within our state into a modern, streamlined judicial system.

Prior to that time, the Supreme Court had no administrative authority over any of the lower courts. It could only review their decisions on appeal. In 1961, the Legislature proposed, and the voters approved, a constitutional amendment that provided, "The courts shall constitute a unified and integrated judicial system for administration and supervision by the Supreme Court." That has enabled the Idaho Judiciary to become a state court system serving citizens throughout Idaho, rather than simply a variety of courts operating in separate and independent counties and judicial districts.

In 1967, the Legislature created the position of Administrative Assistant of the Courts which was changed seven years later to the Administrative Director of the Courts. William F. Lee was the first administrator, followed by Carl Bianchi, and then Patti Tobias. I did not know Mr. Lee, but I am familiar with the work of both Carl and Patti. They have, with their vision and leadership, been indispensable in assisting the Supreme Court to administer a unified state court system in Idaho. That could not have occurred without the Legislature's foresight in creating that position.

Providing the Supreme Court with administrative staff and resources has over the years enabled it to implement various innovations necessary to continually improve our judicial system and to respond to new challenges. Those programs include trainings for judges, trial court administrators, court clerks, court reporters, jury commissioners, and court interpreters, and also multi-disciplinary trainings open to all who are involved in specific areas such as children and families and problem-solving courts. The Supreme Court also has thirty-four committees, some chaired by justices, whose mission is to seek out and recommend ways to improve specific areas of the legal system.

In 1969, the Legislature enacted legislation to create the magistrate division of the district court and to eliminate over 300 mostly part-time judicial positions in the probate courts, justice of the peace courts, and police courts. That legislation took effect on January 11, 1971, and so this month begins the fortieth year of the magistrate division of the district court.

Many of the non-lawyer judges were well-respected and were allowed to apply to be appointed magistrates. Of the first sixty magistrates, only twenty were lawyers. However, as the non-lawyer magistrates left office, the Legislature provided the necessary resources to replace them with attorneys.

I practiced in front of several non-lawyer magistrates, and, although they served well decades ago, the Legislature's commitment to replace them with attorneys has been one of the most significant contributions to the quality of justice in Idaho. The matters that come before magistrate judges throughout the state are simply too complex to be handled by persons who are not trained in the law.

There are now 87 magistrate judges in Idaho, all of whom are attorneys. Each county has at least one resident magistrate judge who is available not only to preside over most of the court cases in the county, but also to be available after hours for arrest and search warrants, involuntary commitments, and other emergency matters.

Because they do not preside over all types of cases, the magistrate division is often characterized as a limited jurisdiction court. Magistrates in Idaho have the broadest jurisdiction of any limited jurisdiction judges in the nation. They preside over some of the most significant and challenging cases in the court system, such as high conflict divorces and all cases involving child custody and support; proceedings to protect abused and neglected children and victims of domestic violence; and juvenile delinquency cases. They also preside over probate cases, some of which involve millions of dollars; guardianships and conservatorships to protect children and incapacitated persons; traffic and misdemeanor offenses; small claims cases; and civil cases seeking up to \$10,000. During each of the last ten years, there have been over 450,000 cases filed in the magistrate division of the district court. In addition, magistrates often preside over problem-solving courts.

In my opinion, establishing a unified court system with accompanying administrative support and creating the magistrate division whose judges are now all attorneys are the two legislative achievements that are most responsible for insuring that Idaho provides high quality justice to those who come into our courts.

At one time, the Supreme Court shared this grand building with you and the executive branch. The Joint Finance and Appropriations Committee room is the old Supreme Court courtroom. The justices' offices and their law clerks were scattered throughout the capitol building on several different floors. The court did not even have a conference room in which to meet to discuss the cases after oral argument. In the late 1960's, the Legislature funded the Supreme Court building, which the court occupied in 1970. Providing the Court with a wonderful building to house the justices and support staff, and later the Court of Appeals, has enabled the Court to organize and administer a unified and integrated court system as envisioned by our Constitution. The building also serves as a symbol of justice for the people of Idaho.

As our state population grew, so did court caseloads, including appeals to the Supreme Court. The Legislature responded by creating the Idaho Court of Appeals, which began hearing cases in 1982. The number of appeals has steadily increased over the years, and the Court of Appeals has been essential to having appeals decided timely. Two sessions ago, the Legislature added a fourth judge to the Court of Appeals, for which we are very grateful. Chief Judge Karen Lansing of the Court of Appeals is present along with the Court's newest member, Judge John Melanson. Judges Gutierrez and Gratton are hearing cases today.

In the 1980's, the Legislature funded the Idaho Statewide Trial Court Automated Records System, commonly known as ISTARS, which was the first case management system in the nation that included every trial court case filed in the state. The funding also enabled the Court to place computers in all of the trial courts and clerks' offices in every county. The Legislature later established the ISTARS fund to provide dedicated funding to maintain and enhance that system. Our ability to use new technology has dramatically increased the efficiency of the Judiciary.

In 1986, the Legislature enacted the Unified Sentencing Act, under which judges set the minimum and maximum periods that a felon will be incarcerated. In 1995, it enacted the Juvenile Corrections Act, to transform juvenile justice by basing it upon accountability, community protection, and competency development. These enactments have greatly increased public trust and confidence in the adult and juvenile corrections systems.

Twice in 2009, Idaho received national recognition that highlights the excellence of the Idaho Judiciary and affirms the Legislature's dedication to ensuring justice.

The first award was mentioned by the Governor in his State of the State address. It was the 2009 award for justice system innovation and improvement from the Justice Management Institute, headquartered in Denver, Colorado. Five key innovations were recognized that assist Idahoans, especially those residing in rural areas of our state.

Many Idahoans are unable to afford legal representation. In some of our courts, up to one-half of the litigants in contested domestic relations cases are not represented by attorneys. The legal resources available through Idaho Legal Aid and the Idaho Volunteer Lawyers Program are simply insufficient to meet the demand for legal services for low-income Idahoans. The award stated, "Idaho pioneered the development of court assistance offices to provide direct assistance to Idahoans who need help in understanding how to seek resolution of their legal disputes." There are almost 50,000 requests for assistance annually through these offices.

Also, self-represented parties throughout the state can go online and use interactive software to create legal forms by following printed or oral instructions. The courthouse doors are open to anyone with access to the internet.

The Institute also noted the work in Idaho to help children and families, including domestic violence courts, parent education classes and mediation programs. It lauded Idaho's problem solving courts, stating, "Idaho was one of the first states to make drug courts, DUI courts, and mental health courts function successfully in rural environments where it is difficult to access treatment services." Finally, it commended the Supreme Court for establishing a training and certification program for court interpreters.

These many accomplishments are a direct result of your work with the courts to bring justice to Idahoans.

The second national recognition was by the National Association of Drug Court Professionals. Each year since 2003, its members throughout the nation have elected one or two persons from half a dozen nominees nationwide for induction into the Association's hall of fame. In 2009, I was inducted into the hall of fame. That award was really earned by all of those who have worked to establish, expand, and improve problem-solving courts. They include judges and court personnel, prosecutors and defense attorneys, the Departments of Health and Welfare and Corrections, the Office of Drug Policy, county officials, and the Idaho Legislature. It demonstrates that Idaho is a national leader in effectively addressing substance abuse and mental illness in the criminal justice system. National studies show that drug courts save taxpayers from \$4,000 to \$12,000 per offender, and those savings do not include reduced recidivism or the priceless value of restored families and saved lives.

In my experience, Idaho is unique in that all three branches of government have worked together effectively to address difficult issues. National surveys indicate that the public expects this

level of cooperation to solve societal problems. We appreciate the dedicated efforts and commitment of the Senate Judiciary and Rules Committee chaired by Senator Denton Darrington. I want to reaffirm our commitment to continue that cooperation for the benefit of our fellow Idahoans.

The excellence of the Idaho Judiciary is in large part the result of the foresight of the Legislature and its continued support. We will work with you to devise solutions that will maintain that excellence in these tough economic times. On behalf of the court, I thank you for your part in building a judicial system in which litigants can have confidence that their cases will be heard timely and decided fairly according to the law."

The President thanked Chief Justice Eismann for his remarks and Senator Darrington, Chairman, and Senators Hill and Kelly escorted Chief Justice Eismann from the Chamber, and the committee was discharged.

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 Werk, by voice vote, the Senate adjourned at 11:50 a.m. until the hour of 11:30 a.m., Friday, January 22, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

TWELFTH LEGISLATIVE DAY FRIDAY, JANUARY 22, 2010

Senate Chamber

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

Roll call showed all members present except Senators Bock, LeFavour, Malepeai, Mortimer, and Siddoway, absent and formally excused by the Chair.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Danni Petersen, 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 21, 2010, 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 113
BY MCGEE**

A CONCURRENT RESOLUTION

COMMENDING THE IDAHO CHILDREN AND NATURE NETWORK FOR ITS SUCCESS IN RAISING AWARENESS ABOUT THE IMPORTANCE OF CHILDREN ESTABLISHING A MEANINGFUL AND LASTING BOND WITH THE GREAT OUTDOORS.

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

WHEREAS, children today are far less likely than past generations to spend time outdoors; and

WHEREAS, a growing body of research indicates that children pay a high physical, mental and emotional price for inactivity resulting in increased childhood obesity, depression, inattentiveness, diminished creativity and, what author Richard Louv has dubbed, "nature deficit disorder"; and

WHEREAS, outdoor activities contribute to the physical well-being and happiness of the people of the state; and

WHEREAS, resource stewardship is not possible without a strong sense of connection to the natural world that promotes a sense of place; and

WHEREAS, Idaho recognizes the troubling trend of disconnection called "natural deficit," where children spend on average seven and one-half hours each day engaged in electronic media such as video games and television, and are spending half as much time outdoors as they did just 20 years ago; and

WHEREAS, Idaho is committed to finding solutions to reverse the "natural deficit" trend in Idaho by reconnecting children to the great outdoors through outdoor youth programming, opportunities for recreation on public lands and environmental and natural resource education; and

WHEREAS, the "Be Outside - Idaho Children in Nature" initiative is a cooperative effort of state, federal and private partnerships throughout Idaho whose network mission is to: "Connect children with nature in Idaho, from backyards to mountaintops"; and

WHEREAS, www.beoutsideidaho.org is a comprehensive resource Idahoans can utilize to post and access outdoor activities and events to encourage outdoor activity for Idaho's youth.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we recognize the efforts of the Idaho Children and Nature Network for its success in generating awareness about the importance of encouraging Idaho children to find a sense of place, reconnect with nature and be outside with the initiative "Be Outside - Idaho Children in Nature" and we invite citizens to take advantage of the many opportunities our state offers for family outdoor recreational activities.

**SCR 114
BY SCHROEDER**

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE PUBLIC HEALTH DISTRICTS RELATING TO RULES OF IDAHO PUBLIC HEALTH DISTRICT NO. 1.

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 a certain rule of the Public Health Districts relating to Rules of Idaho Public Health District No. 1 is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 41.01.01, Rules of Idaho Public Health District No. 1, Section 100, Water Quality Control, Subsection 06.c, the last two sentences, only, a final rule, be, and the same is hereby rejected and declared null, void and of no force and effect.

[SCR 113](#) and [SCR 114](#) 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 22, 2010

The JUDICIARY AND RULES Committee reports that [S 1261](#), [S 1262](#), [S 1263](#), [S 1264](#), [S 1265](#), [S 1266](#), and [S 1267](#) have been correctly printed.

DARRINGTON, Chairman

[S 1261](#), [S 1262](#), and [S 1263](#) were referred to the State Affairs Committee.

[S 1264](#) was referred to the Transportation Committee.

[S 1265](#) and [S 1266](#) were referred to the Resources and Environment Committee.

[S 1267](#) was referred to the Judiciary and Rules 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**

Senator LeFavour was recorded present at this order of business.

**S 1268
BY FINANCE COMMITTEE
AN ACT**

RELATING TO APPROPRIATIONS AND TRANSFERS OF FUNDS; PROVIDING AN APPROPRIATION AND A TRANSFER OF FUNDS TO THE FIRE SUPPRESSION DEFICIENCY FUND; PROVIDING AN APPROPRIATION AND A TRANSFER OF FUNDS TO THE PEST CONTROL DEFICIENCY FUND; PROVIDING AN APPROPRIATION AND A TRANSFER OF FUNDS TO THE LIVESTOCK DISEASE DEFICIENCY FUND; PROVIDING AN APPROPRIATION AND A TRANSFER OF FUNDS TO THE

HAZARDOUS SUBSTANCE EMERGENCY RESPONSE FUND; AND DECLARING AN EMERGENCY.

**S 1269
BY SCHROEDER
AN ACT**

RELATING TO INSTITUTIONS OF HIGHER EDUCATION; AMENDING CHAPTER 37, TITLE 33, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 33-3726, 33-3727, 33-3728, 33-3729, 33-3730 AND 33-3731, IDAHO CODE, TO PROVIDE FOR A NEGOTIATION AGREEMENT, TO DEFINE TERMS, TO PROVIDE FOR NEGOTIATIONS, TO PROVIDE FOR THE APPOINTMENT OF MEDIATORS AND FOR COMPENSATION, TO PROVIDE FOR THE APPOINTMENT OF FACT-FINDERS AND FOR A REPORT AND TO PROVIDE FOR RESERVED POWERS, DUTIES AND RESPONSIBILITIES.

**S 1270
BY WINDER
AN ACT**

RELATING TO ABORTION AND CONTRACEPTIVES; AMENDING CHAPTER 6, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-611, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FREEDOM OF CONSCIENCE FOR HEALTH CARE PROFESSIONALS, TO PROVIDE IMMUNITY FROM LIABILITY, TO PROVIDE AN EXCEPTION AND TO PROHIBIT DISCRIMINATION? AND PROVIDING SEVERABILITY.

**S 1271
BY MCGEE
AN ACT**

RELATING TO EMPLOYMENT; PROVIDING LEGISLATIVE FINDINGS; AMENDING TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 28, TITLE 18, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE DEFINITIONS, TO PROVIDE PROVISIONS PROHIBITING THE USE OF CERTAIN FALSE DOCUMENTATION TO GAIN EMPLOYMENT, TO PROVIDE PENALTIES, TO PROHIBIT THE DESTRUCTION, ALTERATION, FALSIFICATION OR THEFT OF CERTAIN PUBLIC DOCUMENTS TO ASSIST A PERSON TO BECOME AN EMPLOYEE, TO PROHIBIT THE MANUFACTURE OF FALSE IDENTIFICATION TO ASSIST A PERSON TO BECOME AN EMPLOYEE, TO PROVIDE PENALTIES, TO PROVIDE THAT AN EMPLOYER SHALL NOT HIRE AN EMPLOYEE IN CERTAIN CIRCUMSTANCES, TO PROVIDE FOR AN ACTION, TO PROVIDE PENALTIES, TO PROVIDE FOR AN EXCEPTION AND TO PROVIDE THAT AN EMPLOYER SHALL NOT BE REQUIRED TO ACT IN CERTAIN CIRCUMSTANCES; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**S 1272
BY BROADSWORD**

AN ACT

RELATING TO INSURANCE; AMENDING SECTIONS 41-1846 AND 41-3915, IDAHO CODE, TO REQUIRE CERTAIN INSURERS AND ORGANIZATIONS TO PROVIDE COVERAGE FOR CHEMOTHERAPY TREATMENT AS

A MAJOR MEDICAL CLAIM; AND DECLARING AN EMERGENCY.

**S 1273
BY KELLY, WERK, MALEPEAI, BILYEU, LEFAVOUR,
BOCK, STENNETT**

AN ACT

RELATING TO RENEWABLE ENERGY PROJECTS; AMENDING TITLE 61, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 18, TITLE 61, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE FOR AN EXPEDITED PERMITTING AND APPROVAL PROCESS, TO PROVIDE CONSTRUCTION STANDARDS, TO PROVIDE FOR PUBLIC WORKSHOPS AND EFFECT OF THE CHAPTER; DECLARING AN EMERGENCY, PROVIDING A SUNSET DATE AND PROVIDING APPLICATION.

**S 1274
BY KELLY, WERK, MALEPEAI, BILYEU, BOCK,
STENNETT**

AN ACT

RELATING TO A STATE JOBS COUNCIL; TO PROVIDE A SHORT TITLE; AMENDING CHAPTER 8, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-830, IDAHO CODE, TO CREATE A JOBS COUNCIL IN THE OFFICE OF THE GOVERNOR AND TO PROVIDE DUTIES; DECLARING AN EMERGENCY AND PROVIDING A SUNSET DATE.

**S 1275
BY KELLY, WERK, MALEPEAI, BILYEU, LEFAVOUR,
BOCK, STENNETT**

AN ACT

RELATING TO THE IDAHO HOMEGROWN BUSINESS AND JOBS ACT; PROVIDING A SHORT TITLE; AMENDING SECTION 67-4703, IDAHO CODE, TO PROVIDE ADDITIONAL DUTIES TO THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF LABOR; AND DECLARING AN EMERGENCY.

**S 1276
BY WERK AND KELLY**

AN ACT

RELATING TO HIGHWAY DISTRICTS; TO PROVIDE A SHORT TITLE; AMENDING SECTION 40-1401, IDAHO CODE, TO PROVIDE THAT EACH COUNTY SHALL BE SERVED BY ONE COUNTYWIDE HIGHWAY DISTRICT AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 40-1403, IDAHO CODE, RELATING TO REJECTION OF PLAN AND INTERVALS FOR NEW ELECTIONS; AMENDING SECTION 40-1404, IDAHO CODE, TO DELETE THE REQUIREMENT OF A VOTE; AMENDING SECTION 40-1404A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN SINGLE COUNTYWIDE HIGHWAY DISTRICTS; AMENDING SECTION 40-1407, IDAHO CODE, TO REVISE DISSOLUTION PROCEDURES; AMENDING SECTION 40-1410, IDAHO CODE, TO REVISE PROVISIONS FOR TRANSFER OF PROPERTY AND ASSETS AND TO

MAKE TECHNICAL CORRECTIONS; AND REPEALING CHAPTER 17, TITLE 40, IDAHO CODE, RELATING TO COUNTY HIGHWAY REORGANIZATION.

S 1277

**BY WERK, KELLY, MALEPEAI, BILYEU, LEFAVOUR,
BOCK, STENNETT**

AN ACT

RELATING TO TAXATION; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3089, IDAHO CODE, TO PROVIDE FOR EXPIRATION OF INCOME TAX DEDUCTIONS AND CREDITS UNLESS EXTENDED BY STATUTE AND TO PROVIDE FOR EXPIRATION OF EXTENDED OR NEWLY ENACTED DEDUCTIONS OR CREDITS; AND AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3642, IDAHO CODE, TO PROVIDE FOR EXPIRATION OF SALES AND USE TAX EXEMPTIONS UNLESS EXTENDED BY STATUTE AND TO PROVIDE FOR EXPIRATION OF EXTENDED OR NEWLY ENACTED EXEMPTIONS.

S 1278

BY WERK, MALEPEAI, STENNETT

AN ACT

RELATING TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO; PROVIDING A SHORT TITLE; AMENDING SECTION 33-107, IDAHO CODE, TO EXPAND THE POWERS AND DUTIES OF THE STATE BOARD OF EDUCATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-2804, IDAHO CODE, TO EXPAND THE POWERS AND DUTIES OF THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

S 1279

BY WERK AND MALEPEAI

AN ACT

RELATING TO PUBLIC WORKS CONTRACTS; TO PROVIDE A SHORT TITLE; REPEALING CHAPTER 10, TITLE 44, IDAHO CODE, RELATING TO PUBLIC WORKS CONTRACTS; AMENDING TITLE 44, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 10, TITLE 44, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE PREFERENCE FOR RESIDENT CONTRACTORS WITH LIMITATIONS, TO PROVIDE FOR DECERTIFICATION, TO PROVIDE DENIAL OF APPLICATION FOR RESIDENCY, TO PROVIDE LIMITATION ON SUBCONTRACTING BY RESIDENT CONTRACTORS, TO PROVIDE PREFERENCE FOR IDAHO LABOR AND MATERIALS IN CONTRACTS, TO PROVIDE PREFERENCE FOR IDAHO MATERIALS AND IDAHO AGRICULTURAL PRODUCTS REQUIRED IN PUBLIC PURCHASES WITH EXCEPTIONS, TO PROVIDE FOR STATEMENT OF IDAHO MATERIALS PREFERENCE IN REQUESTS FOR BIDS AND PROPOSALS, TO REQUIRE IDAHO MATERIALS PREFERENCE REQUIRED IN CONSTRUCTION OR MAINTENANCE OF PUBLIC STRUCTURES AND TO PROVIDE FOR GOVERNING OF FEDERAL FUNDS BY FEDERAL LAW; DECLARING AN EMERGENCY AND PROVIDING APPLICATION.

S 1280
BY SCHROEDER
AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-201, IDAHO CODE, TO PROVIDE A SCHOOL AGE FOR ENGLISH LANGUAGE LEARNERS; AMENDING SECTION 33-512, IDAHO CODE, TO ALLOW SCHOOL DISTRICTS TO PROVIDE PREKINDERGARTEN COURSES FOR ENGLISH LANGUAGE LEARNERS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 33-1617, IDAHO CODE, TO REQUIRE THE BOARD OF TRUSTEES OF EACH SCHOOL DISTRICT TO IDENTIFY ENGLISH LANGUAGE LEARNERS WITHIN THE DISTRICT AND TO AUTHORIZE USE OF DISCRETIONARY STATE MONEYS TO FUND PREKINDERGARTEN PROGRAMS FOR SUCH LEARNERS.

[S 1268](#), [S 1269](#), [S 1270](#), [S 1271](#), [S 1272](#), [S 1273](#), [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.

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 Kelly, by voice vote, the Senate adjourned at 12:01 p.m. until the hour of 11:30 a.m., Monday, January 25, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

FIFTEENTH LEGISLATIVE DAY
MONDAY, JANUARY 25, 2010

Senate Chamber

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

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

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Rebecca Powell, 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 22, 2010, 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 25, 2010

The JUDICIARY AND RULES Committee reports that [S 1268](#), [S 1269](#), [S 1270](#), [S 1271](#), [S 1272](#), [S 1273](#), [S 1274](#), [S 1275](#), [S 1276](#), [S 1277](#), [S 1278](#), [S 1279](#), [S 1280](#), [SCR 113](#), and [SCR 114](#) have been correctly printed.

DARRINGTON, Chairman

[S 1268](#) was referred to the Finance Committee.

[S 1269](#), [S 1278](#), and [S 1280](#) were referred to the Education Committee.

[S 1271](#) was referred to the Judiciary and Rules Committee.

[S 1272](#) was referred to the Health and Welfare Committee.

[S 1275](#) and [S 1279](#) were referred to the Commerce and Human Resources Committee.

[S 1270](#), [S 1273](#), and [S 1274](#) were referred to the State Affairs Committee.

[S 1276](#) was referred to the Transportation Committee.

[S 1277](#) was referred to the Local Government and Taxation Committee.

[SCR 113](#) and [SCR 114](#) were referred to the Health and Welfare Committee.

January 25, 2010

The FINANCE Committee reports out [S 1268](#) with the recommendation that it do pass.

CAMERON, Chairman

[S 1268](#) 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

Senator Stegner was recorded present at this order of business.

S 1281

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1202, IDAHO CODE, TO REVISE VIOLATION PROVISIONS RELATING TO THE WASTE, DESTRUCTION AND MUTILATION OF WILDLIFE.

S 1282

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-202, IDAHO CODE, TO REVISE THE DEFINITION OF "TROPHY BIG GAME ANIMAL."

S 1283

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-411, IDAHO CODE, TO REVISE PROVISIONS RELATING TO HUNTER AND ARCHERY EDUCATION.

S 1284

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-412A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE MAXIMUM AMOUNT OF FINES AND FORFEITURES THAT MAY BE DISTRIBUTED TO LOCAL SHOOTING RANGES.

S 1285

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-404, IDAHO CODE, TO PROVIDE THAT RESIDENT YOUTH SMALL GAME LICENSES MAY BE ISSUED TO QUALIFIED PERSONS WHO ARE NINE YEARS OF AGE TO ALLOW THE APPLICATION FOR A CONTROLLED HUNT TURKEY PERMIT AND TO PROVIDE A CONDITION; AMENDING SECTION 36-406, IDAHO CODE, TO REVISE PROVISIONS RELATING TO YOUTH SMALL GAME LICENSES; AND AMENDING SECTION 36-407, IDAHO CODE, TO PROVIDE THAT NONRESIDENT YOUTH SMALL GAME LICENSES MAY BE ISSUED TO QUALIFIED PERSONS WHO ARE NINE YEARS OF AGE TO ALLOW THE APPLICATION FOR A CONTROLLED HUNT TURKEY PERMIT AND TO PROVIDE A CONDITION.

S 1286

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-201, IDAHO CODE, TO PROVIDE THAT RACCOONS SHALL BE CLASSIFIED AS PREDATORY WILDLIFE.

[S 1281](#), [S 1282](#), [S 1283](#), [S 1284](#), [S 1285](#), and [S 1286](#) 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 Kelly, by voice vote, the Senate adjourned at 11:50 a.m. until the hour of 11:30 a.m., Tuesday, January 26, 2010.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

**SIXTEENTH LEGISLATIVE DAY
TUESDAY, JANUARY 26, 2010**

Senate Chamber

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

Roll call showed all members present except Senators Cameron and Goedde, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Rachel Schiell, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 25, 2010, 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.

January 26, 2010

The JUDICIARY AND RULES Committee reports that [S 1281](#), [S 1282](#), [S 1283](#), [S 1284](#), [S 1285](#), and [S 1286](#) have been correctly printed.

DARRINGTON, Chairman

[S 1281](#), [S 1282](#), [S 1283](#), [S 1284](#), [S 1285](#), and [S 1286](#) were referred to the Resources and Environment Committee.

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.

January 14, 2010

The Honorable Brad Little
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 June 30, 2009, and expiring June 30, 2013.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 25, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Rodger Lee Sorensen of Soda Springs, Idaho, was appointed as a member of the Idaho Aeronautics Advisory Board to serve a term commencing January 31, 2010, and expiring January 31, 2015.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 25, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Charles "Chip" A. Kemper of Idaho Falls, Idaho, was appointed as a member of the Idaho Aeronautics Advisory Board to serve a term commencing January 13, 2010, and expiring January 31, 2013.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 25, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Lydia Justice-Edwards of Donnelly, Idaho, was appointed as a member of the Idaho Lottery Commission to serve a term commencing January 1, 2010, and expiring January 1, 2015.

January 26, 2010

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 25, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Dyke Nally of Boise, Idaho, was appointed as Director of the Idaho State Liquor Division to serve a term commencing January 2, 2010, and expiring January 2, 2013.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 25, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Howard Glen (J.R.) VanTassel, Jr. of Lewiston, Idaho, was appointed as a member of the State Board of Correction to serve a term commencing January 12, 2010, and expiring January 1, 2015.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that William B. Booth of Hayden, Idaho, was appointed as a member of the Northwest Power and Conservation Council to serve a term commencing January 15, 2010, and expiring January 15, 2013.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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

January 26, 2010

Dear Mr. President:

I transmit herewith [H 380](#), [H 381](#), [H 382](#), [H 384](#), [H 385](#), and [H 388](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 380](#), [H 381](#), [H 382](#), [H 384](#), [H 385](#), and [H 388](#) 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**

S 1287

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO HOMEOWNER'S ASSOCIATION LIENS; AMENDING SECTION 45-810, IDAHO CODE, TO PROVIDE THAT A COPY OF A RECORDED LIEN SHALL BE SERVED ON THE OWNER OR REPUTED OWNER NO LATER THAN FIVE BUSINESS DAYS FOLLOWING THE RECORDING OF SUCH LIEN.

S 1288

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO CHILD CUSTODY; AMENDING TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 15, TITLE 32, IDAHO CODE, TO PROVIDE THAT DETERMINATIONS AND MODIFICATIONS IN CERTAIN CASES RELATING TO ACTIVE DUTY SERVICE MEMBERS SHALL NOT BE MADE PRIOR TO THE EXPIRATION OF A SPECIFIED TIME PERIOD, TO PROHIBIT SERVICE OF

PROCESS DURING CERTAIN PERIODS OF TIME AND PROVIDING AN EXCEPTION.

S 1289
BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO ALCOHOL AND MOTOR VEHICLES; AMENDING SECTION 18-8004C, IDAHO CODE, TO REVISE PROVISIONS RELATING TO EXCESSIVE ALCOHOL CONCENTRATION; AND PROVIDING AN EFFECTIVE DATE.

S 1290
BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO INJURY TO CHILDREN; AMENDING SECTION 18-1501, IDAHO CODE, TO REVISE A MAXIMUM SENTENCE.

S 1291
BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT
RELATING TO FISH AND GAME; AMENDING SECTION 36-502, IDAHO CODE, TO PROVIDE FOR THE RELEASE OF CERTAIN CAPTURED WILDLIFE.

[S 1287](#), [S 1288](#), [S 1289](#), [S 1290](#), and [S 1291](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 380](#), [H 381](#), [H 382](#), [H 384](#), [H 385](#), and [H 388](#), 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

[S 1268](#), by Finance Committee, 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 Kelly, by voice vote, the Senate adjourned at 11:45 a.m. until the hour of 11:30 a.m., Wednesday, January 27, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

SEVENTEENTH LEGISLATIVE DAY
WEDNESDAY, JANUARY 27, 2010

Senate Chamber

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

Roll call showed all members present except Senator Winder, absent and formally excused by the Chair; and Senators Cameron, Coiner, and Schroeder, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Sara Schaefer, 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, 2010, 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.

Senators Coiner and Schroeder were recorded present at this order of business.

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

Reports of Standing Committees

January 27, 2010

The JUDICIARY AND RULES Committee reports that [S 1287](#), [S 1288](#), [S 1289](#), [S 1290](#), and [S 1291](#) have been correctly printed.

DARRINGTON, Chairman

[S 1287](#), [S 1288](#), [S 1289](#), and [S 1290](#) were referred to the Judiciary and Rules Committee.

[S 1291](#) was referred to the Resources and Environment Committee.

January 27, 2010

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:

Sharon Harrigfeld as the Director of the Department of Juvenile Corrections, term to continue at the pleasure of the Governor.

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

January 26, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Marc Brinkmeyer of Sandpoint, Idaho, was appointed as a member of the Lake Pend Oreille Basin Commission to serve a term commencing July 24, 2008, and expiring July 24, 2011.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 26, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Gary Sayler of Kuna, Idaho, was appointed as Adjutant General of the Idaho Military Division to serve a term commencing January 17, 2010, and continuing at the pleasure of the Governor.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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

Senator Cameron was recorded present at this order of business.

January 26, 2010

Dear Mr. President:

I transmit herewith [H 379](#), which has passed the House.

ALEXANDER, Chief Clerk

[H 379](#) 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 1292

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2010; AND DECLARING AN EMERGENCY.

S 1293

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2010; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2010; AND DECLARING AN EMERGENCY.

S 1294

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2010; REDUCING THE APPROPRIATION TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2010; AND DECLARING AN EMERGENCY.

S 1295

**BY LOCAL GOVERNMENT AND TAXATION
COMMITTEE**

AN ACT

RELATING TO SALES AND USE TAXES; AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 46, TITLE 63, IDAHO CODE, TO PROVIDE DEFINITIONS, TO PROVIDE A STATEMENT OF FINDINGS AND INTENT, TO PROVIDE DUTIES OF THE STATE TAX COMMISSION AND TO PROVIDE FOR PERSONS TO CONSULT WITH THE COMMISSION, TO PROVIDE THAT THE AGREEMENT DOES NOT PREEMPT STATE LAW, TO PROVIDE FOR PROPOSED LEGISLATION TO IMPLEMENT THE PROVISIONS OF THE STREAMLINED SALES AND USE TAX AGREEMENT AND TO PROVIDE FOR DISTRIBUTION OF THE PROPOSED LEGISLATION.

S 1296

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO COMMERCIAL MOTOR VEHICLES; AMENDING SECTION 49-104, IDAHO CODE, TO REVISE DEFINITIONS AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 49-240, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN CIRCUMSTANCES FOR FORFEITURE OF BOND; AMENDING SECTION 49-335, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN DISQUALIFICATIONS AND PENALTIES; AMENDING SECTION 49-1416, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN CITATIONS WHILE OPERATING A COMMERCIAL MOTOR VEHICLE.

S 1297
BY TRANSPORTATION COMMITTEE
AN ACT

RELATING TO VEHICLE AND VESSEL TITLES; AMENDING SECTION 49-502, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DELIVERY OF CERTIFICATE OF TITLE UPON SALE OR DISPOSITION, TO REVISE PROVISIONS RELATING TO CERTAIN DEALER'S REASSIGNMENT OF EXISTING CERTIFICATE OF TITLE OR OF AN APPLICATION FOR DUPLICATE CERTIFICATE OF TITLE AND TO MAKE TECHNICAL CORRECTIONS.

S 1298
BY TRANSPORTATION COMMITTEE
AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING SECTION 49-432, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A CERTAIN PERMIT AND COMBINATION OF VEHICLES.

S 1299
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO CODIFIER'S CORRECTIONS IN STATUTES; AMENDING SECTION 6-1904, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 18-8308, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING THE HEADING FOR CHAPTER 2, TITLE 20, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 22-103, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 23-207, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 23-311, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 23-610, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-109, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-2406, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-5205, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 34-1902, IDAHO CODE, RELATING TO THE FIRST CONGRESSIONAL DISTRICT; REPEALING SECTION 34-1903, IDAHO CODE, RELATING TO THE SECOND CONGRESSIONAL DISTRICT; AMENDING SECTION 37-2744B, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-4109, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-4116, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 45-1302, IDAHO CODE, TO DELETE REFERENCE TO AN ARCHAIC CODE SECTION; AMENDING SECTION 49-420H, IDAHO CODE, AS ADDED BY SECTION 2, CHAPTER 196, LAWS OF 2009, TO REDESIGNATE THE SECTION RELATING TO EARTH SCIENCES AND LAPIDARY PLATES; AMENDING SECTION 50-334, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1761, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE;

AMENDING THE HEADING FOR CHAPTER 54, TITLE 54, IDAHO CODE, AS ADDED BY SECTION 1, CHAPTER 65, LAWS OF 2009, TO REDESIGNATE THE CHAPTER; AMENDING SECTIONS 54-5401 THROUGH 54-5413, IDAHO CODE, AS ADDED BY SECTION 1, CHAPTER 65, LAWS OF 2009, TO REDESIGNATE THE SECTIONS RELATING TO MIDWIFERY, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 56-1011, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 57-202, IDAHO CODE, TO DELETE REFERENCE TO ARCHAIC CODE CHAPTERS, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-2601, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AND PROVIDING SUNSET DATES.

[S 1292](#), [S 1293](#), [S 1294](#), [S 1295](#), [S 1296](#), [S 1297](#), [S 1298](#), and [S 1299](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 379](#), by State Affairs Committee, was introduced, read the first time at length, and referred 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 Kelly, by voice vote, the Senate adjourned at 11:49 a.m. until the hour of 11:30 a.m., Thursday, January 28, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

EIGHTEENTH LEGISLATIVE DAY
THURSDAY, JANUARY 28, 2010

Senate Chamber

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

Roll call showed all members present except Senators Fulcher and Stegner, absent and excused; and Senator Malepeai, absent and formally excused by the Chair.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Hannah Schwarz, 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, 2010, 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.

Senators Fulcher and Stegner were recorded present at this order of business.

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

Reports of Standing Committees

January 28, 2010

The JUDICIARY AND RULES Committee reports that [S 1292](#), [S 1293](#), [S 1294](#), [S 1295](#), [S 1296](#), [S 1297](#), [S 1298](#), and [S 1299](#) have been correctly printed.

DARRINGTON, Chairman

[S 1292](#), [S 1293](#), and [S 1294](#) were referred to the Finance Committee.

[S 1295](#) was referred to the Local Government and Taxation Committee.

[S 1296](#), [S 1297](#), and [S 1298](#) were referred to the Transportation Committee.

[S 1299](#) was referred to the State Affairs Committee.

January 27, 2010

The JUDICIARY AND RULES Committee reports out [S 1271](#) without recommendation.

DARRINGTON, Chairman

On request by Senator McKenzie, granted by unanimous consent, [S 1271](#) was referred to the State Affairs Committee.

January 27, 2010

The JUDICIARY AND RULES Committee reports out [S 1253](#), [S 1254](#), [S 1255](#), [S 1256](#), and [S 1257](#) with the recommendation that they do pass.

DARRINGTON, Chairman

[S 1253](#), [S 1254](#), [S 1255](#), [S 1256](#), and [S 1257](#) were filed for second reading.

January 27, 2010

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:

David Langhorst to the State Tax Commission, term to expire March 8, 2015.

HILL, 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 Ninth Order of Business.

Messages from the House

January 27, 2010

Dear Mr. President:

I transmit herewith [H 406](#), which has passed the House.

ALEXANDER, Chief Clerk

[H 406](#) was filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Sharon Harrigfeld 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 Sharon Harrigfeld as Director of the Department of Juvenile Corrections 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 1300

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO PARKS AND RECREATION; AMENDING CHAPTER 42, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4218A, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT OF A DIRECTOR OF THE DEPARTMENT OF PARKS AND RECREATION, TO PROVIDE FOR STAFF AND COMPENSATION AND TO PROVIDE FOR THE TRANSFER OF POWERS AND DUTIES FROM THE PARK AND RECREATION BOARD TO THE DEPARTMENT OF PARKS AND RECREATION; AMENDING SECTION 67-4221, IDAHO CODE, TO PROVIDE FOR THE PARK AND RECREATION ADVISORY BOARD; REPEALING SECTION 67-4222, IDAHO CODE, RELATING TO SPECIFIED POWERS AND DUTIES OF THE PARK AND RECREATION BOARD; AND AMENDING SECTION 67-4223, IDAHO CODE, TO PROVIDE THAT RECOMMENDATIONS OF THE PARK AND RECREATION ADVISORY BOARD SHALL NOT BE BINDING ON THE PARKS AND RECREATION DEPARTMENT AND TO PROVIDE FOR THE POWERS AND DUTIES OF THE DEPARTMENT.

S 1301

BY HEALTH AND WELFARE COMMITTEE AN ACT

RELATING TO PHARMACEUTICALS; AMENDING SECTION 54-1721, IDAHO CODE, TO PROVIDE FOR THE LABELING AND DELIVERY OF CERTAIN PREPACKAGED ITEMS BY LICENSED PRACTICAL OR PROFESSIONAL NURSES WHEN SUCH ITEMS HAVE BEEN PRESCRIBED

BY CERTAIN LICENSED PROFESSIONAL HEALTH CARE PROVIDERS AND TO MAKE A TECHNICAL CORRECTION.

[S 1300](#) and [S 1301](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 406](#), 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 Thirteenth Order of Business.

Third Reading of Bills

[S 1268](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [S 1268](#) 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 Kelly, by voice vote, the Senate adjourned at 11:55 a.m. until the hour of 11:30 a.m., Friday, January 29, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

NINETEENTH LEGISLATIVE DAY FRIDAY, JANUARY 29, 2010

Senate Chamber

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

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

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Meredith DeMordaunt, 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 28, 2010, 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 29, 2010

The JUDICIARY AND RULES Committee reports that [S 1300](#) and [S 1301](#) have been correctly printed.

DARRINGTON, Chairman

[S 1300](#) was referred to the Resources and Environment Committee.

[S 1301](#) was referred to the Health and Welfare Committee.

January 28, 2010

The FINANCE Committee reports out [H 406](#), [S 1292](#), [S 1293](#), and [S 1294](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 406](#), [S 1292](#), [S 1293](#), and [S 1294](#) were filed for second reading.

January 29, 2010

The STATE AFFAIRS Committee reports out [H 379](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[H 379](#) 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

January 29, 2010

Dear Mr. President:

I transmit herewith [H 400](#), which has passed the House.

ALEXANDER, Chief Clerk

[H 400](#) 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**

Senator Coiner was recorded present at this order of business.

S 1302

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF ENERGY RESOURCES FOR FISCAL YEAR 2010; REDUCING THE APPROPRIATION TO THE OFFICE OF ENERGY RESOURCES FOR FISCAL YEAR 2010; AND DECLARING AN EMERGENCY.

S 1303

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO EMPLOYMENT OF UNAUTHORIZED ALIENS; TO PROVIDE LEGISLATIVE FINDINGS; AMENDING TITLE 44, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 3, TITLE 44, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE DEFINITIONS, TO PROVIDE PROVISIONS RELATING TO VERIFICATION, TO PROHIBIT EMPLOYMENT OF UNAUTHORIZED ALIENS, TO PROVIDE FOR CERTAIN FILINGS, TO PROVIDE PENALTIES, TO PROVIDE THAT NO BUSINESS ENTITY OR EMPLOYER SHALL KNOWINGLY EMPLOY ANY UNAUTHORIZED ALIEN TO PERFORM WORK IN THIS STATE, TO PROVIDE FOR A CONDITION FOR THE AWARD OF CERTAIN CONTRACTS, TO PROVIDE PROVISIONS RELATING TO PARTICIPATION IN FEDERAL WORK AUTHORIZATION PROGRAMS, TO PROVIDE FOR AN AFFIRMATIVE DEFENSE AND FOR AN EXCEPTION, TO PROVIDE PROVISIONS RELATING TO MISCLASSIFICATION OF A WORKER, TO PROVIDE PROVISIONS RELATING TO THE FILING AND INVESTIGATION OF A COMPLAINT, TO PROVIDE FOR CERTAIN POWERS, TO PROVIDE A BURDEN OF PROOF, TO PROVIDE FOR AN INJUNCTION, TO PROVIDE FOR ENFORCING A JUDGMENT AND TO PROVIDE FOR PENALTIES, TO PROVIDE PROVISIONS RELATING TO THE ENFORCEMENT OF LAWS, TO PROVIDE PROVISIONS RELATING TO FILING A COMPLAINT, TO PROVIDE PROVISIONS RELATING TO A CORRECTION OF A VIOLATION, TO PROVIDE FOR PENALTIES, TO PROVIDE FOR CHALLENGE TO ENFORCEMENT, TO PROVIDE FOR DISMISSAL OF A CASE AND A PUBLIC REPORT, TO PROVIDE FOR A DETERMINATION BY THE FEDERAL GOVERNMENT AND FOR A REBUTTABLE PRESUMPTION, TO PROVIDE THAT CERTAIN COMPENSATION SHALL NOT BE ALLOWED AS A BUSINESS EXPENSE DEDUCTION, TO PROVIDE FOR AN EXCEPTION AGAINST CERTAIN CLAIMS, TO PROHIBIT CERTAIN TRAFFICKING AND HARBORING, TO PROVIDE FOR PENALTIES, TO PROVIDE FOR CERTAIN RIGHTS AFFORDED BY FEDERAL LAW, TO PROHIBIT CERTAIN ACTS RELATING TO CONCEALING, HARBORING OR SHIELDING FROM DETECTION ANY ALIEN, TO DEFINE A TERM, TO PROVIDE FOR FELONY HARBORING, TO PROVIDE FOR PENALTIES, TO PROVIDE FOR RULES, TO PROVIDE FOR A DATABASE, TO PROHIBIT MUNICIPAL SANCTUARIES, AND TO PROVIDE FOR REVIEW OF

LAWS; AMENDING TITLE 44, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 4, TITLE 44, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE DEFINITIONS, TO PROVIDE FOR THE ROLE OF THE IDAHO STATE POLICE, TO PROHIBIT THE ADOPTION OF A SANCTUARY POLICY, TO PROVIDE PROVISIONS RELATING TO A COMPLAINT, TO PROVIDE FOR REQUEST FOR AN ATTORNEY GENERAL OPINION, TO PROVIDE PROVISIONS RELATING TO CERTAIN GOVERNMENTAL ENTITIES AND CERTAIN MONEYS, TO PROVIDE FOR CERTAIN WRITTEN NOTICE, TO PROVIDE FOR CERTAIN COOPERATION WITH THE UNITED STATES BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT, TO PROVIDE FOR THE COLLECTION AND SHARING OF CERTAIN INFORMATION, TO PROVIDE PROVISIONS RELATING TO SENDING, MAINTAINING OR EXCHANGING CERTAIN INFORMATION, TO PROHIBIT CERTAIN FUNDING OR GRANTS, TO PROVIDE FOR LIMITATION OF APPLICATION OF LAWS, TO PROVIDE PROVISIONS RELATING TO BAIL, TO PROVIDE FOR DETENTION AND NOTIFICATION, TO PROVIDE PROVISIONS RELATING TO THE RESTRICTION OF DRIVER'S LICENSES, TO PROVIDE FOR THE EXCLUSION OF CERTAIN BENEFITS, TO DEFINE A TERM, TO REQUIRE CERTAIN PROOF, TO PROVIDE FOR AN AFFIDAVIT, TO PROVIDE FOR VERIFICATION AND TO PROVIDE AN EXCEPTION; AND PROVIDING AN EFFECTIVE DATE.

[S 1302](#) and [S 1303](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 400](#), by Education 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

[S 1253](#), [S 1254](#), [S 1255](#), [S 1256](#), and [S 1257](#), by Judiciary and Rules Committee, were 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 Kelly, by voice vote, the Senate adjourned at 11:55 a.m. until the hour of 11:30 a.m., Monday, February 1, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

**TWENTY-SECOND LEGISLATIVE DAY
MONDAY, FEBRUARY 1, 2010**

Senate Chamber

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

Roll call showed all members present except Senators Cameron, Coiner, Schroeder, Siddoway, and Stegner, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Noah Bush, 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 Friday, January 29, 2010, 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, 2010

The JUDICIARY AND RULES Committee reports that [S 1302](#) and [S 1303](#) have been correctly printed.

DARRINGTON, Chairman

[S 1302](#) was referred to the Finance Committee.

[S 1303](#) was referred to the State Affairs Committee.

January 29, 2010

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:

J. Philip Reberger to the Idaho Judicial Council, term to expire July 1, 2015.

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 29, 2010

The JUDICIARY AND RULES Committee reports out [S 1267](#) with the recommendation that it do pass.

DARRINGTON, Chairman

[S 1267](#) 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

Senators Cameron, Coiner, Schroeder, and Stegner were recorded present at this order of business.

February 1, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Janice B. Vasser of Lewiston, Idaho, was appointed as a member of the Idaho Transportation Board to serve a term commencing February 1, 2010, and expiring January 31, 2016.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor

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

The Gubernatorial appointment was referred to the Transportation Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

January 29, 2010

Dear Mr. President:

I transmit herewith [H 418](#) and [H 397](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 418](#) and [H 397](#) were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

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

On motion by Senator Bilyeu, seconded by Senator Corder, the Gubernatorial appointment of David Langhorst as a member of the State Tax 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

[H 418](#), by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

[H 397](#), by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 406](#), by Appropriations Committee, was read the second time at length and filed for third reading.

[S 1292](#), [S 1293](#), and [S 1294](#), by Finance Committee, were read the second time at length and filed for third reading.

[H 379](#), 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 1253](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Goedde, Hammond, Heinrich, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Smyser, Stennett (Stennett), Werk, Winder. Total - 29.

NAYS—None.

Absent and excused—Fulcher, Geddes, Hill, Jorgenson, Siddoway, Stegner. Total - 6.

Total - 35.

Whereupon the President declared [S 1253](#) 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 Kelly, by voice vote the Senate adjourned at 11:56 a.m. until the hour of 2:30 p.m., Tuesday, February 2, 2010, in order for the Senators to attend former Senator Atwell Parry's funeral.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

**TWENTY-THIRD LEGISLATIVE DAY
TUESDAY, FEBRUARY 2, 2010**

Senate Chamber

President Little called the Senate to order at 2:30 p.m.

Roll call showed all members present except Senator Corder, absent and formally excused by the Chair; and President Pro Tempore Geddes and Senators Andreason, Cameron, Darrington, Fulcher, Hill, Keough, Lodge, Mortimer, and Winder, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Haley Egan, 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, 2010, 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.

President Pro Tempore Geddes and Senators Andreason, Cameron, Fulcher, Hill, Keough, Lodge, Mortimer, and Winder were recorded present at this order of business.

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

Reports of Standing Committees

February 1, 2010

The HEALTH AND WELFARE Committee reports out [SCR 113](#) with the recommendation that it do pass.

LODGE, Chairman

[SCR 113](#) was filed for second reading.

February 1, 2010

The JUDICIARY AND RULES Committee reports out [S 1287](#) with the recommendation that it do pass.

DARRINGTON, Chairman

[S 1287](#) was filed for second reading.

February 1, 2010

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:

Thomas J. Hearn to the Sexual Offender Classification Board, term to expire January 1, 2014.

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 2, 2010

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. "Tony" McDermott to the Idaho Fish and Game Commission, term to expire June 30, 2013.

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.

February 1, 2010

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:

Steven A. Tuft to the Idaho Judicial Council, term to expire June 30, 2015.

DARRINGTON, Chairman

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 1, 2010

The FINANCE Committee reports out [H 418](#) and [S 1302](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 418](#) and [S 1302](#) were 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 1304

BY EDUCATION COMMITTEE

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5209, IDAHO CODE, TO PROVIDE THAT IF THE AUTHORIZED CHARTERING ENTITY HAS REASON TO BELIEVE THAT A PUBLIC CHARTER SCHOOL HAS MADE OR CAUSED TO BE MADE ANY FALSE, FRAUDULENT OR FORGED STATEMENT OR REPRESENTATION IN PROCURING OR ATTEMPTING TO PROCURE A CHARTER, THE AUTHORIZED CHARTERING ENTITY SHALL PROVIDE SUCH PUBLIC CHARTER SCHOOL WRITTEN NOTICE OF SUCH DEFECT AND PROVIDE A REASONABLE OPPORTUNITY TO CURE SUCH DEFECT.

S 1305

BY EDUCATION COMMITTEE

AN ACT

RELATING TO BOARDS OF TRUSTEES AND ANNEXATION OF TERRITORY; AMENDING SECTION 33-308, IDAHO CODE, AS AMENDED BY SECTION 24, CHAPTER 341, LAWS OF 2009, TO PROVIDE REQUIREMENTS RELATING TO LEGAL DESCRIPTIONS OF CERTAIN REAL PROPERTY AND TO CORRECT A CODIFIER'S ERROR; AND PROVIDING AN EFFECTIVE DATE.

S 1306

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-601, IDAHO CODE, AS AMENDED BY SECTION 44, CHAPTER

341, LAWS OF 2009, TO REVISE PROVISIONS RELATING TO THE SEALED BID OR PUBLIC AUCTION PROCESS FOR CERTAIN REAL PROPERTY, TO PROVIDE THAT IF THE BOARD OF TRUSTEES FINDS IT IS IN THE SCHOOL DISTRICT'S BEST INTERESTS TO TRADE PERSONAL PROPERTY TO A PERSON OR ENTITY FOR LIKE KIND PERSONAL PROPERTY, THE BOARD MAY VOTE TO ELECT TO DO SO AND THE BOARD MAY ELECT TO ABSTAIN FROM AN APPRAISAL OF THE PERSONAL PROPERTY IN CERTAIN INSTANCES AND TO MAKE TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE.

S 1307

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR THE BOARD OF ENGINEERS AND LAND SURVEYORS UNDER THE REGULATORY BOARDS FOR FISCAL YEAR 2010; AND DECLARING AN EMERGENCY.

S 1308

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO DISPOSITION OF REMAINS; AMENDING SECTION 54-1142, IDAHO CODE, TO PROVIDE THAT IN THE ABSENCE OF A PREARRANGED FUNERAL PLAN OR CERTAIN PROVISIONS IN SUCH PLAN, THAT DISPOSITION OF THE REMAINS OF A DECEDENT MAY VEST IN THE PERSON DESIGNATED BY THE DECEDENT IN A DD FORM 93, IF THE DECEDENT DIED WHILE SERVING IN MILITARY SERVICE IN ANY BRANCH OF THE UNITED STATES ARMED FORCES, UNITED STATES RESERVE FORCES OR NATIONAL GUARD.

S 1309

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO DE FACTO CUSTODIANS; AMENDING TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 17, TITLE 32, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE A PURPOSE, TO PROVIDE FOR DE FACTO CUSTODIANS, TO PROVIDE FOR PETITIONS FOR CUSTODY AND MOTIONS TO INTERVENE BY PERSONS SEEKING DETERMINATIONS THAT THEY ARE DE FACTO CUSTODIANS, TO PROVIDE FOR NOTICE, TO REQUIRE STIPULATED FACTS OR FINDINGS OF FACT THAT A PERSON IS A DE FACTO CUSTODIAN, TO PROVIDE CERTAIN EVIDENTIARY STANDARDS, TO PROVIDE FOR THE APPLICATION OF SPECIFIED STANDARDS AND CONSIDERATIONS RELATING TO A DETERMINATION OF THE BEST INTERESTS OF THE CHILD, TO PROVIDE FOR DE FACTO CUSTODIAN ORDERS, TO PROVIDE FOR ACCESS TO CERTAIN RECORDS AND TO PROVIDE FOR TERMINATION OF CUSTODY ORDERS; AMENDING SECTION 15-5-207, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE APPOINTMENT OF GUARDIANS OF MINORS, TO PROVIDE THAT DE FACTO CUSTODIANS MAY INITIATE PROCEEDINGS FOR THE APPOINTMENT OF A GUARDIAN, TO REVISE PROVISIONS RELATING TO NOTICE AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 15-5-213, IDAHO CODE, TO REVISE A DEFINITION OF "DE FACTO CUSTODIAN" AND TO REVISE PROVISIONS

RELATING TO THE RECOGNITION OF DE FACTO CUSTODIANS RELATING TO STANDING IN CERTAIN PROCEEDINGS.

S 1310

**BY HEALTH AND WELFARE COMMITTEE
AN ACT**

RELATING TO PERSONAL ASSISTANCE SERVICES; AMENDING SECTION 39-5601, IDAHO CODE, TO REVISE LEGISLATIVE INTENT; AMENDING SECTION 39-5602, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 39-5603, IDAHO CODE, TO REVISE TERMINOLOGY; AND AMENDING SECTION 39-5606, IDAHO CODE, TO PROVIDE FOR THE ESTABLISHMENT OF ANNUAL UNIFORM REIMBURSEMENT RATES FOR CERTAIN AGENCIES, TO PROVIDE FOR A CERTAIN SUPPLEMENTAL COMPONENT FOR CERTAIN AGENCIES AND TO PROVIDE FOR THE ESTABLISHMENT OF ANNUAL UNIFORM REIMBURSEMENT RATES FOR CERTAIN PROVIDERS ACCORDING TO A METHODOLOGY.

[S 1304](#), [S 1305](#), [S 1306](#), [S 1307](#), [S 1308](#), [S 1309](#), and [S 1310](#) 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 1267](#), by Judiciary and Rules Committee, 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 Kelly, by voice vote, the Senate adjourned at 2:49 p.m. until the hour of 11:30 a.m., Wednesday, February 3, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

**TWENTY-FOURTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 3, 2010**

Senate Chamber

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

Roll call showed all members present except President Pro Tempore Geddes and Senators Andreason and Cameron, absent and excused; and Senators Goedde, Heinrich, Schroeder, and Stegner, absent and formally excused by the Chair.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Erin Griffard, 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, 2010, 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.

President Pro Tempore Geddes and Senators Andreason and Cameron were recorded present at this order of business.

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

Reports of Standing Committees

February 3, 2010

The JUDICIARY AND RULES Committee reports that [S 1304](#), [S 1305](#), [S 1306](#), [S 1307](#), [S 1308](#), [S 1309](#), and [S 1310](#) have been correctly printed.

DARRINGTON, Chairman

[S 1304](#), [S 1305](#), and [S 1306](#) were referred to the Education Committee.

[S 1307](#) was referred to the Finance Committee.

[S 1308](#) and [S 1309](#) were referred to the Judiciary and Rules Committee.

[S 1310](#) was referred to the Health and Welfare Committee.

February 2, 2010

The TRANSPORTATION Committee reports out [S 1296](#) and [S 1297](#) with the recommendation that they do pass.

MCGEE, Chairman

[S 1296](#) and [S 1297](#) were filed for second reading.

February 1, 2010

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:

Gary O. Horton to the Sexual Offender Classification Board, term to expire January 1, 2016.

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 3, 2010

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:

Joe B. McNeal to the Idaho Commission on Human Rights, term to expire July 1, 2012.

Susan K. Simmons to the Idaho Endowment Fund Investment Board, term to expire April 11, 2013.

MCKENZIE, 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 2, 2010

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 388](#) with the recommendation that it do pass.

HILL, Chairman

[H 388](#) was filed for second reading.

February 3, 2010

The STATE AFFAIRS Committee reports out [S 1299](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[S 1299](#) 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

Senator Stegner was recorded present at this order of business.

The President announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of J. Philip Reberger was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Davis, seconded by Senator Lodge, the Gubernatorial appointment of J. Philip Reberger 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 President announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Thomas J. Hearn was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Jorgenson, seconded by Senator Bock, the Gubernatorial appointment of Thomas J. Hearn as a member of the Sexual Offender Classification 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.

In light of the importance of the rededication of our Idaho State Capitol that has been so beautifully renovated and restored over the past two and one half years, and in order to preserve the record of this ceremony, including the eloquent remarks made by our own President Pro Tempore Robert L. Geddes for all posterity, Senator Bair requested that the transcript of the rededication ceremony and program, as amended, be ordered spread upon the pages of the Journal. Senator Bair's request was

granted by unanimous consent. The rededication ceremony is below:

Hello, Ladies and Gentleman, I am Lori Otter. Welcome to the Idaho State Capitol. I'd like to introduce today's Master of Ceremonies, a lifelong Idahoan, and chairman of the Idaho Capitol Commission, who has served since its inception in 1998, Andy Erstad.

ANDY ERSTAD: Thank you.

Thank you, First Lady Otter. Welcome everyone! It has been my great pleasure and honor to serve on the Idaho Capitol Commission which was created by the Idaho Legislature. Today, after nearly thirty months of closure for extensive restoration and rehabilitation, I am proud to say we are on-time and on-budget to re-open this one-hundred-year-old building for its second century of service. The Capitol is the largest public works restoration project in Idaho history. We come together today to share with you the finished product that will guarantee greater access for the people to their government as we move into the future. To quote the original architect of the Capitol, John Tourtellotte, "Idaho conceived the idea in 1905 to build a Capitol, which should stand as a monument before the world truly representing the spirit of her commonwealth." Today we renew that vision for future generations.

While the Idaho State Capitol is surrounded by predominantly state-owned buildings, the one exception is St. Michael's Cathedral. Built prior to the Capitol, St. Michael's reminds us of our countless connections to faith in our daily lives. Please help me welcome the Right Reverend, Richard Demarest, Dean of St. Michael's Cathedral, to give us the invocation.

REVEREND DEMAREST:

Fellow citizens, will you now join me as we offer prayer?

Gracious and loving God. You who love justice. You who are judge of all. We stand before You with deep gratitude on this great occasion as citizens of our beloved Idaho as we rededicate this Capitol, the people's house. We give You thanks, O' Lord, for all who have given themselves for this project. Those who have shared their talents and abilities. Those who have envisioned this restoration and all those who have labored long and hard to bring this project to its completion. On this special day, I ask your blessing, O' God, on all who serve the people of the great state of Idaho. Bless and guide our Governor, our constitutional officers, members of the Idaho State Senate, members of the Idaho House of Representatives, all elected officials, their faithful staff members, their loving families, and all who work for the common good of the people of Idaho. Bless the discussions and deliberations that will take place in this Capitol building, as well as the decisions that will be made by all who inhabit this great place. Through them all and by their work, let Your will be done on earth as it is in Heaven. And would you as fellow citizens join me as we say Amen.

ANDY ERSTAD: Thank you Reverend Demarest.

Silvia Peregrina, a 6th grader and student representative from Whittier Elementary School, will lead us in the Pledge of Allegiance. Silvia.

"I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

ANDY ERSTAD: Thank you very much Silvia - fantastic job.

Please welcome Heather Prinzing, who will join us at the podium as we all sing together our national anthem.

"O! say can you see by the dawn's early light

What so proudly we hailed at the twilight's last gleaming?

Whose broad stripes and bright stars through the perilous fight,

O'er the ramparts we watched were so gallantly streaming?

And the rockets' red glare, the bombs bursting in air,

Gave proof through the night that our flag was still there.

O! say does that star-spangled banner yet wave

O'er the land of the free and the home of the brave?"

ANDY ERSTAD: Thank you Heather, very much.

Three solemn, yet beautiful, rings on the Capitol's bell initiated today's ceremony. I am honored to recognize our special bell ringer, Sergeant First Class, John Carter. A retired member of the Idaho National Guard, he served two tours in Iraq, including one with Idaho's 116th Brigade Combat team, and was severely injured in combat during his second tour. Today, Sergeant Carter is representing all Idaho armed service members both past and present. We, the people of Idaho, are grateful to have those among us as well as those before us willing to make such sacrifices to assure the multitude of liberties we cherish as Idahoans and as Americans.

I would like to recognize some of our special guests. Please wave a hand when you are announced. Idaho's Constitutional Officers, members of the Legislature, members of the Idaho Judiciary, members of the Idaho Congressional Delegation, former Constitutional Officers. I want to give special consideration and welcome to Governor Phil Batt who was instrumental in re-establishing this Capitol Commission in 1998. Welcome current and former Idaho Capitol Commission members. Lastly, the Rededication Celebration Volunteer Committee.

Ladies and Gentlemen, please welcome the Honorable C.L. "Butch" Otter, Governor of the State of Idaho and First Lady, Lori Otter.

GOVERNOR OTTER:

Thank you and welcome. Welcome to the reopening of our State Capitol. I was going to repeat much of my history with this building, from my days in the 4th grade, just down the street at St. Joseph's grade school and how we used to come and climb around the building, but I see that it is written in the program

I think as this building is dedicated to the freedom loving people of Idaho, it is most appropriate for us to remember the wise words of a man long ago who spoke to the need for – and the deserving of – freedom. And he said "A people may prefer a free government, but if, from indolence, or carelessness, or cowardice, or want of public spirit, they are unequal to the exertions necessary for preserving it; ... if they can be deluded by the artifices used to cheat them out of that freedom; ... they are more or less unfit for liberty ... and they are unlikely long to enjoy it." (John Stuart Mill) For one hundred years this building behind us has represented the freedom of the people of Idaho.

May it represent that for the next hundred years. Thank you so much.

ANDY ERSTAD: Thank you Governor Otter.

Please welcome the Honorable Robert Geddes, President Pro Tempore of the Idaho State Senate.

PRESIDENT PRO TEMPORE GEDDES:

Governor Otter, Lieutenant Governor Little, members of the Judiciary, other distinguished guests, and most importantly the citizens of the great State of Idaho. As we have gathered to memorialize and rededicate the work and efforts that, for the last 105 years, established this building as the greatest symbol of the people, by the people, and for the people of our great state, I am honored to represent the Idaho State Senate and humbled to make some brief remarks.

As this expansion and renovation was designed and completed, it was done in a way to honor the historical aspects of this structure, by maintaining the look and the original footprint of the completed 1912 State Capitol, while at the same time providing additional access, safety considerations, and space to allow the citizens of Idaho to feel welcome in comfortable, inviting spaces that inspire participation. We have added modern communication and transmission technology to send information and allow access to the process of government to the far reaches of our state so that every citizen can stay abreast of the information and events that transpire within their statehouse.

The workmanship is exquisite and the sacrifice of the people will be substantial to fund the magnitude of this project. I give my appreciation to those who have provided such quality craftsmanship, and to those who spent time designing and supervising the work along the way. I especially would like to thank and recognize the work of the Idaho Capitol Commission and legislators, especially Senator Joe Stegner and Representative Scott Bedke, who chaired the committee that made the decisions to ensure that this building remains so beautiful and functional.

Idaho is a wonderfully large and diverse state. This capitol structure is the common bond that ties us and unites us together. Thank you for participating today and sharing this great milestone in Idaho's history. May this symbol endure as a reflection of our state's sovereignty, our independence, and our freedom. May God bless Idaho.

ANDY ERSTAD: Thank you Senator Geddes.

If you would please now join me in welcoming the Honorable Lawrence Denney, Speaker of the House of Representatives of Idaho, thank you.

SPEAKER LAWRENCE DENNEY:

Fellow citizens of the State of Idaho. The House of Representatives is pleased to welcome each of you to today's Capitol rededication ceremony for the people's house. Today marks the beginning of a new era in Idaho's historic Capitol Building. Eighty-nine years ago a dedication ceremony was held in this same location to celebrate the completion of construction of this very building. Like today, the Capitol was then opened to the public for their first view of this beautiful structure that represents the spirit of Idaho's citizens. Over the years this has been the site of many momentous decisions that have affected the citizens of Idaho. Those who came before us dealt with the same issues that we are grappling with today - like recessions, funding of state programs, and state budgets in both good and lean years. Over time we have seen many Idaho citizens serve as

legislators, governors, and in other government positions. As we enter into this new era, many of the young people standing here today will be the next generation to work in this magnificent Capitol and make their mark on Idaho's history. Somewhere down the road, another fine group of people will be brought together to complete the next step in the history of this building. I have little doubt that when historians look back at today, they will remark about the fact that this Capitol has been the site of countless debates over policy issues and state budget challenges, but in the end the problems have been dealt with and the state has moved forward. That has been true in the past and it will continue to be true in the future. Idaho's citizens can take pride in this beautiful historic building, the people's house. Thank you and again welcome.

ANDY ERSTAD: Thank you Speaker Denney.

Third generation architect Charles Hummel has a strong connection to the Idaho State Capitol. His grandfather and namesake, Charles Hummel, together with his business partner John Tourtellotte, designed many prominent buildings in the region. But their crowning achievement is this marvelous building we stand before today. Please welcome, Charles Hummel.

CHARLES HUMMEL:

Ninety years ago our Capitol, when it was completed in 1920, provided rooms for nearly all of Idaho's government. And as a building, it was state of the art. Since then, with the growth of Idaho, the responsibilities of our state's offices and the demands on the Legislature have significantly increased. So it was evident, some time ago, that the Capitol itself had to be enlarged and that it had ceased to be a state-of-the-art facility. Beautiful restoration with the garden level enlargement that we celebrate today is a perfect response to those demands. We have maintained the Capitol as the people's house, a workplace in an inspirational setting. And it fulfills the dream of John Tourtellotte, its designer, that it be flooded with light, the light that is a symbol of the conscience and the spirit of our people. Thank you.

ANDY ERSTAD: Thank you, Charles, for your great remarks and reflections.

The following groups were critical in the renovation and restoration of the Capitol; CSHQA Architects and Engineers, Lemley 3D/I, Jacobsen Hunt Joint Venture, McAlvain Construction, Hummel Architects, and the Idaho Division of Public Works project team. Many more businesses plus thousands of workers spent nearly three years working to restore, rehabilitate, and enhance the people's house so it will stand for another century as the foremost symbol of democracy and sovereignty in the State of Idaho.

Two Idahoans, Dr. Paul Aitken and Neysa Jensen have created a special world-premier musical tribute for today's ceremony. Paul Aitken is the award-winning composer and director of music at the Cathedral of the Rockies and Neysa Jensen is the Idaho poet whose beautiful words became the lyrics for this composition. Performing this original piece of celebration music is the 25th Army Band under the direction of Chief Warrant Officer Kevin Durfee and the Capitol Celebration Chorus made up of over 250 talented Idaho voices from the Boise Master Chorale, the Cathedral of the Rockies, the Epworth and Chancel Choirs, and the music department students of Boise, Borah, Capitol, Frank Church, and Timberline High Schools. Composer Paul Aitken will now conduct "Under Eternal Sky."

Under Eternal Sky

by Neysa CM Jensen

Chorus:

Our Land and Love!

A wilderness vast

Under Eternal Sky.

Our Land and Love!

These people of heart

In Idaho.

Verse:

Sawtooth craggled peaks

Soar under eternal sky

Ancient granite forms

A monument forever.

Waters of No-Return

Roll down through legends.

Stories sing through

The pines and canyons

Echoing eagle calls.

Chorus:

Our Land and Love!

A wilderness vast

Under Eternal Sky.

Our Land and Love!

These people of heart

In Idaho.

Verse:

Wolf howls,

Hawk's piercing shrieks.

Sockeye streaks red,

Heron on glassy water.

Star-blazing garnet,

Loud in its silence.

Lakes deep as Earth

Shimmer with life.

Chorus:

Our Land and Love!

A wilderness vast

Under Eternal Sky.

Our Land and Love!

These people of heart

In Idaho.

Our Land and Love!

ANDY ERSTAD: Wasn't that an amazing treat? Thank you Dr. Aitken, Neysa, and Choir. That was fabulous, absolutely fabulous.

The activities associated with this event and the reopening of the Capitol could not have happened without the assistance of thousands of people. Let me recognize and thank the sponsors for their generous donations, as well as the hundreds of volunteers who have helped to bring this celebration to fruition. To my right are many of our sponsors and throughout the Capitol Building you will find many of our volunteers. We could not have done it without you! You will find a list of the Ceremony Sponsors at the end of your program.

Before we sing "Here We Have Idaho" and in preparation of us entering the people's house, I would like to have Governor and Mrs. Otter join me for a brief presentation. Please accept this symbolic key to the Idaho Capitol Building. The inscription on the key reads:

"Presented to Governor C.L. "Butch" Otter by the Idaho Capitol Commission to Commemorate the Restoration and Rededication of the Idaho State Capitol Building, January 9, 2010"

And the back of the key reads:

"This key was made from the Red Oak tree planted by President Benjamin Harrison May 8, 1891"

GOVERNOR OTTER: Thank you.

I now declare the Capitol Building officially open to conduct the people's business!

"Here We Have Idaho"

And here we have Idaho

Winning her way to fame.

Silver and gold in the sunlight blaze,

and romance lies in her name.

Singing, we're singing of you,

Ah, proudly too,

All our lives thru, we'll go

Singing, singing of you,

Singing of Idaho.

Elected Officials

Governor C.L. "Butch" Otter

Lieutenant Governor Brad Little

Secretary of State Ben Ysursa

State Controller Donna M. Jones

State Treasurer Ron Crane

Attorney General Lawrence G. Wasden

Superintendent of Public Instruction Tom Luna

State Senate Leadership:

President Pro Tempore Robert L. Geddes

Majority Leader Bart M. Davis

Assistant Majority Leader Joe Stegner

Majority Caucus Chair Russell Fulcher

Minority Leader Kate Kelly

Assistant Minority Leader Elliot Werk

Minority Caucus Chair Edgar Malepeai

State House of Representatives Leadership:

Speaker of the House Lawrence Denney

Majority Leader Mike Moyle

Assistant Majority Leader Scott Bedke

Majority Caucus Chair Ken Roberts

Minority Leader John Rusche

Assistant Minority Leader James Ruchti

Minority Caucus Chair William Killen

Idaho Supreme Court:

Chief Justice Daniel T. Eismann

Justice Roger S. Burdick

Justice Jim Jones

Justice Warren Jones

Justice Joel D. Horton

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 1311 BY TRANSPORTATION COMMITTEE AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING SECTION 49-432, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A CERTAIN PERMIT AND COMBINATION OF VEHICLES.

[S 1311](#) 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

[SCR 113](#), by McGee, was read the second time at length and filed for third reading.

[S 1287](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[H 418](#), by Appropriations Committee, was read the second time at length and filed for third reading.

[S 1302](#), by Finance Committee, 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 Kelly, by voice vote, the Senate adjourned at 12:10 p.m. until the hour of 11:30 a.m., Thursday, February 4, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

TWENTY-FIFTH LEGISLATIVE DAY THURSDAY, FEBRUARY 4, 2010

Senate Chamber

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

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

Prayer was offered by Senator Malepeai.

The Pledge of Allegiance was led by Brittney 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 3, 2010, 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 4, 2010

The JUDICIARY AND RULES Committee reports that [S 1311](#) has been correctly printed.

DARRINGTON, Chairman

[S 1311](#) was referred to the Transportation Committee.

February 2, 2010

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:

Lyle R. Cobbs to the Board of Tax Appeals, term to expire June 30, 2012.

HILL, 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, 2010

The FINANCE Committee reports out [S 1307](#) with the recommendation that it do pass.

CAMERON, Chairman

[S 1307](#) was 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

February 3, 2010

Dear Mr. President:

I transmit herewith [H 437](#), [H 439](#), [H 440](#), and [H 441](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 437](#), [H 439](#), [H 440](#), and [H 441](#) were filed for first reading.

February 3, 2010

Dear Mr. President:

I return herewith [S 1268](#), which has passed the House.

ALEXANDER, Chief Clerk

[S 1268](#) was referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that 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?"

Moved by Senator Keough, seconded by Senator Werk, that the report of the Resources and Environment Committee be adopted. The question being, "Shall the motion prevail?"

Roll call vote was requested by Senators Siddoway, Bair, and Pearce.

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Goedde, Hammond, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKenzie, Schroeder, Stegner, Stennett (Stennett), Werk. Total - 24.

NAYS—Bair, Fulcher, Geddes, Heinrich, McKague, Mortimer, Pearce, Siddoway, Smyser, Winder. Total - 10.

Absent and Excused—Davis. Total - 1.

Total - 35.

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 1312

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE CHILD PROTECTIVE ACT; AMENDING SECTION 16-1619, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND WELFARE NEED NOT MAKE REASONABLE EFFORTS TO PREVENT THE PLACEMENT OF A CHILD INTO FOSTER CARE WHERE A PARENT HAS COMMITTED AN INJURY TO SUCH CHILD THAT RESULTS IN A SERIOUS OR GREAT BODILY INJURY.

S 1313

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO PHYSICIANS AND SURGEONS; AMENDING SECTION 54-1806, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE BOARD'S POWERS.

S 1314

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO PHYSICIANS AND SURGEONS; AMENDING SECTION 54-1803, IDAHO CODE, TO REVISE A DEFINITION, TO DEFINE TERMS, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1807, IDAHO CODE, TO REMOVE LICENSURE REQUIREMENTS FOR PHYSICIAN ASSISTANTS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 18, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1807A, IDAHO CODE, TO PROVIDE REQUIREMENTS RELATING TO PHYSICIAN ASSISTANTS, SUPERVISING PHYSICIANS AND ALTERNATE SUPERVISING PHYSICIANS AND TO ESTABLISH THE PHYSICIAN ASSISTANT ADVISORY COMMITTEE.

S 1315

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO VITAL STATISTICS; AMENDING SECTION 39-250, IDAHO CODE, TO PROVIDE THAT AN APPLICANT HAS THE RIGHT TO PETITION A COURT FOR AN ORDER ESTABLISHING CERTAIN FACTS FOR AMENDING A VITAL RECORD UNDER CERTAIN CIRCUMSTANCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-267, IDAHO CODE, TO PROVIDE THAT AN ORDER ENTERED FOLLOWING CERTAIN PROCEDURE

SHALL BE ACCEPTABLE EVIDENCE FOR ESTABLISHING A DELAYED CERTIFICATE OF BIRTH OR DEATH AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 2, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-278, IDAHO CODE, TO PROVIDE PROCEDURE FOR A COURT ORDER FOR DELAYED REGISTRATION OR AMENDMENT OF VITAL RECORD.

[S 1312](#), [S 1313](#), [S 1314](#), and [S 1315](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 437](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 439](#), [H 440](#), and [H 441](#), 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 1296](#), by Transportation Committee, was read the second time at length and filed for third reading.

[S 1297](#), by Transportation Committee, was read the second time at length and filed for third reading.

[H 388](#), by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

[S 1299](#), by State Affairs Committee, was read the second time at length and filed for third reading.

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 Kelly, by voice vote, the Senate adjourned at 12:16 p.m. until the hour of 11 a.m., Friday, February 5, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

**TWENTY-SIXTH LEGISLATIVE DAY
FRIDAY, FEBRUARY 5, 2010**

Senate Chamber

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

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

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Jenna 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 February 4, 2010, 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 5, 2010

The JUDICIARY AND RULES Committee reports that [S 1312](#), [S 1313](#), [S 1314](#), and [S 1315](#) have been correctly printed.

DARRINGTON, Chairman

[S 1312](#) was referred to the Judiciary and Rules Committee.

[S 1313](#), [S 1314](#), and [S 1315](#) were referred to the Health and Welfare Committee.

February 4, 2010

The JUDICIARY AND RULES Committee reports that [S 1268](#) has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1268](#) and ordered it transmitted to the House for the signature of the Speaker.

February 4, 2010

The FINANCE Committee reports out [H 439](#), [H 440](#), and [H 441](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 439](#), [H 440](#), and [H 441](#) were filed for second reading.

February 4, 2010

The HEALTH AND WELFARE Committee reports out [S 1301](#) with the recommendation that it do pass.

LODGE, Chairman

[S 1301](#) 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

January 14, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Nick Hallett of Rupert, Idaho, was appointed as a member of the Public Charter School Commission to serve a term commencing January 5, 2010, and expiring May 12, 2010.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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

February 4, 2010

Dear Mr. President:

I transmit herewith [H 390](#) and [H 423](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 390](#) and [H 423](#) were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the Judiciary and Rules Committee report relative to the Board of Commissioners of the Idaho State Bar appointment of Steven A. Tuft 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 appointment of Steven A. Tuft 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's Board of Commissioners 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 the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Gary O. Horton was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Mortimer, seconded by Senator Kelly, the Gubernatorial appointment of Gary O. Horton as a member of the Sexual Offender Classification 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 President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Joe B. McNeal was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Corder, seconded by Senator Kelly, the Gubernatorial appointment of Joe B. McNeal 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.

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Susan K. Simmons was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Kelly, seconded by Senator Fulcher, 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 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 the Local Government and Taxation Committee report relative to the Gubernatorial appointment of Lyle R. Cobbs was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Jorgenson, seconded by Senator Bock, the Gubernatorial appointment of Lyle R. Cobbs as a member of the Board of Tax Appeals 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 1316

**BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT**

RELATING TO ANIMALS; AMENDING SECTION 25-3514, IDAHO CODE, TO PROVIDE THAT SPECIFIED LAW SHALL NOT BE CONSTRUED AS INTERFERING WITH OR ALLOWING INTERFERENCE WITH THE HUMANE SLAUGHTER OF EQUINES AND TO CLARIFY PROVISIONS RELATING TO NORMAL AND ACCEPTED PRACTICES OF ANIMAL IDENTIFICATION AND HUSBANDRY.

S 1317

**BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT**

RELATING TO CRUELTY TO ANIMALS; AMENDING SECTION 25-3501A, IDAHO CODE, TO CLARIFY PROVISIONS RELATING TO THE ENFORCEMENT OF SPECIFIED LAW; AMENDING SECTION 25-3502, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE TERMS; AMENDING CHAPTER 35, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3502A, IDAHO CODE, TO PROVIDE THAT THE IDAHO STATE DEPARTMENT OF AGRICULTURE SHALL DEVELOP AND MAINTAIN A LIST OF CERTAIN PUBLIC AND PRIVATE ANIMAL SHELTERS; AMENDING SECTION 25-3504, IDAHO CODE, TO REVISE VIOLATION PROVISIONS

RELATING TO CRUELTY, TO PROVIDE FOR VIOLATIONS AND PENALTIES REGARDING TORTURE AND TO PROVIDE THAT OFFICERS MAY TAKE POSSESSION OF ANIMALS SUBJECT TO TORTURE; AMENDING SECTION 25-3505, IDAHO CODE, TO REVISE VIOLATION PROVISIONS RELATING TO CERTAIN CRUELTY; REPEALING SECTION 25-3506, IDAHO CODE, RELATING TO EXHIBITION OF COCKFIGHTS; AMENDING SECTION 25-3507, IDAHO CODE, TO PROVIDE FOR VIOLATIONS AND PENALTIES RELATING TO ANIMAL FIGHTS AND TO PROVIDE AN EXCEPTION RELATING TO THE CUSTOMARY AND LEGAL PRACTICE OF BREEDING AND REARING OF GAME FOWL; AMENDING SECTION 25-3509, IDAHO CODE, TO DELETE A SUPERFLUOUS REFERENCE; REPEALING SECTION 25-3510, IDAHO CODE, RELATING TO IMPOUNDING WITHOUT FOOD OR WATER; AMENDING SECTION 25-3511, IDAHO CODE, TO REVISE VIOLATION PROVISIONS RELATING TO THOSE THAT PERMIT ANIMALS TO GO WITHOUT CARE; AMENDING SECTION 25-3512, IDAHO CODE, TO REVISE TIME LIMIT PROVISIONS RELATING TO THE ABANDONMENT OF ANIMALS LEFT WITH VETERINARIANS; AMENDING CHAPTER 35, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3512A, IDAHO CODE, TO PROVIDE FOR VIOLATIONS AND PENALTIES RELATING TO ABANDONMENT; AMENDING SECTION 25-3513, IDAHO CODE, TO REVISE VIOLATION AND PENALTY PROVISIONS; AMENDING SECTION 25-3514, IDAHO CODE, TO CLARIFY PROVISIONS RELATING TO NORMAL AND ACCEPTED PRACTICES OF ANIMAL IDENTIFICATION AND ANIMAL HUSBANDRY; REPEALING SECTION 25-3516, IDAHO CODE, RELATING TO HIGH-ALTITUDE DECOMPRESSION CHAMBERS; REPEALING SECTION 25-3518, IDAHO CODE, RELATING TO BEATING AND HARASSING ANIMALS; REPEALING SECTION 25-3520A, IDAHO CODE, RELATING TO PENALTIES FOR VIOLATIONS AND THE TERMINATION OF CERTAIN RIGHTS; AMENDING CHAPTER 35, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3520A, IDAHO CODE, TO PROVIDE PENALTY PROVISIONS, TO PROVIDE FOR THE REMITTANCE OF CERTAIN COLLECTED FINES AND TO PROVIDE FOR THE TERMINATION OF CERTAIN RIGHTS; AMENDING CHAPTER 35, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3521, IDAHO CODE, TO PROVIDE FOR CONDUCT THAT IS NOT PROHIBITED; AMENDING CHAPTER 35, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3522, IDAHO CODE, TO PROVIDE FOR THOSE THAT GIVE FALSE INFORMATION IN REPORTING ALLEGED VIOLATIONS; AMENDING SECTION 25-3521, IDAHO CODE, TO REDESIGNATE THE SECTION; AND PROVIDING AN EFFECTIVE DATE.

S 1318

**BY LOCAL GOVERNMENT AND TAXATION
COMMITTEE
AN ACT**

RELATING TO SINGLE COUNTYWIDE HIGHWAY DISTRICTS; AMENDING SECTION 40-1416, IDAHO CODE, TO PROVIDE ADDITIONAL REQUIREMENTS FOR A VEHICLE REGISTRATION FEE RESOLUTION, TO PROVIDE FOR REVIEW OF A VEHICLE REGISTRATION FEE RESOLUTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 40-1416, IDAHO CODE, AS AMENDED BY SECTION 79, CHAPTER

341, LAWS OF 2009, TO PROVIDE ADDITIONAL REQUIREMENTS FOR A VEHICLE REGISTRATION FEE RESOLUTION AND TO PROVIDE FOR REVIEW OF A VEHICLE REGISTRATION FEE RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

S 1319
BY LOCAL GOVERNMENT AND TAXATION
COMMITTEE
AN ACT

RELATING TO AMBULANCE DISTRICTS; AMENDING SECTION 31-3908, IDAHO CODE, TO CLARIFY A SPECIAL TAX LEVY FOR CERTAIN AMBULANCE DISTRICTS.

S 1320
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO THE IDAHO LEGEND DRUG DONATION ACT; AMENDING SECTION 54-1761, IDAHO CODE, TO REMOVE A DEFINITION, TO FURTHER DEFINE A TERM AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-1762, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE IDAHO LEGEND DRUG DONATION ACT; AND AMENDING SECTION 54-1763, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE BOARD OF PHARMACY'S DUTIES AND POWERS.

S 1321
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO PUBLIC ASSISTANCE; AMENDING CHAPTER 8, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-819, IDAHO CODE, TO PROVIDE REQUIREMENTS REGARDING A REQUEST FOR NOTICE OF TRANSFER OR ENCUMBRANCE AND TO PROVIDE FOR RULEMAKING; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-225, IDAHO CODE, TO PROVIDE FOR A REQUEST FOR NOTICE OF TRANSFER OR ENCUMBRANCE OF REAL PROPERTY AND TO PROVIDE FOR RULEMAKING.

S 1322
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO THE UNIFORM PROBATE CODE; AMENDING SECTION 15-2-616, IDAHO CODE, TO REVISE A PRESUMPTION ON A DEVISE OR BEQUEST TO CERTAIN PERSONS, TO PROVIDE FOR RESTRICTIONS ON INTER VIVOS GIFTS TO CERTAIN INDIVIDUALS AND TO DEFINE TERMS.

S 1323
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
AN ACT

RELATING TO IDAHO REAL ESTATE LICENSE LAW; AMENDING SECTION 54-2013, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO ERRORS AND OMISSIONS INSURANCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-2018, IDAHO CODE, TO PROVIDE THAT A LICENSED SALESPERSON WHO OBTAINS A BROKER LICENSE SHALL RETAIN THE RENEWAL PERIOD AND EXPIRATION DATE OF HIS SALESPERSON LICENSE; AMENDING SECTION 54-2023,

IDAHO CODE, TO REVISE CONTINUING EDUCATION REQUIREMENTS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 54-2055, IDAHO CODE, TO REQUIRE THAT A LICENSEE MAKE A CERTAIN DISCLOSURE WITHIN A SPECIFIED AMOUNT OF TIME.

S 1324
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
AN ACT

RELATING TO STATE GOVERNMENT AND STATE AFFAIRS; AMENDING SECTION 67-2310, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN LICENSURE REQUIREMENTS FOR SUBCONTRACTORS NAMED ON CERTAIN BIDS AND TO MAKE A TECHNICAL CORRECTION.

S 1325
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
AN ACT

RELATING TO THE INTERNATIONAL FIRE CODE; AMENDING SECTION 41-253, IDAHO CODE, TO PROVIDE AN EXEMPTION, TO PROVIDE THAT COUNTIES MAY EXPAND THE EXEMPTION AND TO PROVIDE FOR NOTICE AND HEARING.

S 1326
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
AN ACT

RELATING TO ANNUITY CONTRACTS; AMENDING SECTION 41-1940, IDAHO CODE, TO PROVIDE THAT AN ANNUITY SOLD TO CERTAIN PERSONS MAY NOT IMPOSE A SURRENDER CHARGE OR OTHER WITHDRAWAL PENALTY AFTER A SPECIFIED TIME.

S 1327
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
AN ACT

RELATING TO ANNUITY CONTRACTS; AMENDING CHAPTER 19, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1941, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE DISCLOSURE REQUIREMENTS FOR ANNUITY SALES TO CONSUMERS, TO PROVIDE EXCEPTIONS, TO PROVIDE REPORTING REQUIREMENTS, TO PROVIDE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE WITH RULEMAKING AUTHORITY AND TO SPECIFY THAT A PRIVATE RIGHT OF ACTION IS NOT CREATED OR IMPLIED.

[S 1316](#), [S 1317](#), [S 1318](#), [S 1319](#), [S 1320](#), [S 1321](#), [S 1322](#), [S 1323](#), [S 1324](#), [S 1325](#), [S 1326](#), and [S 1327](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 390](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 423](#), 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 1307](#), 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 1254](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Davis. Total - 1.

Total - 35.

Whereupon the President declared [S 1254](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1255](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKague arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Davis. Total - 1.

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 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Davis. Total - 1.

Total - 35.

Whereupon the President declared [S 1256](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1257](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Davis. Total - 1.

Total - 35.

Whereupon the President declared [S 1257](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 406](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Davis. Total - 1.

Total - 35.

Whereupon the President declared [H 406](#) passed, title was approved, and the bill ordered returned to the House.

[S 1292](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Davis. Total - 1.

Total - 35.

Whereupon the President declared [S 1292](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1293](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Davis. Total - 1.

Total - 35.

Whereupon the President declared [S 1293](#) passed, title was approved, and the bill ordered transmitted 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 Kelly, by voice vote, the Senate adjourned at 12:10 p.m. until the hour of 11:30 a.m., Monday, February 8, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

TWENTY-NINTH LEGISLATIVE DAY MONDAY, FEBRUARY 8, 2010

Senate Chamber

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

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

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Samantha Kiley, 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 5, 2010, 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 Malepeai was recorded present at this order of business.

February 8, 2010

The JUDICIARY AND RULES Committee reports that [S 1316](#), [S 1317](#), [S 1318](#), [S 1319](#), [S 1320](#), [S 1321](#), [S 1322](#), [S 1323](#), [S 1324](#), [S 1325](#), [S 1326](#), and [S 1327](#) have been correctly printed.

DARRINGTON, Chairman

[S 1316](#) and [S 1317](#) were referred to the Agricultural Affairs Committee.

[S 1318](#) was referred to the Transportation Committee.

[S 1319](#) was referred to the Local Government and Taxation Committee.

[S 1320](#) and [S 1321](#) were referred to the Health and Welfare Committee.

[S 1322](#) was referred to the Judiciary and Rules Committee.

[S 1323](#), [S 1324](#), [S 1325](#), [S 1326](#), and [S 1327](#) were referred to the Commerce and Human Resources Committee.

February 5, 2010

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 380](#), [H 381](#), [H 384](#), and [H 385](#) with the recommendation that they do pass.

HILL, Chairman

[H 380](#), [H 381](#), [H 384](#), and [H 385](#) 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 3, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Tammy Perkins of Boise, Idaho, was appointed as a member of the State Board of Health and Welfare to serve a term commencing January 21, 2010, and expiring January 7, 2014.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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

February 5, 2010

Dear Mr. President:

I transmit herewith [H 443](#), [H 412](#), [H 413](#), [H 438](#), [H 445](#), [H 449](#), [H 450](#), and [H 452](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 443](#), [H 412](#), [H 413](#), [H 438](#), [H 445](#), [H 449](#), [H 450](#), and [H 452](#) 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

[H 443](#), by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[H 412](#) and [H 413](#), by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

[H 438](#), by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

[H 445](#), by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Transportation Committee.

[H 449](#) and [H 450](#), by Environment, Energy, and Technology Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 452](#), by Environment, Energy, and Technology 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 1301](#), by Health and Welfare Committee, was read the second time at length and filed for third reading.

[H 439](#), [H 440](#), and [H 441](#), 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

[S 1294](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1294](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 379](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 379](#) 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 Kelly, by voice vote, the Senate adjourned at 12:08 p.m. until the hour of 11:15 a.m., Tuesday, February 9, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

**THIRTIETH LEGISLATIVE DAY
TUESDAY, FEBRUARY 9, 2010**

Senate Chamber

President Little called the Senate to order at 11:15 a.m.

Roll call showed all members present except President Pro Tempore Geddes and Senators Andreason, Cameron, Coiner, Lodge, Pearce, and Stegner, absent and excused.

Prayer was offered by Senator Winder.

The Pledge of Allegiance was led by Elise Knapp, 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, 2010, 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.

President Pro Tempore Geddes and Senators Coiner and Lodge were recorded present at this order of business.

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.

SJM 103
BY EDUCATION COMMITTEE
A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, TO THE SECRETARY OF EDUCATION OF THE UNITED STATES, TO THE SENATE AND THE 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 Sixtieth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, we have witnessed a revolution in promoting, protecting and advancing the educational rights of students with disabilities since Congress originally enacted Public Law 94-142, The Education for All Handicapped Children Act in 1975, later to be known as the Individuals with Disabilities Education Act or IDEA; and

WHEREAS, IDEA has helped millions of children with special needs receive a quality education; and

WHEREAS, when Congress enacted the predecessor legislation to IDEA in 1975, the federal government was to pay up to forty percent of each state's "excess cost" of educating children with disabilities; and

WHEREAS, appropriations for IDEA have increased over the last decade, however, federal funding for IDEA has never exceeded eighteen percent of the states' cost; and

WHEREAS, in the current economic downturn, with states facing billions of dollars in funding shortfalls, this long-term federal practice of failing to maximize federal IDEA funding is straining the budgets of school districts and states because local communities and states are forced to pay a higher proportion of special education costs; and

WHEREAS, it is time for the federal government to pay its fair share of the costs of IDEA and fulfill its commitment to students with disabilities, their families, and the states and school districts that provide the students with a free and appropriate public education.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that Congress is urged to pass and the President sign federal legislation to fully fund forty percent of the costs of IDEA, recognizing that some types of disabilities are much more expensive to address than others and that the distribution of children with severe and more expensive disabilities may cluster in some areas that have outstanding medical facilities or exemplary programs for specific disabilities.

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 Education of the United States, 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 103 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 8, 2010

The JUDICIARY AND RULES Committee reports out S 1308 with the recommendation that it do pass.

DARRINGTON, Chairman

S 1308 was filed for second reading.

February 8, 2010

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:

Howard Glen (J.R.) VanTassel, Jr. to the State Board of Correction, term to expire January 1, 2015.

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 8, 2010

The RESOURCES AND ENVIRONMENT Committee reports out S 1265 and S 1266 with the recommendation that they do pass.

SCHROEDER, Chairman

S 1265 and S 1266 were filed for second reading.

February 8, 2010

The HEALTH AND WELFARE Committee reports out S 1310, S 1313, S 1314, and S 1315 with the recommendation that they do pass.

LODGE, Chairman

S 1310, S 1313, S 1314, and S 1315 were filed for second reading.

February 8, 2010

The EDUCATION Committee reports out S 1306 with the recommendation that it do pass.

GOEDDE, Chairman

S 1306 was filed for second reading.

February 9, 2010

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:

Jean S. McDevitt to the Park and Recreation Board, term to expire June 30, 2015.

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 Ninth Order of Business.

Messages from the House

Senators Andreason, Cameron, and Pearce were recorded present at this order of business.

February 8, 2010

Dear Mr. President:

I transmit herewith [H 451](#), [H 453](#), [H 435](#), [HP 3](#), [H 421](#), [H 422](#), and [H 432](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 451](#), [H 453](#), [H 435](#), [HP 3](#), [H 421](#), [H 422](#), and [H 432](#) were filed for first reading.

February 8, 2010

Dear Mr. President:

I return herewith Enrolled [S 1268](#), which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1268](#) 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 1328

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-502, IDAHO CODE, TO PROVIDE FOR THE RELEASE OF CERTAIN CAPTURED WILDLIFE AND TO PROVIDE FOR WRITTEN CONSENT.

S 1329

BY JUDICIARY AND RULES COMMITTEE AN ACT

RELATING TO IDAHO SAFE BOATING ACT; AMENDING SECTION 67-7027, IDAHO CODE, TO REVISE NOTICE AND REPORTING REQUIREMENTS RELATING TO COLLISIONS, ACCIDENTS AND CASUALTIES.

S 1330

BY JUDICIARY AND RULES COMMITTEE AN ACT

RELATING TO ARCHAIC STATUTORY LANGUAGE; AMENDING SECTION 5-334, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 9-205, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 9-340C, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 10-1204, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 15-5-401, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION;

AMENDING SECTION 15-5-407, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 18-6101, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 19-2515A, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 20-225, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-508, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 32-106, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 33-124, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 33-403A, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-1007, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 33-1404, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE A CORRECT CITATION; AMENDING SECTION 33-2001, IDAHO CODE, TO ALPHABETIZE TERMS, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-4407, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 33-4604, IDAHO CODE, TO REVISE A CITATION, TO DELETE REFERENCE TO AN ACT AND TO REVISE TERMINOLOGY; AMENDING SECTION 34-1108, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 34-2427, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 38-1601, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 39-1202, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-1204, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 39-1301, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 39-1402, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 39-4602, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 39-4604, IDAHO CODE, TO ALPHABETIZE TERMS, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-4803, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 39-5008, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 39-5102, IDAHO CODE, TO ALPHABETIZE TERMS AND TO REVISE TERMINOLOGY; AMENDING SECTION 40-1335, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 41-2139, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 41-2203, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-3436, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 49-114, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 50-460, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 54-903, IDAHO CODE, TO REMOVE REDUNDANT LANGUAGE; AMENDING SECTION 54-935, IDAHO CODE, TO REMOVE REDUNDANT LANGUAGE; AMENDING SECTION 54-1841, IDAHO CODE, TO REMOVE REDUNDANT LANGUAGE; AMENDING SECTION 54-3401, IDAHO CODE, TO REMOVE REDUNDANT LANGUAGE; AMENDING SECTION 56-101, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 56-108, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL

CORRECTIONS; AMENDING SECTION 56-113, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 56-203, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 56-218A, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 56-255, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING THE HEADING FOR CHAPTER 7, TITLE 56, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 56-701, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 56-701A, IDAHO CODE, TO REVISE TERMINOLOGY AND TO REMOVE REDUNDANT LANGUAGE; AMENDING SECTION 56-702, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 56-703, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 56-707, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 56-802, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 56-1004A, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 63-701, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 66-329, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 66-401, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 66-402, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 66-408, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 67-2319, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 67-6530, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 67-6531, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6532, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6901, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 67-6902, IDAHO CODE, TO ALPHABETIZE TERMS AND TO REVISE TERMINOLOGY; AMENDING SECTION 67-6903, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 68-1301, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 68-1405, IDAHO CODE, TO REMOVE REDUNDANT LANGUAGE; AMENDING SECTION 71-241, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 72-430, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 72-1316A, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 73-114, IDAHO CODE, TO ALPHABETIZE TERMS, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 1, TITLE 73, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 73-114A, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT ON RESPECTFUL LANGUAGE.

S 1331

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO ANIMALS; AMENDING TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 5, TITLE 25, IDAHO CODE, TO PROVIDE FOR THE IDAHO LIVESTOCK CARE STANDARDS BOARD, TO PROVIDE FOR MEMBERSHIP, TO PROVIDE GUIDELINES FOR CARRYING OUT THE PURPOSE OF THE BOARD, TO PROVIDE FOR THE ESTABLISHMENT OF PROPOSED STANDARDS, TO PROVIDE THAT THE IDAHO STATE DEPARTMENT OF AGRICULTURE MAY PROMULGATE

CERTAIN RULES, TO PROVIDE FOR TERMS OF MEMBERSHIP, TO PROVIDE THAT MEMBERS SHALL SERVE WITHOUT HONORARIUM, COMPENSATION OR REIMBURSEMENT OF ANY KIND AND TO PROVIDE FOR MEETINGS OF THE BOARD; AND DECLARING AN EMERGENCY.

S 1332

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO PESTICIDES AND CHEMIGATION; AMENDING SECTION 22-3404, IDAHO CODE, TO REVISE CERTAIN EXEMPTIONS AND TO MAKE TECHNICAL CORRECTIONS.

S 1333

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO ANIMALS; AMENDING CHAPTER 35, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3514B, IDAHO CODE, TO AUTHORIZE THE REGULATION OF THE HUMANE CAPTURE, STERILIZATION AND RELEASE OF FREE-ROAMING CATS BY COUNTIES AND MUNICIPALITIES, TO PROVIDE A CONDITION AND TO PROVIDE FOR THE APPLICATION OF CERTAIN LAWS AND RULES.

[S 1328](#), [S 1329](#), [S 1330](#), [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 451](#) and [H 453](#), by Environment, Energy, and Technology Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 435](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[HP 3](#), by State Affairs Committee, was introduced, read at length, and referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

[H 421](#) and [H 422](#), by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[H 432](#), by Business 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 380](#), [H 381](#), [H 384](#), and [H 385](#), 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 1267](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—Geddes. Total - 1.

Total - 35.

Whereupon the President declared [S 1267](#) passed, title was approved, and the bill ordered transmitted to the House.

[SCR 113](#) 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 resolution and opened the debate. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [SCR 113](#) adopted, title was approved, and the resolution ordered transmitted to the House.

[S 1287](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—LeFavour. Total - 1.

Total - 35.

Whereupon the President declared [S 1287](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 418](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague,

McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 418](#) 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 Kelly, by voice vote, the Senate adjourned at 12:06 p.m. until the hour of 11:15 a.m., Wednesday, February 10, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

**THIRTY-FIRST LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 10, 2010**

Senate Chamber

President Little called the Senate to order at 11:15 a.m.

Roll call showed all members present except Senator Davis, absent and formally excused by the Chair; and Senators LeFavour and Pearce, absent and excused.

Prayer was offered by Senator Mortimer.

The Pledge of Allegiance was led by Rebecca Powell, 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, 2010, 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.

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

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

Reports of Standing Committees

February 10, 2010

The JUDICIARY AND RULES Committee reports that [S 1328](#), [S 1329](#), [S 1330](#), [S 1331](#), [S 1332](#), [S 1333](#), and [SJM 103](#) have been correctly printed.

DARRINGTON, Chairman

On request by Senator Goedde, granted by unanimous consent, [SJM 103](#) was referred to the Education Committee.

[S 1328](#) was referred to the Resources and Environment Committee.

[S 1329](#) and [S 1330](#) were referred to the Judiciary and Rules Committee.

[S 1331](#), [S 1332](#), and [S 1333](#) were referred to the Agricultural Affairs Committee.

February 9, 2010

The JUDICIARY AND RULES Committee reports that Enrolled [S 1268](#) was delivered to the Office of the Governor at 2 p.m., February 9, 2010.

DARRINGTON, Chairman

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

February 9, 2010

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:

Tammy Perkins to the State Board of Health and Welfare, term to expire January 7, 2014.

LODGE, 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 9, 2010

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:

Joy Fisher to the Public Employee Retirement System of Idaho Board, term to expire July 1, 2014.

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 9, 2010

The COMMERCE AND HUMAN RESOURCES Committee reports out [S 1248](#), [S 1250](#), [S 1251](#), and [S 1323](#) with the recommendation that they do pass.

ANDREASON, Chairman

[S 1248](#), [S 1250](#), [S 1251](#), and [S 1323](#) were filed for second reading.

February 9, 2010

The TRANSPORTATION Committee reports out [H 397](#) with the recommendation that it do pass.

MCGEE, Chairman

[H 397](#) was filed for second reading.

February 10, 2010

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:

Bob Bolinder to the Idaho Commission on Human Rights, term to expire July 1, 2012.

Charles Hedemark to the Idaho Energy Resources Authority, term to expire June 30, 2014.

Dyke Nally as Director of the Idaho State Liquor Division, term to expire January 2, 2013.

Gary Saylor as Adjutant General of the Idaho Military Division, term to continue at the pleasure of the Governor.

Tom Kealey to the Idaho Endowment Fund Investment Board, term to expire April 13, 2013.

MCKENZIE, 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 10, 2010

The STATE AFFAIRS Committee reports out [H 412](#), [H 413](#), and [H 437](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[H 412](#), [H 413](#), and [H 437](#) were filed for second reading.

February 10, 2010

The EDUCATION Committee reports out [S 1305](#) with the recommendation that it do pass.

GOEDDE, Chairman

[S 1305](#) was 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

February 9, 2010

Dear Mr. President:

I transmit herewith [HJM 10](#) and [H 391](#), as amended, which have passed the House.

ALEXANDER, Chief Clerk

[HJM 10](#) and [H 391](#), as amended, were filed for first reading.

February 9, 2010

Dear Mr. President:

I transmit herewith Enrolled [H 406](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 406](#) and ordered it returned to the House.

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 1334

**BY COMMERCE AND HUMAN RESOURCES
COMMITTEE**

AN ACT

RELATING TO INSURANCE CONTRACTS; AMENDING CHAPTER 18, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1849, IDAHO CODE, TO PROVIDE REQUIRED COVERAGE FOR PROSTHETIC DEVICES FOR CERTAIN CONDITIONS.

S 1335

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO IMMUNIZATION; AMENDING SECTION 39-4803, IDAHO CODE, TO REMOVE LANGUAGE REGARDING A VOLUNTARY IMMUNIZATION REGISTRY, TO REMOVE A CERTAIN AUTHORIZATION REQUIREMENT FOR INCLUSION IN THE REGISTRY, TO PROVIDE FOR EXCLUSION FROM THE REGISTRY UPON A CERTAIN STATEMENT THAT MAY NOT BE PART OF A GENERAL AUTHORIZATION OR RELEASE, TO CLARIFY THE PURPOSES FOR WHICH THE REGISTRY SHALL BE MAINTAINED AND FOR WHICH THE REGISTRY INFORMATION SHALL BE DISCLOSED, TO CLARIFY THAT CERTAIN INFORMATION SHALL BE INCLUDED IN THE REGISTRY AND TO CLARIFY THAT DISCLOSURE OF REGISTRY INFORMATION SHALL BE LIMITED TO CERTAIN PERSONS.

S 1336

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES AND RULES OF THE ROAD; AMENDING SECTION 49-613, IDAHO CODE, TO PROVIDE FOR APPLICATION OF LAW, TO PROVIDE THAT NO VEHICLE SHALL BE OPERATED ON ANY PUBLIC HIGHWAY UNLESS SUCH VEHICLE'S LOAD IS SECURELY FASTENED OR COVERED TO PREVENT THE LOAD FROM BECOMING LOOSE, DETACHED OR BECOMING A HAZARD TO OTHER HIGHWAY USERS, TO PROVIDE FOR EXCEPTIONS, TO PROVIDE THAT NO PERSON MAY OPERATE A VEHICLE ON A PUBLIC HIGHWAY WITH ANY LOAD UNLESS THE LOAD AND CERTAIN COVERING IS SECURELY FASTENED TO PREVENT THE COVERING OR LOAD FROM BECOMING LOOSE, DETACHED OR BECOMING A HAZARD TO OTHER HIGHWAY USERS, TO PROVIDE THAT ANY VEHICLE OPERATING ON A PAVED PUBLIC HIGHWAY WITH A LOAD OF DIRT, SAND OR GRAVEL SUSCEPTIBLE TO BEING DROPPED, SPILLED, LEAKED OR OTHERWISE ESCAPING FROM THE VEHICLE SHALL BE COVERED TO PREVENT SPILLAGE AND TO PROVIDE FOR EXCEPTIONS.

S 1337

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO MOTOR CARRIER SAFETY INSPECTIONS; AMENDING SECTION 67-2901B, IDAHO CODE, TO PROVIDE THAT CERTAIN INTRASTATE MOTOR CARRIERS SHALL BE SUBJECT TO CERTAIN SAFETY INSPECTIONS, TO REVISE PROVISIONS RELATING TO EXEMPTIONS FROM CERTAIN SAFETY INSPECTIONS FOR CERTAIN INTRASTATE MOTOR CARRIERS AND TO PROVIDE FOR A CODE REFERENCE.

S 1338

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 2, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-212, IDAHO CODE, TO PROVIDE EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN, TO PROVIDE FINDINGS AND PURPOSE, TO PROVIDE RULEMAKING AUTHORITY AND TO PROVIDE FOR A RESPONSIBLE INDIVIDUAL.

[S 1334](#), [S 1335](#), [S 1336](#), [S 1337](#), and [S 1338](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[HJM 10](#), by Transportation and Defense Committee, was introduced, read at length, and referred to the State Affairs Committee.

[H 391](#), as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1308](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[S 1265](#) and [S 1266](#), by Resources and Environment Committee, were read the second time at length and filed for third reading.

[S 1310](#), [S 1313](#), [S 1314](#), and [S 1315](#), by Health and Welfare Committee, were read the second time at length and filed for third reading.

[S 1306](#), 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 1302](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer,

Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason, Davis. Total - 2.

Total - 35.

Whereupon the President declared [S 1302](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1296](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason, Davis. Total - 2.

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

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 31.

NAYS–Corder, Keough. Total - 2.

Absent and excused–Andreason, Davis. Total - 2.

Total - 35.

Whereupon the President declared [S 1297](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 388](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Davis. Total - 1.

Total - 35.

Whereupon the President declared [H 388](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Stegner, granted by unanimous consent, [S 1299](#) retained its place on the Third Reading Calendar for one legislative day.

[S 1307](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Davis. Total - 1.

Total - 35.

Whereupon the President declared [S 1307](#) 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. 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Davis. Total - 1.

Total - 35.

Whereupon the President declared [S 1301](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 439](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Davis. Total - 1.

Total - 35.

Whereupon the President declared [H 439](#) passed, title was approved, and the bill ordered returned to the House.

[H 440](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Davis. Total - 1.

Total - 35.

Whereupon the President declared [H 440](#) 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 Kelly, by voice vote, the Senate adjourned at 12:06 p.m. until the hour of 11:15 a.m., Thursday, February 11, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

THIRTY-SECOND LEGISLATIVE DAY THURSDAY, FEBRUARY 11, 2010

Senate Chamber

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

Roll call showed all members present except Senators Corder, Davis, and Malepeai, absent and formally excused by the Chair.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Danni Petersen, 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, 2010, 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 11, 2010

The JUDICIARY AND RULES Committee reports that [S 1334](#), [S 1335](#), [S 1336](#), [S 1337](#), and [S 1338](#) have been correctly printed.

DARRINGTON, Chairman

[S 1334](#) was referred to the Commerce and Human Resources Committee.

[S 1335](#) was referred to the Health and Welfare Committee.

[S 1336](#) and [S 1337](#) were referred to the Transportation Committee.

[S 1338](#) was referred to the Education Committee.

February 10, 2010

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:

Richelle Sugiyama to the Idaho Endowment Fund Investment Board, term to expire April 11, 2013.

MCKENZIE, 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 11, 2010

The HEALTH AND WELFARE Committee reports out [H 451](#), [H 452](#), [H 453](#), and [S 1321](#) with the recommendation that they do pass.

LODGE, Chairman

[H 451](#), [H 452](#), [H 453](#), and [S 1321](#) were filed for second reading.

February 10, 2010

The JUDICIARY AND RULES Committee reports out [H 443](#) with the recommendation that it do pass.

DARRINGTON, Chairman

[H 443](#) was filed for second reading.

February 11, 2010

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 382](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

HILL, Chairman

There being no objection, [H 382](#) was referred to the Fourteenth Order of Business, General Calendar.

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

Messages from the House

February 10, 2010

Dear Mr. President:

I transmit herewith Enrolled [H 379](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 379](#) and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President Pro Tempore announced that [HP 3](#) was before the Senate for final consideration, the question being, "Shall the proclamation be adopted?"

On motion by Senator Bock, seconded by Senator Fulcher, [HP 3](#) was adopted by voice vote, title was approved, and the proclamation ordered returned to the House.

The President Pro Tempore announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Howard Glen (J.R.) VanTassel, Jr. was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Stegner, seconded by Senator Werk, the Gubernatorial appointment of Howard Glen (J.R.) VanTassel, Jr. as a member of the State Board of Correction 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 the Resources and Environment Committee report relative to the Gubernatorial appointment of Jean S. McDevitt was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Bilyeu, seconded by Senator Lodge, the Gubernatorial appointment of Jean S. McDevitt as a member of the Park and Recreation 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 Lodge, granted by unanimous consent, the Gubernatorial appointment of Tammy Perkins to the State Board of Health and Welfare was recommitted to the Health and Welfare Committee.

The President Pro Tempore announced that the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Joy Fisher was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lodge, seconded by Senator Werk, the Gubernatorial appointment of Joy Fisher 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

S 1339

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO HOSPITAL LICENSES AND INSPECTION; AMENDING SECTION 39-1301, IDAHO CODE, TO DEFINE A TERM; AMENDING CHAPTER 13, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-1301C, IDAHO CODE, TO PROVIDE FOR DEEMED STATUS OF A HOSPICE AGENCY AND ITS HOSPICE HOME AND TO REQUIRE NO IDAHO LICENSE OR CERTIFICATION.

S 1340

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO CIVIL ACTIONS; AMENDING SECTION 5-311, IDAHO CODE, TO REFERENCE A CODE SECTION IN RELATION TO THE DEFINITION OF A TERM, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 5-327, IDAHO CODE, TO PROVIDE FOR THE CONTINUATION OF CERTAIN CAUSES OF ACTION RELATING TO PERSONAL INJURY OR PROPERTY DAMAGE UPON THE DEATH OF THE INJURED PERSON, TO LIMIT DAMAGES AND TO PROVIDE FOR THE COMMENCEMENT OR CONTINUATION OF SUCH ACTIONS BY THE DECEDENT'S PERSONAL REPRESENTATIVE OR HEIRS.

S 1341

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO INJURY TO CHILDREN; AMENDING SECTION 18-1501, IDAHO CODE, TO REVISE A MAXIMUM SENTENCE.

S 1342

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-603, IDAHO CODE, TO AUTHORIZE THE DEPARTMENT OF FISH AND GAME TO REQUIRE SPECIFIED LICENSEES TO MAINTAIN CERTAIN RECORDS, TO PROVIDE THAT LICENSEES PURCHASING RAW BLACK BEAR SKINS, RAW COUGAR SKINS OR PARTS OF BLACK BEARS OR COUGARS MAY BE REQUIRED TO MAINTAIN CERTAIN RECORDS AND TO PROVIDE THAT THE DEPARTMENT MAY REQUIRE LICENSEES TO SUBMIT CERTAIN FORMS OR RECORDS TO THE DEPARTMENT RELATING TO BLACK BEARS AND COUGARS.

S 1343

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO IDAHO WORKING LANDS; TO PROVIDE LEGISLATIVE INTENT; AND AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 92, TITLE 67, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR THE WORKING LANDS FUND, TO PROVIDE FOR THE WORKING LANDS

FUND COMMITTEE, TO PROVIDE FOR ADMINISTRATIVE COSTS, TO PROVIDE FOR THE PURPOSES FOR WHICH GRANTS MAY BE AWARDED AND TO REQUIRE PROJECT SPONSORS TO MATCH FUNDS GRANTED FOR EACH PROJECT.

[S 1339](#), [S 1340](#), [S 1341](#), [S 1342](#), and [S 1343](#) 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 1248](#), [S 1250](#), [S 1251](#), and [S 1323](#), by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

[H 397](#), by Transportation and Defense Committee, was read the second time at length and filed for third reading.

[H 412](#), [H 413](#), and [H 437](#), by State Affairs Committee, were read the second time at length and filed for third reading.

[S 1305](#), by Education Committee, was read the second time at length and filed for third reading.

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 Werk, by voice vote, the Senate adjourned at 12:06 p.m. until the hour of 11 a.m., Friday, February 12, 2010.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

THIRTY-THIRD LEGISLATIVE DAY FRIDAY, FEBRUARY 12, 2010

Senate Chamber

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

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

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Sara Schaefer, 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 11, 2010, 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.

Senator Broadsword was recorded present at this order of business.

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

Petitions, Resolutions, and Memorials

SP 102

BY AGRICULTURAL AFFAIRS COMMITTEE

A PROCLAMATION

COMMENDING KARA JACKSON FOR TIRELESSLY PROMOTING THE IMPORTANCE OF IDAHO AGRICULTURE, FOR SERVING AS AN OUTSTANDING ROLE MODEL TO IDAHO STUDENTS AND FOR HER CONTINUED EFFORTS AS AN AMBASSADOR FOR IDAHO AND AGRICULTURE.

We, the members of the Senate and House of Representatives of the State of Idaho assembled in the Second Regular Session of the Sixtieth Idaho Legislature, commend Miss Idaho Kara Jackson.

WHEREAS, Kara Jackson was crowned Miss Idaho in June 2009; and

WHEREAS, Kara Jackson grew up on a small farm in Ada County where, through her involvement in 4-H and the Future Farmers of America, she learned to appreciate agriculture's contribution to the state economy and the health and well-being of its residents; and

WHEREAS, as a contestant in the Miss America Scholarship program, Kara Jackson was required to develop a community service platform. Understanding the importance of knowing where our food comes from, Miss Jackson chose to educate and increase awareness of the importance agriculture has on our daily lives through her platform titled, "Modern Agriculture: Supporting and Sustaining Society"; and

WHEREAS, our Miss Idaho works diligently to increase awareness that Americans continue to enjoy safe, affordable food because of modern agriculture; and

WHEREAS, our Miss Idaho has been active in spreading her message across the entire Gem State as well as across the country. Her endeavors include distributing 4,000 "I'm a Fan of Farmers" fans at our state fairs, participating in tours with Idaho's agricultural producers, volunteering at the Food Producers of Idaho Ag Pavilion, serving as a keynote speaker at the American Farm Bureau Conference for Promotion and Education in Wichita, Kansas, and sharing her agricultural message with students at dozens of schools across the state; and

WHEREAS, our Miss Idaho traveled more than 6,000 miles across the state spreading her message as an unofficial ambassador of agriculture; and

WHEREAS, Miss Idaho Kara Jackson promoted Idaho potatoes to a nationally televised audience at the Miss America pageant on January 30, 2009.

NOW, THEREFORE, BE IT PROCLAIMED by the members of the Senate and the House of Representatives assembled in the Second Regular Session of the Sixtieth Idaho Legislature, that Kara Jackson, Miss Idaho 2009, is hereby commended for tirelessly promoting the importance of Idaho agriculture, for serving as an outstanding role model to Idaho students and for her continued efforts as an ambassador for Idaho and agriculture.

SCR 115

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND EXPRESSING GRATITUDE AND RECOGNIZING ALL PERSONS AND ENTITIES THAT WORKED ON AND WERE

ASSOCIATED WITH THE RENOVATION OF THE CAPITOL BUILDING OF THE STATE OF IDAHO.

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

WHEREAS, the Idaho State Capitol Building in Boise has been the historic center of lawmaking since it was originally constructed, beginning in 1905, and completed in 1920, employing over 2,000 people at a cost of \$2,098,455.05; and

WHEREAS, the Legislature of the State of Idaho in 1998 authorized the Idaho State Capitol Commission to create master plans ten years in the making that would ensure the Capitol Building's preeminence for future generations through a historic restoration and expansion of the people's house, accommodating more participants of the legislative process and ensuring its survival for years to come; and

WHEREAS, the project was authorized in 1998, with master plans developed in 2000 and 2005, fundraising taking place therein, and building commencing in 2007, with the entire renovation reaching completion in 2009; and

WHEREAS, the goal of this restoration and expansion project was to preserve historic features and value of the building, to restore everything to its original appearance after the completion of the project, to rehabilitate by making good use of the building while still preserving its historic and architectural integrity, and to expand underground with the addition of atrium wings to make for a larger, more spacious public viewing of the legislative hearing rooms; and

WHEREAS, much of the restoration included safety, fire, electrical, heating, ventilating and air conditioning improvements, as well as refurbishing the marble flooring, wooden flooring and doors, light fixtures and windows; and

WHEREAS, thousands of people worked on the restoration project as thousands did during its original construction making this \$120 million project possible.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we honor, express gratitude and recognize the vision, creativity and hard work of all those responsible for the notable success of the Capitol Renovation Project including the Capitol Commission members past and present, the Division of Public Works project team, the architects, designers and construction entities, and last but not least, the hundreds of workers, artisans and craftsmen responsible for the superb quality of the Capitol Renovation, who have left a direct personal legacy for generations of Idahoans to enjoy when they visit our beautiful Capitol.

[SP 102](#) and [SCR 115](#) 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

February 12, 2010

The JUDICIARY AND RULES Committee reports that [S 1339](#), [S 1340](#), [S 1341](#), [S 1342](#), and [S 1343](#) have been correctly printed.

DARRINGTON, Chairman

[S 1339](#) was referred to the Health and Welfare Committee.

[S 1340](#) and [S 1341](#) were referred to the Judiciary and Rules Committee.

[S 1342](#) and [S 1343](#) were referred to the Resources and Environment Committee.

February 11, 2010

The COMMERCE AND HUMAN RESOURCES Committee reports out [S 1247](#) with the recommendation that it do pass, and with the recommendation that it be placed on the Consent Calendar.

ANDREASON, Chairman

[S 1247](#) was filed for second reading.

February 11, 2010

The COMMERCE AND HUMAN RESOURCES Committee reports out [S 1252](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

ANDREASON, Chairman

There being no objection, [S 1252](#) was referred to the Fourteenth Order of Business, General Calendar.

February 11, 2010

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 Bronson to the State Soil Conservation Commission, term to expire July 1, 2014.

CORDER, 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 12, 2010

The STATE AFFAIRS Committee reports out [H 390](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[H 390](#) 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 11, 2010

The Honorable Brad Little
President of the Senate

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 1268](#)

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor of Idaho

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

February 11, 2010

Dear Mr. President:

I transmit herewith [H 414](#), [H 430](#), [HCR 38](#), [H 386](#), as amended, and [H 444](#), as amended, which have passed the House.

ALEXANDER, Chief Clerk

[H 414](#), [H 430](#), [HCR 38](#), [H 386](#), as amended, and [H 444](#), as amended, were filed for first reading.

February 11, 2010

Dear Mr. President:

I return herewith [S 1292](#) and [S 1293](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1292](#) and [S 1293](#) were referred to the Judiciary and Rules Committee for enrolling.

February 11, 2010

Dear Mr. President:

I transmit herewith Enrolled [H 418](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 418](#) and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Bob Bolinder was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Fulcher, seconded by Senator Kelly, the Gubernatorial appointment of Bob Bolinder 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.

The President announced that 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 McKenzie, seconded by Senator Kelly, the Gubernatorial appointment of Charles Hedemark 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 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 the State Affairs Committee report relative to the Gubernatorial appointment of Dyke Nally was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Davis, seconded by Senator Kelly, the Gubernatorial appointment of Dyke Nally as Director of the Idaho State Liquor Division 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 the State Affairs Committee report relative to the Gubernatorial appointment of Gary Saylor 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 Kelly, the Gubernatorial appointment of Gary Saylor as Adjutant General of the Idaho Military Division 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

S 1344

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO INVASIVE SPECIES; AMENDING SECTION 22-1904, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 22-1908, IDAHO CODE, TO REQUIRE CERTAIN PRESENTATIONS FOR INSPECTION; AMENDING SECTION 22-1910, IDAHO CODE, TO REVISE HOLD ORDER PROVISIONS AND TO PROVIDE THAT HOLD ORDERS SHALL CONTAIN CERTAIN INFORMATION; AND AMENDING CHAPTER 19, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-1910A, IDAHO CODE, TO SPECIFY PROVISIONS FOR ENFORCEMENT BY PEACE OFFICERS AND TO PROVIDE THAT THE DIRECTOR OF THE IDAHO STATE DEPARTMENT OF AGRICULTURE SHALL ISSUE HOLD ORDERS UPON IMPOUNDMENT.

S 1345

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO LIVESTOCK; AMENDING TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 28, TITLE 6, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR A LIMITATION OF LIABILITY FOR CERTAIN LIVESTOCK

ACTIVITIES, TO PROVIDE FOR APPLICATION AND TO PROVIDE EXCEPTIONS.

S 1346

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO BEEF CATTLE ANIMAL FEEDING OPERATIONS; AMENDING SECTION 22-4909A, IDAHO CODE, TO PROVIDE THAT THE IDAHO DEPARTMENT OF AGRICULTURE SHALL HAVE AUTHORITY TO ADMINISTER WATER QUALITY LAWS IN REGARD TO CERTAIN BEEF CATTLE ANIMAL FEEDING OPERATIONS AND TO PROVIDE THAT INFORMATION RELATING TO NUTRIENT MANAGEMENT PLANS SHALL BE CONFIDENTIAL.

S 1347

BY COMMERCE AND HUMAN RESOURCES

COMMITTEE

AN ACT

RELATING TO MINIMUM WAGE; AMENDING SECTION 44-1502, IDAHO CODE, TO PROVIDE THAT IDAHO MINIMUM WAGE LAW EXEMPTIONS SHALL CONFORM TO AND TRACK WITH FEDERAL MINIMUM WAGE LAW EXEMPTIONS; AND AMENDING SECTION 44-1504, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM APPLICATION OF MINIMUM WAGE LAW TO CERTAIN ESTABLISHMENTS, CAMPS AND EDUCATIONAL CONFERENCE CENTERS; AND DECLARING AN EMERGENCY.

S 1348

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO RULES OF THE ROAD; AMENDING SECTION 49-631, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO A DRIVER PASSING A BICYCLE OR OTHER HUMAN-POWERED VEHICLE OR PEDESTRIAN IN THE SAME DIRECTION AND IN THE SAME LANE WHEN THERE IS ONCOMING TRAFFIC AND TO PROVIDE THAT SUCH DRIVER SHALL ALLOW ONCOMING VEHICLES AT LEAST ONE-HALF THE MAIN TRAVELED PORTION OF THE ROADWAY AND TO ALLOW THE BICYCLE OR OTHER HUMAN-POWERED VEHICLE OR PEDESTRIAN AT LEAST THREE FOOT SEPARATION, TO PROVIDE THAT A PEDESTRIAN OR THE OPERATOR OF A BICYCLE OR OTHER HUMAN-POWERED VEHICLE SHALL TURN OFF OR STEP OFF THE ROADWAY TO ALLOW FOLLOWING VEHICLES TO PASS; AMENDING SECTION 49-632, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO THE OVERTAKING AND PASSING OF BICYCLES, OTHER HUMAN-POWERED VEHICLES AND PEDESTRIANS PROCEEDING IN THE SAME DIRECTION, TO CLARIFY LANGUAGE, TO PROVIDE THAT THE DRIVER OF A VEHICLE OVERTAKING A BICYCLE OR OTHER HUMAN-POWERED VEHICLE OR PEDESTRIAN SHALL PASS AT A SAFE DISTANCE OF NOT LESS THAN THREE FEET TO THE LEFT, TO PROVIDE THAT THE DRIVER OF A VEHICLE OVERTAKING A BICYCLE OR OTHER HUMAN-POWERED VEHICLE OR PEDESTRIAN SHALL NOT MAKE A RIGHT TURN UNTIL SAFELY PAST, TO PROVIDE THAT A PEDESTRIAN OR THE OPERATOR OF A BICYCLE OR OTHER HUMAN-POWERED VEHICLE SHALL TURN OFF OR STEP OFF THE ROADWAY TO ALLOW FOLLOWING VEHICLES TO PASS; AMENDING

SECTION 49-633, IDAHO CODE, TO PROVIDE THAT THE DRIVER OF A MOTOR VEHICLE UPON A ONE-WAY ROADWAY WITH TWO OR MORE MARKED TRAFFIC LANES, WHEN OVERTAKING CERTAIN BICYCLE, OTHER HUMAN-POWERED VEHICLE OR PEDESTRIAN PROCEEDING THE SAME DIRECTION, SHALL ALLOW A THREE FOOT SEPARATION BETWEEN THE LEFT SIDE OF THE DRIVER'S VEHICLE AND THE RIGHT SIDE OF THE BICYCLE, OTHER HUMAN-POWERED VEHICLE OR PEDESTRIAN, AND TO PROVIDE THAT A PEDESTRIAN OR THE OPERATOR OF A BICYCLE OR OTHER HUMAN-POWERED VEHICLE SHALL TURN OFF OR STEP OFF THE ROADWAY TO ALLOW FOLLOWING VEHICLES TO PASS; AND AMENDING SECTION 49-634, IDAHO CODE, TO PROVIDE THAT CERTAIN PROVISIONS SHALL NOT APPLY TO THE DRIVER OF A VEHICLE PASSING A BICYCLE OR OTHER HUMAN-POWERED VEHICLE OR PEDESTRIAN IN CERTAIN SITUATIONS WHEN PASSING CAN BE MADE IN SAFETY.

S 1349

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES AND PEDESTRIANS AND BICYCLES; AMENDING SECTION 49-702, IDAHO CODE, TO PROVIDE THAT NO PEDESTRIAN, BICYCLIST OR HUMAN-POWERED VEHICLE SHALL SUDDENLY LEAVE A CURB OR OTHER PLACE OF SAFETY AND WALK, RUN OR RIDE INTO THE PATH OF A VEHICLE; AND AMENDING CHAPTER 7, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-725, IDAHO CODE, TO PROVIDE THAT EVERY BICYCLE, WHEN OPERATED UPON A ROADWAY, SHALL BE EQUIPPED WITH AT LEAST ONE BRAKE ADEQUATE TO CONTROL THE MOVEMENT AND TO STOP AND HOLD SUCH BICYCLE.

S 1350

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO RULES OF THE ROAD; AMENDING CHAPTER 6, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-638A, IDAHO CODE, TO PROVIDE THAT NO DRIVER OF A MOTOR VEHICLE OR PASSENGER OF A MOTOR VEHICLE SHALL THREATEN, SOUND A HORN, SHOUT OR OTHERWISE DIRECT SOUND TOWARD ANY PEDESTRIAN OR PERSON OPERATING A BICYCLE OR HUMAN-POWERED VEHICLE UPON A ROADWAY OR THROW AN OBJECT AT OR IN THE DIRECTION OF ANY SUCH PERSON, OR ENGAGE IN CONDUCT THAT CREATES A RISK OF DEATH OR SERIOUS PHYSICAL INJURY TO SUCH PERSON, TO PROVIDE FOR A MISDEMEANOR, AND TO PROVIDE FOR A CIVIL PENALTY.

S 1351

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES, PEDESTRIANS AND BICYCLES; AMENDING CHAPTER 7, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-719, IDAHO CODE, TO ESTABLISH THE IDAHO SAFE ROUTES TO SCHOOL FUND, TO PROVIDE FOR MONEYS TO BE CREDITED TO THE FUND, TO PROVIDE FOR

CONTINUOUS APPROPRIATION AND TO PROVIDE FOR EXPENDITURES FROM THE FUND; AMENDING CHAPTER 7, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-726, IDAHO CODE, TO PROVIDE FOR INFRACTIONS, TO PROVIDE FOR A CIVIL PENALTY, AND TO PROVIDE FOR THE REMITTANCE OF MONEYS.

S 1352
BY TRANSPORTATION COMMITTEE
AN ACT

RELATING TO DRIVING WHILE TEXTING; AMENDING SECTION 49-121, IDAHO CODE, TO DEFINE THE TERM "TEXTING" AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-529, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND AMENDING SECTION 49-1401, IDAHO CODE, TO PROVIDE THAT TEXTING WHILE DRIVING SHALL CONSTITUTE INATTENTIVE DRIVING.

S 1353
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO ABORTION AND END OF LIFE CARE; AMENDING CHAPTER 6, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-611, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FREEDOM OF CONSCIENCE FOR HEALTH CARE PROFESSIONALS, TO PROVIDE IMMUNITY FROM LIABILITY, TO PROVIDE AN EXCEPTION FOR EMERGENCIES AND TO PROHIBIT DISCRIMINATION; AND PROVIDING SEVERABILITY.

S 1354
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO DEVELOPMENT OF THERMAL ENERGY SYSTEMS BY SCHOOL DISTRICTS; AMENDING CHAPTER 6, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-604, IDAHO CODE, TO AUTHORIZE SCHOOL DISTRICTS TO DEVELOP, OWN, MAINTAIN, OPERATE AND CONTRACT FOR THE DEVELOPMENT OF THERMAL HEATING AND COOLING ENERGY GENERATION AND DISTRIBUTION SYSTEMS; AMENDING CHAPTER 6, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-605, IDAHO CODE, TO AUTHORIZE SCHOOL DISTRICTS TO SELL THERMAL ENERGY; AND AMENDING SECTION 33-1102, IDAHO CODE, TO AUTHORIZE THE ISSUANCE OF SCHOOL BONDS FOR THE PURPOSE OF ACQUIRING THERMAL ENERGY SYSTEMS.

[S 1344](#), [S 1345](#), [S 1346](#), [S 1347](#), [S 1348](#), [S 1349](#), [S 1350](#), [S 1351](#), [S 1352](#), [S 1353](#), and [S 1354](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 414](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 430](#), by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[HCR 38](#), by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

[H 386](#), 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 444](#), as amended, 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

[H 451](#), [H 452](#), and [H 453](#), by Environment, Energy, and Technology Committee, were read the second time at length and filed for third reading.

[S 1321](#), by Health and Welfare Committee, was read the second time at length and filed for third reading.

[H 443](#), by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

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.

LINCOLN DAY SERVICE

The Lincoln Day Program was presented to the members of the Senate with Co-chairman Senator Melinda Smyser providing opening remarks. The Prayer was offered by Phil Moran, Pastor, Covenant Presbyterian Church, Boise and the Star Spangled Banner was sung by Elise Knapp, 2010 Senate Page, Parma, Idaho.

Former Lt. Governor David Leroy, Chairman of the Idaho Abraham Lincoln Bicentennial Commission, provided comments remembering President Lincoln as "Idaho and Lincoln, the Great Emancipator." The Parma High School Choristers, under the direction of Jeanne Kusterer, performed two musical selections.

Concluding remarks were provided by Co-chairman Senator Winder and the Lincoln Day Service was dissolved. The Chairmen extended their gratitude to all who helped with the program including Jane Wittmeyer and Tricia Crump.

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 Kelly, by voice vote, the Senate adjourned at 12:08 p.m. until the hour of 11 a.m., Monday, February 15, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

THIRTY-SIXTH LEGISLATIVE DAY
MONDAY, FEBRUARY 15, 2010

Senate Chamber

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

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

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Rachel Schiell-Pagel, 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 12, 2010, 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 116

BY RESOURCES AND ENVIRONMENT COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN FINAL RULE OF THE IDAHO DEPARTMENT OF FISH AND GAME RELATING TO RULES GOVERNING CLASSIFICATION AND PROTECTION OF WILDLIFE.

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 a certain final rule of the Idaho Department of Fish and Game relating to Rules Governing Classification and Protection of Wildlife is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 13.01.06, Rules Governing Classification and Protection of Wildlife, Section 200, Protected Nongame Species, Subsection .04, only, a final rule, be, and the same is hereby rejected and declared null, void and of no force and effect.

SJM 104

BY AGRICULTURAL 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 Sixtieth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, since the year 2007, all horse processing facilities throughout the United States have been closed, resulting in an ever increasing issue of concern for many citizens; and

WHEREAS, federal legislation has been introduced to amend Title 18 of the U.S. Code to make it illegal to knowingly possess, ship, transport, purchase, sell, deliver or receive any horse intended for human consumption; and

WHEREAS, annual congressional appropriation provisions enacted since fiscal year 2008 have prohibited the expenditure

of any federal funding for the inspection of horses prior to processing for human consumption and prohibited the United States Department of Agriculture from issuing rules that provide for a user-fee system for inspections; and

WHEREAS, the loss of secondary markets has severely impacted the livestock industry by eliminating the salvage value of horses and has dramatically reduced the market value of all horses; and

WHEREAS, prohibitions regarding the processing of horses have resulted in significant increases in abandoned and starving animals and have had significant economic impact on the entire equine industry. The Humane Society of the United States has acknowledged the extreme costs and staff time needed to shelter unwanted horses; and

WHEREAS, the American Association of Equine Practitioners has estimated the cost of a horse's basic care is approximately \$1,825 annually not including veterinary and farrier care; and

WHEREAS, the National Horse Protection Coalition, a proponent of processing bans, acknowledges that rescue organizations will not adopt all unwanted horses and some will indeed be euthanized; and

WHEREAS, the American Horse Protection Association has observed that not all sanctuaries may have the means or business skills to take in large numbers of horses, and that no nationwide standard-setting or oversight system exists for them at this time; and

WHEREAS, in 2006, the last full year in which horse processing was done in the United States, 105,000 surplus horses were processed. The United States Bureau of Land Management was housing in excess of 31,000 surplus wild horses in holding facilities as of September, 2009; and

WHEREAS, issues related to the humane handling and processing of surplus horses are best addressed by proper regulations and inspection and state agriculture and rural leaders recognize the necessity and benefit of a state's ability to direct the transport and processing of horses.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that Congress is urged to oppose federal legislation that interferes with a state's ability to direct the transport and processing of horses and is encouraged to discontinue language in the yearly appropriation bills which has effectively ended processing of horses in the 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 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 116](#) and [SJM 104](#) 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

February 15, 2010

The JUDICIARY AND RULES Committee reports that [S 1344](#), [S 1345](#), [S 1346](#), [S 1347](#), [S 1348](#), [S 1349](#), [S 1350](#), [S 1351](#), [S 1352](#), [S 1353](#), [S 1354](#), [SP 102](#), and [SCR 115](#) have been correctly printed.

DARRINGTON, Chairman

[S 1344](#), [S 1345](#), and [S 1346](#) were referred to the Agricultural Affairs Committee.

[S 1347](#) was referred to the Commerce and Human Resources Committee.

[S 1348](#), [S 1349](#), [S 1350](#), [S 1351](#), and [S 1352](#) were referred to the Transportation Committee.

[S 1353](#) and [S 1354](#) were referred to the State Affairs Committee.

[SP 102](#) and [SCR 115](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 12, 2010

The JUDICIARY AND RULES Committee reports that [S 1292](#) and [S 1293](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1292](#) and [S 1293](#) 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 Ninth Order of Business.

Messages from the House

February 12, 2010

Dear Mr. President:

I transmit herewith [HCR 36](#) and [HCR 37](#), which have passed the House.

ALEXANDER, Chief Clerk

[HCR 36](#) and [HCR 37](#) were filed for first reading.

February 12, 2010

Dear Mr. President:

I transmit herewith Enrolled [H 388](#), [H 439](#), and [H 440](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 388](#), [H 439](#), and [H 440](#) and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the State Affairs 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 Fulcher, 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.

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Richelle Sugiyama was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Winder, seconded by Senator Kelly, the Gubernatorial appointment of Richelle Sugiyama 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.

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

On motion by Senator Schroeder, seconded by Senator Kelly, the Gubernatorial appointment of Richard Bronson 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 Senate advanced to the Eleventh Order of Business.

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

S 1355

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO FOREST PRODUCTS; AMENDING SECTION 38-1209, IDAHO CODE, TO PROVIDE THAT CERTAIN ASSESSMENTS SHALL NOT BE LEVIED MORE THAN ONCE UNLESS EXPRESSLY PROVIDED BY SPECIFIED LAW, TO PROVIDE THAT CERTAIN ASSESSMENTS SHALL BE LEVIED AGAINST AND PAID BY BOTH THE TIMBER OWNER AND THE TIMBER PURCHASER, TO PROVIDE AN EXCEPTION, TO PROVIDE THAT ASSESSMENTS SHALL BE LEVIED TWICE IN AN EQUAL AMOUNT, TO PROVIDE THAT CERTAIN ASSESSMENTS SHALL NOT BE LEVIED AGAINST THE STATE OF IDAHO, TO PROVIDE THAT THE TIMBER PURCHASER SHALL WITHHOLD ASSESSED MONEY OWED BY THE TIMBER OWNER, TO PROVIDE FOR PAYMENT TO THE BOARD AND TO PROVIDE FOR TRANSMITTAL OF ASSESSMENT MONEY BY THE TIMBER PURCHASER.

S 1356

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO OUTFITTERS AND GUIDES; AMENDING SECTION 36-2103, IDAHO CODE, TO DELETE DUPLICATIVE VERBIAGE, TO PROVIDE AN EXCEPTION TO APPLICABILITY OF SPECIFIED LAW RELATING TO CERTAIN COLLEGES AND UNIVERSITIES, INCLUDING EMPLOYEES AND STUDENTS AND TO PROVIDE CONDITIONS.

[S 1355](#) and [S 1356](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[HCR 36](#) and [HCR 37](#), by State Affairs Committee, were introduced, read at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1247](#), by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

[H 390](#), 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 1299](#), 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Andreason, Pearce. Total - 2.

Total - 35.

Whereupon the President declared [S 1299](#) passed, title was approved, and the bill ordered transmitted to the House.

Senator Pearce was recorded present at this order of business.

[H 441](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 441](#) passed, title was approved, and the bill ordered returned to the House.

[H 380](#) 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 380](#) passed, title was approved, and the bill ordered returned to the House.

Senator Andreason was recorded present at this order of business.

[H 381](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 381](#) passed, title was approved, and the bill ordered returned to the House.

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 Senators Brackett and Mortimer. The Invocation was delivered by Senator Mortimer. Musical selections, "Monti's Chardas" and "Suite No. One Prelude" were performed by Miss Idaho, Kara Jackson. The Service was coordinated by June Keithly and Mary Harvey, Senate Attaches.

IN THE SENATE A SENATE MEMORIAL

A SENATE MEMORIAL

WHEREAS, the late Senator BRUCE L. SWEENEY passed on since the close of the First Regular Session of the Sixtieth Legislature to wit, August 18, 2009.

WHEREAS, the late Senator BRUCE L. SWEENEY served in the interest of Nez Perce County during the 47th through the 54th Legislatures.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Second Regular Session of the Sixtieth Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator BRUCE L. SWEENEY; and

BE IT FURTHER RESOLVED that the Senate of the Second Regular Session of the Sixtieth Idaho 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 BRUCE L. SWEENEY family.

On motion by Senator Stegner, seconded by Senator Kelly, the Memorial to the late Senator Sweeney was adopted by voice vote. The Benediction was offered by Senate Chaplain, Pastor Montie Ralstin and the Memorial Service was dissolved.

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

Petitions, Resolutions, and Memorials

On motion by Senator Davis, seconded by Senator Kelly, by voice vote the Senate recessed at 12:20 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 Little presiding.

Roll call showed all members present except Senators Cameron, Goedde, Keough, and Stegner, absent and excused.

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

Senator Goedde was recorded present at this order of business.

SCR 117 BY HEALTH AND WELFARE COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DEPARTMENT OF HEALTH AND WELFARE RELATING TO RULES GOVERNING CERTIFIED FAMILY HOMES.

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 a certain rule of the Department of Health and Welfare relating to Rules Governing Certified Family Homes is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 16.03.19, Rules Governing Certified Family Homes, Section 701, Manufactured Homes, Subsection 01.a, only, a final rule, be, and the same is hereby rejected and declared null, void and of no force and effect.

SCR 118 BY RESOURCES AND ENVIRONMENT COMMITTEE

A CONCURRENT RESOLUTION

STATING THE FINDINGS OF THE LEGISLATURE AND STRONGLY ENCOURAGING AND URGING THE IDAHO DEPARTMENT OF FISH AND GAME AND THE GOVERNOR'S OFFICE OF SPECIES CONSERVATION TO TAKE THE LEAD IN ARRANGING MEETINGS WITH SIMILAR AGENCIES IN OTHER STATES TO ESTABLISH, THROUGH DIALOGUE, COOPERATIVE AND

COLLABORATIVE EFFORTS IN ADDRESSING ISSUES RELATING TO WOLF MANAGEMENT AND CONTROL.

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

WHEREAS, since the delisting of wolves in May of 2009, Idaho's Department of Fish and Game has been tasked with the management of wolves in the state of Idaho; and

WHEREAS, the mission of the Governor's Office of Species Conservation is to coordinate policies and programs related to the conservation of threatened, endangered and candidate species in Idaho; and

WHEREAS, there are roughly a dozen states in the country where gray wolves exist in the wild and many of those states are also involved in addressing issues relating to wolf population and management, particularly in the upper Great Lakes region and the Northern Rocky Mountain region; and

WHEREAS, past and present litigation involving gray wolves has cost the state of Idaho a significant amount of public money and resources. Other states have also been faced with lengthy litigation efforts involving gray wolves; and

WHEREAS, in numerous areas of the country, wolves are addressed regionally by the U.S. Fish and Wildlife Service. The actions of one state can thereby impact other states considered to be part of its region; and

WHEREAS, cooperative and collaborative efforts between state agencies is often of significant value and benefit in addressing and resolving issues of common concern, including natural resource related issues that overlap state borders.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we strongly encourage and urge the Idaho Department of Fish and Game and the Governor's Office of Species Conservation to take the lead in arranging meetings with similar agencies in other states to establish, through dialogue, cooperative and collaborative efforts in addressing issues relating to wolf management and control.

SCR 117 and SCR 118 were 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

S 1357 BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLE SERVICE CONTRACTS; AMENDING SECTION 49-2803, IDAHO CODE, TO PROVIDE FOR APPLICATION OF LAW, TO PROVIDE PROVISIONS AND REQUIREMENTS RELATING TO SERVICE CONTRACT LIABILITY POLICIES; AND AMENDING CHAPTER 28, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-2805A, IDAHO CODE, TO PROVIDE THAT IT SHALL BE UNLAWFUL FOR ANY COMPANY TO REPRESENT IN ANY MANNER A FALSE, DECEPTIVE OR MISLEADING STATEMENT REGARDING SUCH COMPANY'S AFFILIATION WITH CERTAIN MANUFACTURERS, SUCH COMPANY'S POSSESSION OF INFORMATION REGARDING CERTAIN MANUFACTURER'S EQUIPMENT WARRANTIES, ALL INDICATIONS THAT SUCH COMPANY'S RECORDS SHOW A CERTAIN WARRANTY IS NEARING OR PAST EXPIRATION, A REQUIREMENT THAT A VEHICLE

OWNER REGISTER FOR A CERTAIN CONTRACT, AND TO PROVIDE FOR A MISDEMEANOR, TO PROVIDE FOR PENALTIES, AND TO PROVIDE FOR ENFORCEMENT.

S 1358
BY TRANSPORTATION COMMITTEE
AN ACT

RELATING TO RECREATIONAL ACTIVITIES AND REGISTRATION FEES; AMENDING SECTION 67-7122, IDAHO CODE, TO REVISE A DATE AND A REGISTRATION FEE AND TO REVISE A RENEWAL FEE; AMENDING SECTION 67-7126, IDAHO CODE, TO REVISE A FEE REFERENCE AND TO PROVIDE THAT THREE DOLLARS FROM A REGISTRATION FEE SHALL BE DEPOSITED INTO THE OFF-HIGHWAY VEHICLE LAW ENFORCEMENT FUND.

S 1359
BY TRANSPORTATION COMMITTEE
AN ACT

RELATING TO DEALERS AND SALESMEN LICENSING; AMENDING SECTION 49-1603, IDAHO CODE, TO INCREASE THE NUMBER OF VOTING MEMBERS ON THE DEALER ADVISORY BOARD AND TO PROVIDE FOR ONE NONVOTING MEMBER ON THE DEALER ADVISORY BOARD.

S 1360
BY TRANSPORTATION COMMITTEE
AN ACT

RELATING TO THE SAFE BOATING ACT; AMENDING SECTION 67-7038, IDAHO CODE, TO PROVIDE THAT IT SHALL NOT BE A VIOLATION TO OPERATE A MOTORBOAT EQUIPPED WITH DEVICES PROVIDED BY THE MANUFACTURER AS STOCK EQUIPMENT THAT ARE NOT USED TO EXCEED CERTAIN NOISE LEVELS AND TO PROVIDE AN EXCEPTION FROM RESPONSIBILITY FOR MOTORBOAT DEALERS RELATING TO CERTAIN NOISE RESTRICTIONS.

S 1361
BY TRANSPORTATION COMMITTEE
AN ACT

RELATING TO DEALERS AND SALESMEN LICENSING; AMENDING SECTION 49-1602, IDAHO CODE, TO DELETE REFERENCE TO AN OPEN BOOK EXAMINATION AND TO PROVIDE EDUCATION REQUIREMENTS RELATING TO A PRELICENSING CLASS OR PROGRAM; AND AMENDING SECTION 49-1637, IDAHO CODE, TO DELETE REFERENCE TO A COMPREHENSIVE OPEN BOOK EXAMINATION AND TO PROVIDE EDUCATION REQUIREMENTS RELATING TO AN APPROVED PRELICENSING CLASS OR PROGRAM.

S 1362
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO PREVENTION OF MINORS' ACCESS TO TOBACCO AND PERMITTING OF TOBACCO PRODUCT RETAILERS; AMENDING SECTION 39-5704, IDAHO CODE, TO PROVIDE FOR RULES, TO PROVIDE FOR A FEE AND TO PROVIDE FOR THE REMITTANCE OF RECEIPTS; AND AMENDING SECTION 39-5716, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

S 1363
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO DISSOLVABLE TOBACCO; AMENDING CHAPTER 58, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-5813, IDAHO CODE, TO PROHIBIT THE SALE OF DISSOLVABLE TOBACCO WITH AN EXCEPTION.

S 1364
BY EDUCATION COMMITTEE
AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5203, IDAHO CODE, TO PROVIDE A CODE REFERENCE, TO PROVIDE FOR AN EXCEPTION TO THE NUMBER OF NEW PUBLIC CHARTER SCHOOLS THAT MAY BEGIN EDUCATIONAL INSTRUCTION IN ANY ONE SCHOOL YEAR, TO DEFINE A TERM AND TO PROVIDE THAT THE PUBLIC CHARTER SCHOOL COMMISSION SHALL DETERMINE WHETHER A NEW PUBLIC CHARTER SCHOOL MEETS CERTAIN QUALIFICATIONS.

S 1365
BY EDUCATION COMMITTEE
AN ACT

RELATING TO THE RURAL PHYSICIAN INCENTIVE FUND; AMENDING SECTION 33-3724, IDAHO CODE, TO PROVIDE FOR CERTAIN MONEYS PAYABLE INTO THE FUND; AND AMENDING SECTION 33-3725, IDAHO CODE, TO PROVIDE FOR A PREFERENCE.

S 1366
BY EDUCATION COMMITTEE
AN ACT

RELATING TO RECORDS EXEMPT FROM DISCLOSURE; AMENDING SECTION 9-340D, IDAHO CODE, TO EXEMPT CERTAIN FINANCIAL RECORDS OBTAINED OR CREATED BY THE DIRECTOR OF THE STATE BOARD OF EDUCATION OR A REPRESENTATIVE OF THE BOARD.

S 1367
BY EDUCATION COMMITTEE
AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-3717B, IDAHO CODE, TO PROVIDE RESIDENT STUDENT STATUS TO CERTAIN VETERANS AND CERTAIN OF THEIR DEPENDENTS.

S 1368
BY EDUCATION COMMITTEE
AN ACT

RELATING TO EDUCATION; PROVIDING LEGISLATIVE INTENT; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 57, TITLE 33, IDAHO CODE, TO PROVIDE FOR AN ONLINE TEACHING ENDORSEMENT, TO PROVIDE FOR RULES AND TO PROVIDE DEFINITIONS; AMENDING SECTION 33-1619, IDAHO CODE, TO REDESIGNATE THE SECTION; AND PROVIDING EFFECTIVE DATES.

S 1369
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO NATUROPATHIC PHYSICIANS; REPEALING CHAPTER 51, TITLE 54, IDAHO CODE,

RELATING TO NATUROPATHIC PHYSICIANS LICENSING ACT; AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 51, TITLE 54, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE PURPOSE AND INTENT, TO DEFINE TERMS, TO CREATE THE COMMISSION OF NATUROPATHIC MEDICINE, TO SPECIFY THE POWERS AND DUTIES OF THE COMMISSION OF NATUROPATHIC MEDICINE, TO PROVIDE FOR LICENSURE REQUIREMENTS, TO SPECIFY APPLICATION REQUIREMENTS, TO PROVIDE FOR AN APPROVED NATUROPATHIC MEDICAL PROGRAM, TO SPECIFY QUALIFICATIONS FOR LICENSURE, TO PROVIDE ALTERNATIVE QUALIFICATIONS FOR LICENSURE AND A DEADLINE FOR SUCH APPLICATIONS, TO PROVIDE A TITLE AND SCOPE OF PRACTICE OF LICENSED NATUROPATHIC PHYSICIANS, TO PROVIDE FOR HEARING COMMITTEES AND TO PROVIDE THE COMMISSION OF NATUROPATHIC MEDICINE AUTHORITY TO INVESTIGATE, HOLD HEARINGS AND ISSUE SUBPOENAS, TO PROVIDE FOR DISCIPLINARY ACTION, TO PROVIDE FOR AN ADMINISTRATIVE PROCEDURE, TO PROVIDE REQUIREMENTS RELATING TO NATUROPATHIC DOCTORS, TO CREATE THE NATUROPATHIC MEDICAL FORMULARY COUNCIL, TO SPECIFY THE COMPOSITION OF SUCH COUNCIL AND TO CLARIFY THE DUTIES AND LIMITATIONS OF SUCH COUNCIL, TO PROVIDE THAT CERTAIN CONDUCT IS PROHIBITED, TO PROVIDE EXEMPTIONS, TO PROVIDE FOR FEES, TO PROVIDE FOR ENFORCEMENT AND PENALTIES, TO PROVIDE REQUIREMENTS FOR LICENSES ISSUED PURSUANT TO THE NATUROPATHIC PHYSICIANS LICENSING ACT AND TO PROVIDE PREEMPTION; AMENDING SECTION 67-2601, IDAHO CODE, TO PROVIDE THAT THE COMMISSION OF NATUROPATHIC MEDICINE SHALL BE WITHIN THE DEPARTMENT OF SELF-GOVERNING AGENCIES; PROVIDING SEVERABILITY; AND PROVIDING A SUNSET DATE.

[S 1357](#), [S 1358](#), [S 1359](#), [S 1360](#), [S 1361](#), [S 1362](#), [S 1363](#), [S 1364](#), [S 1365](#), [S 1366](#), [S 1367](#), [S 1368](#), and [S 1369](#) 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 Kelly, by voice vote, the Senate adjourned at 4:20 p.m. until the hour of 10 a.m., Tuesday, February 16, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

THIRTY-SEVENTH LEGISLATIVE DAY TUESDAY, FEBRUARY 16, 2010

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

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

Prayer was offered by Chaplain Montie Ralstin.

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

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

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

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 15, 2010, 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 16, 2010

The JUDICIARY AND RULES Committee reports that [S 1355](#), [S 1356](#), [S 1357](#), [S 1358](#), [S 1359](#), [S 1360](#), [S 1361](#), [S 1362](#), [S 1363](#), [S 1364](#), [S 1365](#), [S 1366](#), [S 1367](#), [S 1368](#), [S 1369](#), [SCR 116](#), [SCR 117](#), [SCR 118](#), and [SJM 104](#) have been correctly printed.

DARRINGTON, Chairman

[S 1355](#) and [S 1356](#) were referred to the Resources and Environment Committee.

[S 1357](#), [S 1358](#), [S 1359](#), [S 1360](#), and [S 1361](#) were referred to the Transportation Committee.

[S 1362](#) and [S 1363](#) were referred to the Health and Welfare Committee.

[S 1364](#), [S 1365](#), [S 1366](#), [S 1367](#), and [S 1368](#) were referred to the Education Committee.

[S 1369](#) was referred to the Health and Welfare Committee.

On request by Senator Schroeder, granted by unanimous consent, [SCR 116](#) and [SCR 118](#) were referred to the Resources and Environment Committee.

On request by Senator Lodge, granted by unanimous consent, [SCR 117](#) was referred to the Health and Welfare Committee.

On request by Senator Corder, granted by unanimous consent, [SJM 104](#) was referred to the Agricultural Affairs Committee.

February 15, 2010

The RESOURCES AND ENVIRONMENT Committee reports out [S 1282](#), [S 1283](#), [S 1284](#), [S 1285](#), [S 1286](#), and [S 1328](#) with the recommendation that they do pass.

SCHROEDER, Chairman

[S 1282](#), [S 1283](#), [S 1284](#), [S 1285](#), [S 1286](#), and [S 1328](#) were filed for second reading.

February 15, 2010

The EDUCATION Committee reports out [S 1338](#) and [SJM 103](#) with the recommendation that they do pass.

GOEDDE, Chairman

[S 1338](#) was filed for second reading.

[SJM 103](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 12, 2010

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:

Nick Hallett to the Public Charter School Commission, term to expire May 12, 2010.

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.

February 15, 2010

The JUDICIARY AND RULES Committee reports out [H 421](#) and [H 422](#) with the recommendation that they do pass.

DARRINGTON, Chairman

[H 421](#) and [H 422](#) were filed for second reading.

February 15, 2010

The HEALTH AND WELFARE Committee reports out [S 1320](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

LODGE, Chairman

There being no objection, [S 1320](#) was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, 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 Senators Fulcher and Kelly to escort The Honorable Walt Minnick, United States Congressman, into the Senate Chamber where he addressed the members of the Senate.

The President Pro Tempore thanked Congressman Minnick for his remarks and Senators Fulcher and Kelly escorted him from the Chamber, and the committee was discharged.

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 1370

BY JUDICIARY AND RULES COMMITTEE AN ACT

RELATING TO EXEMPTIONS FROM ATTACHMENT; AMENDING SECTION 11-605, IDAHO CODE, TO PROVIDE ADDITIONAL EXEMPTIONS AND VALUE OF CERTAIN PERSONAL PROPERTY AND DISPOSABLE EARNINGS FROM ATTACHMENT; AND DECLARING AN EMERGENCY.

S 1371

BY JUDICIARY AND RULES COMMITTEE AN ACT

RELATING TO PRODUCER LICENSING; AMENDING SECTION 41-1037, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS AND PURPOSE RELATING TO BAIL AGENTS; AMENDING SECTION 41-1038, IDAHO CODE, TO PROVIDE DEFINITIONS AND TO FURTHER DEFINE TERMS; AMENDING SECTION 41-1039, IDAHO CODE, TO REVISE REQUIREMENTS AND AUTHORITY RELATING TO THE LICENSING OF BAIL AGENTS; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1039A, IDAHO CODE, TO PROVIDE NOTICE REQUIREMENTS; AMENDING SECTION 41-1040, IDAHO CODE, TO CLARIFY THE DEPARTMENT OF INSURANCE'S RESPONSIBILITY RELATING TO A SURETY PERFORMANCE BOND; AND AMENDING SECTION 19-2918, IDAHO CODE, TO PROVIDE A PROCEDURE TO STAY A CERTAIN OBLIGATION, TO GRANT THE ADMINISTRATIVE DISTRICT JUDGE AUTHORITY TO ORDER THE SHERIFFS AND CLERKS OF CERTAIN COUNTIES NOT TO ACCEPT THE POSTING OF NEW BAIL BONDS FROM CERTAIN SURETY INSURANCE COMPANIES AND TO PROVIDE A PROCESS AND REQUIREMENTS FOR ADDRESSING A POTENTIAL SUSPENSION OF A BAIL AGENT'S LICENSE.

S 1372

BY JUDICIARY AND RULES COMMITTEE AN ACT

RELATING TO ASSAULT AND BATTERY; AMENDING SECTION 18-915, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ASSAULT OR BATTERY UPON CERTAIN PERSONNEL.

[S 1370](#), [S 1371](#), and [S 1372](#) 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 384](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson,

Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Pearce. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [H 384](#) passed, title was approved, and the bill ordered returned to the House.

[H 385](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Pearce. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [H 385](#) passed, title was approved, and the bill ordered returned to the House. Senator Pearce was recorded present at this order of business.

[S 1308](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Pearce. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1308](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1265](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Acting 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, Bair, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes,

Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Brackett. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1265](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1266](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Acting 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, Bair, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Brackett. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1266](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1310](#) 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, Bair, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Brackett. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1310](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1313](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough,

LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Brackett. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1313](#) passed, title was approved, and the bill ordered transmitted to the House.

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 Senators Stegner and Bock to escort The Honorable Jim Risch, United States Senator, into the Senate Chamber where he addressed the members of the Senate.

The President Pro Tempore thanked Senator Risch for his remarks and Senators Stegner and Bock escorted him from the Chamber, and the Committee was discharged.

[S 1314](#) 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, Bair, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Brackett. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1314](#) passed, title was approved, and the bill ordered transmitted to the House.

President Pro Tempore Geddes called Senator Cameron to the Chair.

[S 1315](#) 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, Bair, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Brackett, Geddes. Total - 2.

Total - 35.

Whereupon the Acting President declared [S 1315](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1306](#) 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, Bair, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Brackett. Total - 1.

Total - 35.

Whereupon the Acting President declared [S 1306](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1248](#) 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, Bair, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Brackett. Total - 1.

Total - 35.

Whereupon the Acting President declared [S 1248](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1250](#) 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, Bair, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Brackett. Total - 1.

Total - 35.

Whereupon the Acting President declared [S 1250](#) passed, title was approved, and the bill ordered transmitted to the House.

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

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

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Schroeder, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 31.

NAYS—Mortimer, Siddoway. Total - 2.

Absent and excused—Brackett, Geddes. Total - 2.

Total - 35.

Whereupon the Acting President declared [S 1251](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [S 1323](#) retained its place on the Third Reading Calendar for one legislative day.

[H 397](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Brackett. Total - 1.

Total - 35.

Whereupon the Acting President declared [H 397](#) 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 Kelly, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 10 a.m., Wednesday, February 17, 2010.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

THIRTY-EIGHTH LEGISLATIVE DAY WEDNESDAY, FEBRUARY 17, 2010

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senators McKenzie and Winder, absent and formally excused by the

Chair; and President Pro Tempore Geddes and Senator Stegner, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Noah Bush, 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 16, 2010, 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 17, 2010

The JUDICIARY AND RULES Committee reports that [S 1370](#), [S 1371](#), and [S 1372](#) have been correctly printed.

DARRINGTON, Chairman

[S 1370](#), [S 1371](#), and [S 1372](#) were referred to the Judiciary and Rules Committee.

February 16, 2010

The HEALTH AND WELFARE Committee reports out [H 432](#) and [S 1339](#) with the recommendation that they do pass.

LODGE, Chairman

[H 432](#) and [S 1339](#) were filed for second reading.

February 16, 2010

The LOCAL GOVERNMENT AND TAXATION Committee reports out [S 1319](#) with the recommendation that it do pass.

HILL, Chairman

[S 1319](#) 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

President Pro Tempore Geddes and Senator Stegner were recorded present at this order of business.

February 16, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Rayelle Anderson of Rathdrum, Idaho, was appointed as a member of the Bingo-Raffle Advisory Board to serve a term commencing January 7, 2010, and expiring January 7, 2013.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 16, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Roy E. Decker of Heyburn, Idaho, was appointed as a member of the Bingo-Raffle Advisory Board to serve a term commencing January 7, 2010, and expiring January 7, 2013.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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 16, 2010

Dear Mr. President:

I transmit herewith [H 408](#), [H 409](#), [H 410](#), [H 411](#), [H 471](#), [H 472](#), [H 513](#), [H 464](#), and [H 465](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 408](#), [H 409](#), [H 410](#), [H 411](#), [H 471](#), [H 472](#), [H 513](#), [H 464](#), and [H 465](#) were filed for first reading.

February 16, 2010

Dear Mr. President:

I return herewith Enrolled [S 1292](#) and [S 1293](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1292](#) and [S 1293](#) 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 that [SP 102](#) was before the Senate for final consideration, the question being, "Shall the proclamation be adopted?"

On motion by Senator Smyser, seconded by Senator Kelly, [SP 102](#) was adopted by voice vote, title was approved, and the proclamation ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [SCR 115](#) retained its place on the calendar.

The President announced that [SJM 103](#) was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Goedde, seconded by Senator Kelly, [SJM 103](#) was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The President announced that [SCR 115](#), having been held, was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Kelly, [SCR 115](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

Senator McKenzie was recorded present at this order of business.

The President announced that the Education Committee report relative to the Gubernatorial appointment of Nick Hallett was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Schroeder, seconded by Senator Malepeai, the Gubernatorial appointment of Nick Hallett as a member of the Public Charter School 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

[H 408](#), [H 409](#), [H 410](#), and [H 411](#), by Resources and Conservation Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 471](#), [H 472](#), and [H 513](#), by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 464](#) and [H 465](#), 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 1282](#), [S 1283](#), [S 1284](#), [S 1285](#), [S 1286](#), and [S 1328](#), by Resources and Environment Committee, were read the second time at length and filed for third reading.

[S 1338](#), by Education Committee, was read the second time at length and filed for third reading.

[H 421](#) and [H 422](#), by Judiciary, Rules, and Administration Committee, were read the second time at length and filed for third reading.

At this time Senator Davis arose on a point of personal privilege to announce that a distinguished visitor had arrived, and the President appointed President Pro Tempore Geddes and Acting Senator Stennett to escort The Honorable Mike Crapo, United States Senator, into the Senate Chamber where he addressed the members of the Senate.

The President thanked Senator Crapo for his remarks and President Pro Tempore Geddes and Acting Senator Stennett escorted him from the Chamber, and the committee was discharged.

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

Miscellaneous Business

On motion by Senator Stegner, seconded by Senator Kelly, by voice vote, the Senate adjourned at 11:10 a.m. until the hour of 10:30 a.m., Thursday, February 18, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

THIRTY-NINTH LEGISLATIVE DAY THURSDAY, FEBRUARY 18, 2010

Senate Chamber

At the request of the President Pro Tempore, Senator Darrington called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senator Keough, absent and formally excused by the Chair; and President Pro Tempore Geddes and Senators Cameron and Malepeai, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Meredith DeMordaunt, 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 17, 2010, 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 119 BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND
REJECTING A CERTAIN RULE OF THE DIVISION OF
BUILDING SAFETY RELATING TO RULES OF BUILDING
SAFETY.

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 a certain rule of the Division of Building Safety relating to Rules of Building Safety is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 07.03.01, Rules of Building Safety, Rules of the Division of Building Safety, adopted as a pending rule under Docket Number 07-0301-0902, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

[SCR 119](#) 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, 2010

The JUDICIARY AND RULES Committee reports that Enrolled [S 1292](#) and [S 1293](#) were delivered to the Office of the Governor at 2:55 p.m., February 17, 2010.

DARRINGTON, Chairman

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

February 17, 2010

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 430](#), [S 1324](#), and [S 1327](#) with the recommendation that they do pass.

ANDREASON, Chairman

[H 430](#), [S 1324](#), and [S 1327](#) were filed for second reading.

February 17, 2010

The STATE AFFAIRS Committee reports out [H 391](#), as amended, [H 414](#), [HCR 38](#), and [HJM 10](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[H 391](#), as amended, and [H 414](#) were filed for second reading.

[HCR 38](#) and [HJM 10](#) 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, 2010

The JUDICIARY AND RULES Committee reports out [S 1322](#) and [S 1329](#) with the recommendation that they do pass.

DARRINGTON, Chairman

[S 1322](#) and [S 1329](#) were filed for second reading.

February 17, 2010

The JUDICIARY AND RULES Committee reports out [S 1330](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, [S 1330](#) was referred to the Fourteenth Order of Business, General Calendar.

February 18, 2010

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 386](#), as amended, with the recommendation that it do pass.

HILL, Chairman

[H 386](#), as amended, was filed for second reading.

February 17, 2010

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:

Rodger Lee Sorensen to the Idaho Aeronautics Advisory Board, term to expire January 31, 2015.

MCGEE, Chairman

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

Senator Malepeai 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

February 17, 2010

Dear Mr. President:

I transmit herewith [H 456](#), which has passed the House.

ALEXANDER, Chief Clerk

[H 456](#) was filed for first reading.

February 17, 2010

Dear Mr. President:

I return herewith [S 1294](#), which has passed the House.

ALEXANDER, Chief Clerk

[S 1294](#) was referred to the Judiciary and Rules Committee for enrolling.

February 17, 2010

Dear Mr. President:

I transmit herewith Enrolled [H 381](#), [H 380](#), and [H 441](#) for the signature of the President.

ALEXANDER, Chief Clerk

The Acting President announced that Enrolled [H 381](#), [H 380](#), and [H 441](#) will be held at the 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 1373

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO HOSPITAL LICENSES AND INSPECTION; TO PROVIDE LEGISLATIVE INTENT; AND AMENDING SECTION 39-1392c, IDAHO CODE, TO REVISE PROVISIONS RELATING TO IMMUNITY FROM CIVIL LIABILITY.

S 1374

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO BASIC DAYCARE LICENSING; AMENDING SECTION 39-1101, IDAHO CODE, TO REVISE POLICY; AMENDING SECTION 39-1102, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 39-1103, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE FOR THE ISSUANCE OF CERTAIN DAYCARE LICENSES BY THE DEPARTMENT UPON COMPLIANCE WITH MINIMUM STANDARDS; AMENDING SECTION 39-1104, IDAHO CODE, TO APPLY CERTAIN REQUIREMENTS TO OWNERS OF DAYCARE FACILITIES, TO PROVIDE THE DEPARTMENT OF HEALTH AND WELFARE DISCRETION TO CHARGE A DAYCARE OWNER OR OPERATOR FOR A REINSPECTION UNDER CERTAIN CIRCUMSTANCES AND TO REVISE TERMINOLOGY; AMENDING SECTION 39-1105, IDAHO CODE, TO REMOVE A LIST OF INFORMATION SOURCES TO BE INCLUDED IN A CRIMINAL HISTORY BACKGROUND CHECK, TO REQUIRE COMPLIANCE WITH AN IDAHO CODE PROVISION AND TO CLARIFY LANGUAGE; AMENDING SECTION 39-1106, IDAHO CODE, TO CLARIFY LANGUAGE, TO REVISE WHO IS REQUIRED TO UNDERGO A LIMITED CRIMINAL HISTORY BACKGROUND CHECK, TO REMOVE AN INFORMATION SOURCE TO BE INCLUDED IN CONDUCTING A LIMITED CRIMINAL HISTORY BACKGROUND CHECK, TO PROVIDE FOR THE JURISDICTION IN WHICH A CHECK OF JUVENILE RECORDS IS TO BE CONDUCTED AND TO PROVIDE FOR THE ISSUANCE OF A PROVISIONAL LICENSE; AMENDING SECTION 39-1107, IDAHO CODE, TO REMOVE LANGUAGE REGARDING CERTIFICATION OF A DAYCARE FACILITY, TO CLARIFY FROM WHOM FEES ARE TO BE COLLECTED, TO REVISE

LEGISLATIVE INTENT REGARDING FUNDING OF DAYCARE FACILITY LICENSING ADMINISTRATION AND TO CLARIFY LANGUAGE; AMENDING SECTION 39-1108, IDAHO CODE, TO REVISE TERMINOLOGY AND TO CLARIFY LANGUAGE; AMENDING SECTION 39-1109, IDAHO CODE, TO REQUIRE DAYCARE OWNERS AND OPERATORS TO COMPLY WITH CERTAIN SAFETY STANDARDS, TO REQUIRE CERTAIN SUPERVISION BY CERTAIN STAFF MEMBERS, TO REVISE THE CHILD TO STAFF RATIOS, THE DETERMINATION OF SUCH RATIOS AND THE MAXIMUM GROUP SIZE, TO REVISE THE MAXIMUM RATIO OF CHILDREN TO STAFF IN MIXED AGE GROUPS AND THE DETERMINATION OF SUCH RATIOS, TO PROVIDE CHILD TO STAFF RATIOS FOR DAYCARE CENTERS WITH SEPARATE ROOMS FOR CHILDREN OF DEFINED AGE GROUPS AND TO PROVIDE REQUIREMENTS FOR CHILD TO STAFF RATIOS AND MAXIMUM GROUP SIZE FOR DAYCARE CENTERS THAT COMBINE CLASSROOMS WITH MIXED AGE CHILDREN; AMENDING SECTION 39-1110, IDAHO CODE, TO REQUIRE DAYCARE OWNERS AND OPERATORS TO COMPLY WITH CERTAIN HEALTH STANDARDS AND TO REVISE TERMINOLOGY; AMENDING SECTION 39-1111, IDAHO CODE, TO PROVIDE RULEMAKING AUTHORITY TO SPECIFY OFFENSES AFFECTING ELIGIBILITY FOR DAYCARE LICENSE AND TO CLARIFY LANGUAGE; AMENDING SECTION 39-1113, IDAHO CODE, TO REVISE FROM WHOM CHAPTER COMPLIANCE IS REQUIRED, TO REMOVE A LISTING OF OFFENSES DISQUALIFYING A PERSON FROM ELIGIBILITY FOR A DAYCARE LICENSE, TO REMOVE A LISTING OF OFFENSES PRECLUDING ELIGIBILITY FOR A LICENSE FOR FIVE YEARS, TO REMOVE REFERENCE TO A PRIVILEGE TO OPERATE A FAMILY DAYCARE HOME, TO PROVIDE RULEMAKING AUTHORITY FOR OFFENSES PRECLUDING ELIGIBILITY FOR A DAYCARE LICENSE AND TO CLARIFY LANGUAGE; AMENDING SECTION 39-1114, IDAHO CODE, TO PROVIDE AN ELECTION TO COMPLY WITH CHAPTER PROVISIONS FOR AN OWNER OF A FAMILY DAYCARE HOME AND TO CLARIFY LANGUAGE; AMENDING SECTION 39-1115, IDAHO CODE, TO CLARIFY TO WHOM A GRACE PERIOD MAY BE APPLIED AND TO WHOM CRIMINAL PENALTIES SHALL BE APPLIED AND TO CLARIFY LANGUAGE; AMENDING SECTION 39-1117, IDAHO CODE, TO REMOVE REFERENCE TO A CERTIFICATE, TO APPLY DISCLAIMER LANGUAGE TO DAYCARE OWNERS AND OPERATORS AND TO CLARIFY LANGUAGE; AMENDING SECTION 39-1118, IDAHO CODE, TO APPLY CERTAIN IMMUNIZATION REQUIREMENTS TO AN OWNER OF A DAYCARE FACILITY, TO CLARIFY THE AUTHORITY TO PROMULGATE RULES REGARDING DAYCARE OWNERS AND OPERATORS AND TO CLARIFY LANGUAGE; AND AMENDING SECTION 39-1119, IDAHO CODE, TO REQUIRE THE OWNER OR OPERATOR OF A DAYCARE FACILITY TO COMPLY WITH CERTAIN TRAINING REQUIREMENTS AND TO REVISE TERMINOLOGY.

[S 1373](#) and [S 1374](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 456](#), 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 432](#), by Business Committee, was read the second time at length and filed for third reading.

[S 1339](#), by Health and Welfare Committee, was read the second time at length and filed for third reading.

[S 1319](#), by Local Government 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, [S 1323](#) retained its place on the Third Reading Calendar.

On request by Senator Davis, granted by unanimous consent, [S 1305](#) retained its place on the Third Reading Calendar for Wednesday, February 24, 2010.

On request by Senator Davis, granted by unanimous consent, [H 421](#) retained its place on the Third Reading Calendar for Monday, February 22, 2010.

Senator Cameron was recorded present at this order of business.

[H 412](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Geddes, Keough. Total - 2.

Total - 35.

Whereupon the Acting President declared [H 412](#) passed, title was approved, and the bill ordered returned to the House.

[H 413](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Geddes, Keough. Total - 2.

Total - 35.

Whereupon the Acting President declared [H 413](#) passed, title was approved, and the bill ordered returned to the House.

President Pro Tempore Geddes was recorded present at this order of business.

S 1323, 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—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Keough. Total - 1.

Total - 35.

Whereupon the Acting President declared S 1323 passed, title was approved, and the bill ordered transmitted to the House.

President Pro Tempore Geddes assumed the Chair.

H 437 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?"

Call of the Senate was requested by Senator Darrington.

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 Senators Cameron, Malepeai, McGee, Stegner, and Werk, absent; and Senator Keough, absent and formally excused by the Chair.

The President Pro Tempore directed the Sergeant at Arms to find and present Senators Cameron, Malepeai, McGee, Stegner, and Werk to the Senate.

Senators Cameron, Malepeai, McGee, Stegner, and Werk were recorded present.

On request by Senator Darrington, granted by unanimous consent, the Call was lifted.

The question being, "Shall H 437 pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Keough. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared H 437 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 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 382, S 1252, and S 1320, without recommendation, amended as follows:

SENATE AMENDMENT TO H 382 AMENDMENT TO SECTION 3

On page 2 of the printed bill, in line 40, following "required" insert: "under subsection (4) of section 63-3022L, Idaho Code" and in line 41 following "on" insert: "any actual distributions of funds from".

SENATE AMENDMENT TO S 1252 AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 31, delete "fifty (~~450~~)" and insert: "twenty-five (~~4025~~)"; and in line 33, delete "tenth" and insert: "tenth twenty-fifth".

SENATE AMENDMENT TO S 1320 AMENDMENT TO THE BILL

On page 3 of the printed bill, following line 17, insert: "SECTION 4. 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."

CORRECTION TO TITLE

On page 1, in line 5, following "," delete "AND" and in line 7, following "POWERS" insert: "; AND DECLARING AN EMERGENCY".

The Committee also has S 1330 under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Werk, the report was adopted by voice vote.

S 1252, as amended, and S 1320, 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 382, 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.

The Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:15 p.m. until the hour of 10:30 a.m., Friday, February 19, 2010.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

**FORTIETH LEGISLATIVE DAY
FRIDAY, FEBRUARY 19, 2010**

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Jorgenson and Keough, absent and formally excused by the Chair; and President Pro Tempore Geddes and Senators Andreason, Coiner, Darrington, Hill, Lodge, Malepeai, McGee, and Schroeder, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Haley Egan, 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 18, 2010, 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.

Senators Darrington, McGee, and Schroeder were recorded present at this order of business.

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

Reports of Standing Committees

President Pro Tempore Geddes and Senator Andreason were recorded present at this order of business.

February 19, 2010

The JUDICIARY AND RULES Committee reports that [S 1373](#), [S 1374](#), and [SCR 119](#) have been correctly printed.

DARRINGTON, Chairman

[S 1373](#) and [S 1374](#) were referred to the Health and Welfare Committee.

[SCR 119](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 18, 2010

The JUDICIARY AND RULES Committee reports that [S 1294](#) has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1294](#) and ordered it transmitted to the House for the signature of the Speaker.

February 18, 2010

The JUDICIARY AND RULES Committee reports that [S 1252](#), as amended, and [S 1320](#), as amended, have been correctly engrossed.

DARRINGTON, Chairman

[S 1252](#), as amended, and [S 1320](#), as amended, were filed for first reading.

February 19, 2010

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1252](#), [S 1320](#), and [H 382](#) have been correctly printed.

DARRINGTON, Chairman

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

February 18, 2010

The AGRICULTURAL AFFAIRS Committee reports out [S 1316](#), [S 1332](#), and [SJM 104](#) with the recommendation that they do pass.

CORDER, Chairman

[S 1316](#) and [S 1332](#) were filed for second reading.

[SJM 104](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

Senator Malepeai was recorded present at this order of business.

February 18, 2010

The COMMERCE AND HUMAN RESOURCES Committee reports out [S 1325](#) and [S 1347](#) with the recommendation that they do pass.

ANDREASON, Chairman

[S 1325](#) and [S 1347](#) were filed for second reading.

February 18, 2010

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:

John T. Cowden to the Idaho Personnel Commission, term to expire July 1, 2015.

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 18, 2010

The EDUCATION Committee reports out [S 1367](#) with the recommendation that it do pass.

GOEDDE, Chairman

[S 1367](#) was filed for second reading.

Senators Hill and Lodge were recorded present at this order of business.

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

Messages from the Governor

February 18, 2010

The Honorable Brad Little
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 1292](#) and [S 1293](#)

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor of Idaho

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

Senator Coiner was recorded present at this order of business.

February 18, 2010

Dear Mr. President:

I return herewith [S 1302](#) and [S 1307](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1302](#) and [S 1307](#) were referred to the Judiciary and Rules Committee for enrolling.

February 18, 2010

Dear Mr. President:

I transmit herewith [H 466](#), [H 467](#), [H 398](#), [H 457](#), [HJM 9](#), and [H 415](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 466](#), [H 467](#), [H 398](#), [H 457](#), [HJM 9](#), and [H 415](#) were filed for first reading.

February 18, 2010

Dear Mr. President:

I transmit herewith Enrolled [H 384](#), [H 385](#), and [H 397](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 384](#), [H 385](#), and [H 397](#) and ordered them 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 382](#), as amended in the Senate, by Revenue and Taxation Committee, was read the first time at length and filed for second reading.

[S 1252](#), as amended, by Commerce and Human Resources Committee, was read the first time at length and filed for second reading.

[S 1320](#), as amended, by Health and Welfare Committee, was read the first time at length and filed for second reading.

[H 466](#) and [H 467](#), by Agricultural Affairs Committee, were introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

[H 398](#), by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

[H 457](#), by Appropriations Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

[H 415](#), by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

[HJM 9](#), by Resources and Conservation Committee, was introduced, read at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 430](#), by Business Committee, was read the second time at length and filed for third reading.

[S 1324](#) and [S 1327](#), by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

[H 391](#), as amended, and [H 414](#), by State Affairs Committee, were read the second time at length and filed for third reading.

[S 1322](#), by Health and Welfare Committee, was read the second time at length and filed for third reading.

[S 1329](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[H 386](#), as amended, by Revenue and Taxation Committee, was 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 Tenth Order of Business.

Motions and Resolutions

The President announced that [HCR 38](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Fulcher, seconded by Acting Senator Stennett, [HCR 38](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that [HJM 10](#) 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 Kelly, [HJM 10](#) was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President announced that the Transportation Committee report relative to the Gubernatorial appointment of Rodger Lee Sorensen 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 Kelly, the Gubernatorial appointment of Rodger Lee Sorensen as a member of the Idaho Aeronautics 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.

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

Third Reading of Bills

[H 451](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Jorgenson, Keough. Total - 2.

Total - 35.

Whereupon the President declared [H 451](#) 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 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Jorgenson, Keough. Total - 2.

Total - 35.

Whereupon the President declared [H 452](#) 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 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Jorgenson, Keough. Total - 2.

Total - 35.

Whereupon the President declared [H 453](#) passed, title was approved, and the bill ordered returned to the House.

[S 1321](#) 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, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, LeFavour, Lodge, Malepeai, McGee, McKenzie, Schroeder, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 28.

NAYS—Bair, McKague, Mortimer, Pearce, Siddoway. Total - 5.

Absent and excused—Jorgenson, Keough. Total - 2.

Total - 35.

Whereupon the President declared [S 1321](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [H 443](#) retained its place on the Third Reading Calendar for one legislative day.

President Little called President Pro Tempore Geddes to the Chair.

[H 390](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Jorgenson, Keough. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [H 390](#) passed, title was approved, and the bill ordered returned to the House.

[S 1282](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Jorgenson, Keough. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1282](#) 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. 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Jorgenson, Keough. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1283](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1284](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Jorgenson, Keough. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1284](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1285](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Jorgenson, Keough. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1285](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1286](#) 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 Senate Rule 39(H), Senator Schroeder disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Jorgenson, Keough. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1286](#) 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 Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 32.

NAYS–None.

Absent and excused–Davis, Jorgenson, Keough. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared [S 1328](#) 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 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Jorgenson, Keough. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1338](#) 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 returned to the Ninth Order of Business.

Messages from the House

February 19, 2010

Dear Mr. President:

I transmit herewith [HCR 42](#), which has passed the House.

ALEXANDER, Chief Clerk

[HCR 42](#) 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 42](#), by State Affairs Committee, was introduced, read 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 Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:30 p.m. until the hour of 10:30 a.m., Monday, February 22, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

FORTY-THIRD LEGISLATIVE DAY MONDAY, FEBRUARY 22, 2010

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Cameron, Coiner, Darrington, LeFavour, and Stegner, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Rachel 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 19, 2010, 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.

Senator Darrington was recorded present at this order of business.

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 120

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DIVISION OF BUILDING SAFETY RELATING TO RULES GOVERNING PLUMBING SAFETY LICENSING.

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 a certain rule of the Division of Building Safety relating to Rules Governing Plumbing Safety Licensing is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the

Senate and the House of Representatives concurring therein, that IDAPA 07.02.05, Rules Governing Plumbing Safety Licensing, Rules of the Division of Building Safety, adopted as a pending rule under Docket Number 07-0205-0901, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

SCR 121

BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE TRANSPORTATION DEPARTMENT RELATING TO RULES GOVERNING LICENSE PLATE PROVISIONS.

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 a certain rule of the Transportation Department relating to Rules Governing License Plate Provisions is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 39.02.60, Rules Governing License Plate Provisions, Section 204, relating to Permanent Commercial Trailer - Business Logo Plates Provisions, only, Rules of the Transportation Department, adopted as a pending rule under Docket Number 39-0260-0901, be, and the same is hereby rejected and declared null, void and of no force and effect.

[SCR 120](#) 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

Senator LeFavour was recorded present at this order of business.

February 19, 2010

The JUDICIARY AND RULES Committee reports that [S 1302](#) and [S 1307](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1302](#) and [S 1307](#) 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 Ninth Order of Business.

Messages from the House

February 19, 2010

Dear Mr. President:

I transmit herewith [H 416](#) and [H 417](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 416](#) and [H 417](#) were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that [SCR 119](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator LeFavour, seconded by Senator Fulcher, [SCR 119](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that [SJM 104](#) was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Brackett, seconded by Senator Bock, [SJM 104](#) was adopted by voice vote, title was approved, and the memorial ordered transmitted 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

Senator Coiner was recorded present at this order of business.

S 1375

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO FIREARMS, EXPLOSIVES AND OTHER DEADLY WEAPONS; AMENDING SECTION 18-3302, IDAHO CODE, TO PROVIDE THAT A LATE RENEWAL PENALTY FOR A LICENSE TO CARRY A CONCEALED WEAPON SHALL NOT APPLY TO CERTAIN LICENSEES SERVING IN THE ARMED FORCES OF THE UNITED STATES AND TO MAKE A TECHNICAL CORRECTION.

S 1376

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE COMMISSION ON REAPPORTIONMENT; AMENDING SECTION 72-1504, IDAHO CODE, TO REVISE THE COMPENSATION OF MEMBERS OF THE REAPPORTIONMENT COMMISSION.

S 1377

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PROCEEDINGS BEFORE THE PUBLIC UTILITIES COMMISSION; AMENDING SECTION 61-622, IDAHO CODE, TO REVISE THE PUBLIC UTILITIES COMMISSION'S AUTHORITY REGARDING RATE, FARE, TOLL, RENTAL, CHARGE, CLASSIFICATION, CONTRACT, PRACTICE, RULE, SERVICE OR REGULATION, TO REVISE PROCEDURES AND TO MAKE A TECHNICAL CORRECTION; AND REPEALING SECTION 61-623, IDAHO CODE, RELATING TO DETERMINATION OF SCHEDULE AND REGULAR RATES BY THE PUBLIC UTILITIES COMMISSION.

S 1378

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PUBLIC WRITINGS; AMENDING SECTION 9-340C, IDAHO CODE, TO REVISE A PUBLIC RECORDS EXEMPTION, TO PROVIDE A PUBLIC RECORDS EXEMPTION AND TO PROVIDE EXCEPTIONS; AMENDING TITLE 19, IDAHO CODE, BY THE ADDITION

OF A NEW CHAPTER 58, TITLE 19, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE THAT THE DISCLOSURE OF THE RESIDENTIAL STREET AND TELEPHONE NUMBER OF CERTAIN PERSONS IS PROHIBITED, TO PROVIDE EXCEPTIONS, TO PROVIDE A PROCESS FOR REQUESTING ADDRESS CONFIDENTIALITY AND ELIGIBILITY AND TO PROVIDE IMMUNITY FROM LIABILITY; AMENDING SECTION 49-306, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO THE CONTENTS OF A DRIVER'S LICENSE AND INSTRUCTION PERMIT; AMENDING SECTION 49-315, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO THE CONTENT OF A DRIVER'S LICENSE; AMENDING SECTION 49-401B, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO THE CONTENT OF A CERTIFICATE OF REGISTRATION; AMENDING SECTION 49-504, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO THE CONTENT OF A CERTIFICATE OF TITLE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-2444, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO THE CONTENT OF AN IDENTIFICATION CARD; AND PROVIDING AN EFFECTIVE DATE.

S 1379

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE COUNTY OPTION KITCHEN AND TABLE WINE ACT; AMENDING SECTION 23-1307, IDAHO CODE, TO PROVIDE THAT LICENSED WINERIES SHALL NOT BE REQUIRED TO POSSESS A RETAIL BEER LICENSE AS A PREREQUISITE TO A SEPARATE RETAIL WINE LICENSE OR WINE BY THE DRINK LICENSE FOR SALES AT LOCATIONS OTHER THAN THE WINERY'S ORIGINAL LICENSED PREMISES AND TO MAKE A TECHNICAL CORRECTION.

S 1380

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE PUBLIC HOUSING PROTECTION ACT; AMENDING TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 12, TITLE 55, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR THE TERMINATION OF TENANCY, TO PROVIDE FOR NOTICE AND FOR PROCEDURE, TO PROVIDE FOR JURISDICTION AND TO PROVIDE FOR THE ADOPTION OF LOCAL REGULATIONS.

S 1381

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO REVENUE AND TAXATION; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3642, IDAHO CODE, TO PROVIDE FOR ANNUAL REVIEW OF CERTAIN EXEMPTIONS AND FOR THE EXPIRATION OF CERTAIN EXEMPTIONS.

S 1382

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO DE FACTO CUSTODIANS; AMENDING TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 17, TITLE 32, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE A PURPOSE, TO PROVIDE FOR DE FACTO CUSTODIANS, TO PROVIDE

FOR PETITIONS FOR CUSTODY AND MOTIONS TO INTERVENE BY PERSONS SEEKING DETERMINATIONS THAT THEY ARE DE FACTO CUSTODIANS, TO PROVIDE FOR NOTICE, TO REQUIRE STIPULATED FACTS OR FINDINGS OF FACT THAT A PERSON IS A DE FACTO CUSTODIAN, TO PROVIDE CERTAIN EVIDENTIARY STANDARDS, TO PROVIDE FOR THE APPLICATION OF SPECIFIED STANDARDS AND CONSIDERATIONS RELATING TO A DETERMINATION OF THE BEST INTERESTS OF THE CHILD, TO PROVIDE FOR DE FACTO CUSTODIAN ORDERS, TO PROVIDE FOR ACCESS TO CERTAIN RECORDS AND TO PROVIDE FOR TERMINATION OF CUSTODY ORDERS; AMENDING SECTION 15-5-207, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE APPOINTMENT OF GUARDIANS OF MINORS, TO PROVIDE THAT DE FACTO CUSTODIANS MAY INITIATE PROCEEDINGS FOR THE APPOINTMENT OF A GUARDIAN, TO REVISE PROVISIONS RELATING TO NOTICE AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 15-5-213, IDAHO CODE, TO REVISE A DEFINITION OF "DE FACTO CUSTODIAN" AND TO REVISE PROVISIONS RELATING TO THE RECOGNITION OF DE FACTO CUSTODIANS RELATING TO STANDING IN CERTAIN PROCEEDINGS.

[S 1375](#), [S 1376](#), [S 1377](#), [S 1378](#), [S 1379](#), [S 1380](#), [S 1381](#), and [S 1382](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 416](#) and [H 417](#), 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 1316](#) and [S 1332](#), by Agricultural Affairs Committee, were read the second time at length and filed for third reading.

[S 1325](#) and [S 1347](#), by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

[S 1367](#), by Education Committee, was read the second time at length and filed for third reading.

[H 382](#), as amended in the Senate, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

[S 1252](#), as amended, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

[S 1320](#), as amended, 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

Senator Cameron was recorded present at this order of business.

On request by Senator Goedde, granted by unanimous consent, [S 1305](#) was referred to the Fourteenth Order of Business, General Calendar.

[S 1339](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1339](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1319](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [S 1319](#) 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 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1324](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1327](#) 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 Cameron disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague,

McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1327](#) 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 Malepeai, by voice vote, the Senate adjourned at 11:30 a.m. until the hour of 10:30 a.m., Tuesday, February 23, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

FORTY-FOURTH LEGISLATIVE DAY TUESDAY, FEBRUARY 23, 2010

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10:30 a.m.

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

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Angela Call, 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, 2010, 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.

Senator Schroeder was recorded present at this order of business.

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

Petitions, Resolutions, and Memorials

SCR 122

BY RESOURCES AND ENVIRONMENT COMMITTEE
A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND
REJECTING A CERTAIN RULE OF THE DEPARTMENT

OF FISH AND GAME RELATING TO RULES GOVERNING FISH.

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 a certain rule of the Department of Fish and Game relating to Rules Governing Fish is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 13.01.11, Rules Governing Fish, Section 201, Fishing Methods and Gear, Subsection 11, Use of Hands, only, relating to Rules of the Department of Fish and Game, adopted as a pending rule under Docket Number 13-0111-0901, be, and the same is hereby rejected and declared null, void and of no force and effect.

SCR 123

BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE VETERINARY MEDICINE BOARD RELATING TO RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE.

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 a certain rule of the Veterinary Medicine Board relating to Rules of the State of Idaho Board of Veterinary Medicine is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 46.01.01, Rules of the State of Idaho Board of Veterinary Medicine, Rules of the Veterinary Medicine Board, adopted as a pending rule under Docket Number 46-0101-0901, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

SCR 124

BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF AGRICULTURE RELATING TO RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING RETAIL RAW MILK.

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 Agriculture relating to Rules of the Department of Agriculture Governing Retail Raw Milk 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 Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 02.04.13, Rules of the Department of Agriculture Governing Retail Raw Milk, Rules of the Department of Agriculture, adopted as pending rules under Docket Number 02-0413-0901 (Chapter Repeal) and Docket Number 02-0413-0902 (Chapter Rewrite), the entire rulemaking dockets, be, and the same are hereby rejected and declared null, void and of no force and effect.

SJM 105

BY STATE AFFAIRS COMMITTEE

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, 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 Sixtieth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the federal Equal Access to Justice Act (EAJA), as enacted in 1980, together with other attorney fee shifting statutes, were enacted to restrain overzealous regulators and reimburse parties subjected to unreasonable government action by providing equal access to courts. These federal statutes were designed to reimburse attorney's fees so that a party that otherwise would not be able to afford litigation against the government, could have an opportunity to recover attorney's fees if the federal government's litigation position was not substantially justified; and

WHEREAS, certain nonprofit environmental groups have abused the original intent of many of these fee shifting statutes, finding procedural flaws in agency actions, suing the government and receiving millions of federal taxpayer dollars in attorney's fees for settling or winning such cases. Receipt of fees in this manner allows groups to continue litigation against the government. Ranchers and those who are the subject of these lawsuits must pay their own attorney's fees in order to intervene and participate in litigation. The Equal Access to Justice Act is also inequitable in that it permits any nonprofit to receive reimbursement regardless of its net worth, while limiting for-profit reimbursement to only those entities with a net worth of less than \$7 million; and

WHEREAS, the Equal Access to Justice Act provides that the Chairman of the Administrative Conference of the United States shall report annually to Congress as to the amount of fees and other expenses awarded during the preceding fiscal year, along with the number, nature and amount of awards, claims involved in controversy and any other relevant information which might aid Congress in evaluating the scope and impact of awards. In 1995, however, the Conference was no longer funded. Although reauthorized in 2008, the Conference remains without a chairman and staff. The lack of reporting has acted to eliminate the transparency of the program which is vital to maintaining public trust in taxpayer expenditures as well as assuring that taxpayer funds are properly expended; and

WHEREAS, the United States economy is in severe distress with the federal government exceeding over \$1 trillion in deficit spending in the previous fiscal year. Congress needs to look closely at every expenditure of taxpayer dollars before it is spent and scrutinize expenditures to ensure they are necessary and constitutional.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the State of Idaho hereby urges the President of the United States and the United States Congress to undertake an immediate and thorough review of federal expenditures under the Equal Access to Justice Act and other fee shifting statutes.

BE IT FURTHER RESOLVED that the Idaho Legislature strongly supports the passage of federal legislation that restores the mandatory reporting requirements under the Equal Access to Justice Act, and other federal fee shifting statutes, and makes all data associated with federal awards under the Act publicly available, including the name and location of recipients of awards, the lawsuit for which the awards were made, the amount of attorney's fees paid and the per hour rate in which they were calculated and the names of the attorneys who were compensated.

BE IT FURTHER RESOLVED that the Idaho Legislature requests the relevant committees of Congress conduct thorough oversight hearings on the use and/or abuse of Equal Access to Justice Act and other fee shifting statutes, and hear testimony about potential reforms to the Act that would make it more transparent, equitable and accountable to the taxpayers that fund it.

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 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 122](#), [SCR 123](#), [SCR 124](#), and [SJM 105](#) 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

February 22, 2010

The JUDICIARY AND RULES Committee reports that [S 1375](#), [S 1376](#), [S 1377](#), [S 1378](#), [S 1379](#), [S 1380](#), [S 1381](#), [S 1382](#), [SCR 120](#), and [SCR 121](#) have been correctly printed.

DARRINGTON, Chairman

[S 1375](#), [S 1376](#), [S 1377](#), [S 1378](#), and [S 1379](#) were referred to the State Affairs Committee.

[S 1380](#) was referred to the Commerce and Human Resources Committee.

[S 1381](#) was referred to the Local Government and Taxation Committee.

[S 1382](#) was referred to the Judiciary and Rules 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.

On request by Senator McGee, granted by unanimous consent, [SCR 121](#) was referred to the Transportation Committee.

February 22, 2010

The STATE AFFAIRS Committee reports out [S 1353](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[S 1353](#) was filed for second reading.

February 22, 2010

The RESOURCES AND ENVIRONMENT Committee reports out [S 1342](#) and [SCR 118](#) with the recommendation that they do pass.

SCHROEDER, Chairman

[S 1342](#) was filed for second reading.

[SCR 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 22, 2010

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

Anna Jane "Janie" Dressen to the Commission on Pardons and Parole, term to expire January 1, 2013.

Mike Matthews to the Commission on Pardons and Parole, term to expire January 1, 2013.

DARRINGTON, 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, 2010

The JUDICIARY AND RULES Committee reports out [S 1370](#) with the recommendation that it do pass.

DARRINGTON, Chairman

[S 1370](#) was filed for second reading.

February 22, 2010

The EDUCATION Committee reports out [S 1365](#) with the recommendation that it do pass.

GOEDDE, Chairman

[S 1365](#) was filed for second reading.

February 22, 2010

The EDUCATION Committee reports out [S 1366](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, [S 1366](#) was referred to the Fourteenth Order of Business, General Calendar.

February 23, 2010

The AGRICULTURAL AFFAIRS Committee reports out [S 1317](#) and [S 1331](#) with the recommendation that they do pass.

CORDER, Chairman

[S 1317](#) and [S 1331](#) were filed for second reading.

February 23, 2010

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:

Harold W. Davis to the State Building Authority, term to expire January 1, 2013.

MCKENZIE, 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 Ninth Order of Business.

Messages from the House

February 22, 2010

Dear Mr. President:

I transmit herewith [H 463](#), [H 488](#), [H 486](#), [H 491](#), [H 493](#), [H 498](#), and [H 490](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 463](#), [H 488](#), [H 486](#), [H 491](#), [H 493](#), [H 498](#), and [H 490](#) were filed for first reading.

February 22, 2010

Dear Mr. President:

I return herewith [S 1253](#), [S 1254](#), and [S 1255](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1253](#), [S 1254](#), and [S 1255](#) were referred to the Judiciary and Rules Committee for enrolling.

February 22, 2010

Dear Mr. President:

I transmit herewith Enrolled [H 412](#), [H 437](#), and [H 413](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled [H 412](#), [H 437](#), and [H 413](#) and ordered them returned to the House.

February 22, 2010

Dear Mr. President:

I return herewith Enrolled [S 1294](#), which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1294](#) 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

The President Pro Tempore announced that the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of John T. Cowden was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lodge, seconded by Senator Malepeai, the Gubernatorial appointment of John T. Cowden 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 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 1383

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE SUSPENSION OF JUDGMENT AND SENTENCE; AMENDING SECTION 19-2601, IDAHO CODE, TO EXTEND THE PERIOD OF TIME THE COURT RETAINS JURISDICTION OVER A PRISONER AND TO PROVIDE THAT THE STATE BOARD OF CORRECTION SHALL BE RESPONSIBLE FOR DETERMINING THE APPROPRIATE PLACEMENT, EDUCATION, PROGRAMMING AND TREATMENT OF PRISONERS DURING THE PERIOD OF RETAINED JURISDICTION.

S 1384

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE STATE PENITENTIARY; AMENDING SECTION 20-111, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE JUSTIFIABLE KILLING OR WOUNDING OF A PRISONER IN A STATE PENITENTIARY OR IN CERTAIN PRIVATE PRISON FACILITIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 20-209B, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DUTIES OF THE STATE DIRECTOR OF CORRECTION IN PRIVATE PRISON FACILITIES AND TO CORRECT A CODIFIER'S ERROR; AND AMENDING SECTION 20-241A, IDAHO CODE, TO PROVIDE THAT CERTAIN CONTRACTS BETWEEN THE STATE BOARD OF CORRECTION AND A PRIVATE PRISON CONTRACTOR SHALL CONTAIN CERTAIN TERMS AND TO REVISE PROVISIONS RELATING TO THE POWERS AND RESPONSIBILITIES OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF CORRECTION WHEN ACTING AS THE CHIEF CONTRACT MONITOR OF THE PRIVATE PRISON CONTRACT AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

[S 1383](#) and [S 1384](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 463](#), by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 488](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 486](#), by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

[H 491](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 493](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

[H 498](#), by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[H 490](#), 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 advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1322](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared [S 1322](#) 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 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared [S 1329](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1247](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—Davis. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1247](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1316](#) 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, Bair, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 32.

NAYS—Bilyeu, LeFavour, Stennett (Stennett). Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared [S 1316](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1332](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared [S 1332](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1325](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 33.

NAYS—Kelly. Total - 1.

Absent and excused—Werk. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1325](#) 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 Kelly, by voice vote, the Senate adjourned at 12:10 p.m. until the hour of 10:30 a.m., Wednesday, February 24, 2010.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

FORTY-FIFTH LEGISLATIVE DAY WEDNESDAY, FEBRUARY 24, 2010

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Brackett, Cameron, Coiner, Malepeai, Schroeder, and Stegner, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Logan Cartwright, 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 23, 2010, 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, Malepeai, and Stegner were recorded present at this order of business.

February 24, 2010

The JUDICIARY AND RULES Committee reports that [S 1383](#), [S 1384](#), [SCR 122](#), [SCR 123](#), [SCR 124](#), and [SJM 105](#) have been correctly printed.

DARRINGTON, Chairman

[S 1383](#) and [S 1384](#) were referred to the Judiciary and Rules Committee.

[SCR 122](#), [SCR 123](#), [SCR 124](#), and [SJM 105](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 23, 2010

The JUDICIARY AND RULES Committee reports that [S 1253](#), [S 1254](#), and [S 1255](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1253](#), [S 1254](#), and [S 1255](#) and ordered them transmitted to the House for the signature of the Speaker.

February 23, 2010

The JUDICIARY AND RULES Committee reports that Enrolled [S 1294](#) was delivered to the Office of the Governor at 1:45 p.m., February 23, 2010.

DARRINGTON, Chairman

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

February 23, 2010

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:

Janice B. Vasser to the Idaho Transportation Board, term to expire January 31, 2016.

MCGEE, 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, 2010

The TRANSPORTATION Committee reports out [SCR 121](#) with the recommendation that it do pass.

MCGEE, Chairman

[SCR 121](#) 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, 2010

The HEALTH AND WELFARE Committee reports out [S 1335](#) with the recommendation that it do pass.

LODGE, Chairman

[S 1335](#) was filed for second reading.

February 23, 2010

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 471](#) and [H 472](#) with the recommendation that they do pass.

HILL, Chairman

[H 471](#) and [H 472](#) 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 Cameron was recorded present at this order of business.

February 23, 2010

Dear Mr. President:

I transmit herewith [HJM 11](#), [H 477](#), [H 484](#), [H 494](#), [H 446](#), and [HJR 4](#), which have passed the House.

ALEXANDER, Chief Clerk

[HJM 11](#), [H 477](#), [H 484](#), [H 494](#), [H 446](#), and [HJR 4](#) were filed for first reading.

February 23, 2010

Dear Mr. President:

I return herewith [SP 102](#), which has passed the House.

ALEXANDER, Chief Clerk

[SP 102](#) was ordered filed in the office of the Secretary of the Senate.

February 23, 2010

Dear Mr. President:

I return herewith [S 1297](#), which has passed the House.

ALEXANDER, Chief Clerk

[S 1297](#) was referred to the Judiciary and Rules Committee for enrolling.

February 23, 2010

Dear Mr. President:

I transmit herewith Enrolled [HCR 38](#), [HJM 10](#), [H 451](#), [H 452](#), [H 453](#), and [H 390](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HCR 38](#), [HJM 10](#), [H 451](#), [H 452](#), [H 453](#), and [H 390](#) and ordered them returned to the House.

February 23, 2010

Dear Mr. President:

I return herewith Enrolled [S 1302](#) and [S 1307](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1302](#) and [S 1307](#) 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 Brackett and Schroeder were recorded present at this order of business.

The President announced that [SCR 120](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Stegner, seconded by Senator Malepeai, [SCR 120](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that [SCR 118](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Schroeder, seconded by Senator Malepeai, [SCR 118](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Anna Jane "Janie" Dressen was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Jorgenson, seconded by Senator Kelly, the Gubernatorial appointment of Anna Jane "Janie" Dressen as a member of the Commission on Pardons and Parole 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 the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Mike Matthews was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lodge, seconded by Senator Kelly, the Gubernatorial appointment of Mike Matthews as a member of the Commission on Pardons and Parole 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 the State Affairs Committee report relative to the Gubernatorial appointment of Harold W. Davis was before the Senate for final consideration, the question being, "Shall the report be adopted?"

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

On motion by Senator Mortimer, seconded by Senator Kelly, the Gubernatorial appointment of Harold W. Davis 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.

The Senate advanced to the Eleventh Order of Business.

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

[HJM 11](#), by Environment, Energy, and Technology Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 477](#), by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 484](#) and [H 494](#), by Health and Welfare Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 446](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[HJR 4](#), by Revenue and Taxation 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 1353](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[S 1342](#), by Resources and Environment Committee, was read the second time at length and filed for third reading.

[S 1370](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[S 1365](#), by Education Committee, was read the second time at length and filed for third reading.

[S 1317](#) and [S 1331](#), by Agricultural 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 1347](#) 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, Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Winder. Total - 29.

NAYS—Bock, Kelly, LeFavour, Malepeai, Stennett (Stennett), Werk. Total - 6.

Total - 35.

Whereupon the President declared [S 1347](#) 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 Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [S 1367](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1252](#), 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1252](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1320](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1320](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[H 382](#), 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 382](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

[H 443](#), 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague,

McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 443](#) passed, title was approved, and the bill ordered returned to the House.

[H 421](#), having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 421](#) 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 Kelly, by voice vote, the Senate adjourned at 12:01 p.m. until the hour of 10:30 a.m., Thursday, February 25, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

FORTY-SIXTH LEGISLATIVE DAY THURSDAY, FEBRUARY 25, 2010

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Cameron, Coiner, and Lodge, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Katharine Hoehne, 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, 2010, 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 24, 2010

The JUDICIARY AND RULES Committee reports that [S 1297](#) has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1297](#) and ordered it transmitted to the House for the signature of the Speaker.

February 24, 2010

The JUDICIARY AND RULES Committee reports that Enrolled [S 1302](#) and [S 1307](#) were delivered to the Office of the Governor at 2:20 p.m., February 24, 2010.

DARRINGTON, Chairman

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

February 24, 2010

The RESOURCES AND ENVIRONMENT Committee reports out [HJM 9](#), [H 408](#), [H 411](#), [H 449](#), and [H 450](#) with the recommendation that they do pass.

SCHROEDER, Chairman

[HJM 9](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

[H 408](#), [H 411](#), [H 449](#), and [H 450](#) were filed for second reading.

February 24, 2010

The RESOURCES AND ENVIRONMENT Committee reports out [H 409](#) and [H 410](#) with the recommendation that they do pass, and with the recommendation that they be placed on the Consent Calendar.

SCHROEDER, Chairman

[H 409](#) and [H 410](#) were filed for second reading.

February 24, 2010

The JUDICIARY AND RULES Committee reports out [S 1312](#), [S 1341](#), and [S 1371](#) with the recommendation that they do pass.

DARRINGTON, Chairman

[S 1312](#), [S 1341](#), and [S 1371](#) were filed for second reading.

February 24, 2010

The JUDICIARY AND RULES Committee reports out [S 1340](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, [S 1340](#) was referred to the Fourteenth Order of Business, General Calendar.

February 24, 2010

The HEALTH AND WELFARE Committee reports out [S 1373](#) with the recommendation that it do pass.

LODGE, Chairman

[S 1373](#) 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 Coiner was recorded present at this order of business.

February 24, 2010

The Honorable Brad Little
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 1294](#)

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor of Idaho

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

February 24, 2010

Dear Mr. President:

I transmit herewith [HCR 45](#), [H 458](#), [H 509](#), [H 527](#), [H 544](#), [HJR 5](#), and [H 468](#), which have passed the House.

ALEXANDER, Chief Clerk

[HCR 45](#), [H 458](#), [H 509](#), [H 527](#), [H 544](#), [HJR 5](#), and [H 468](#) were filed for first reading.

February 24, 2010

Dear Mr. President:

I return herewith [S 1256](#) and [S 1257](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1256](#) and [S 1257](#) were referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Cameron was recorded present at this order of business.

On motion by Senator Davis, seconded by Senator Kelly, 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:

Rachael Anderson - Rexburg
Angela Call - Boise
Logan Cartwright- Kimberly
Katharine Hoehne - Boise
Emily Jacks - McCammon
Akira Keller - Idaho Falls
Kelsey Kinkle - Hayden
Evan Lantzy - Coeur d' Alene
Peter Olson - Cascade
Corin Ravsten - Pocatello
Jedediah Russell - Idaho Falls
Elyse Woodland - Burley

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 President announced that [SCR 122](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Schroeder, seconded by Acting Senator Stennett, [SCR 122](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that [SCR 123](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Winder, seconded by Senator Bock, [SCR 123](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted 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 Winder, seconded by Senator Malepeai, [SCR 124](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that [SJM 105](#) was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Siddoway, seconded by Acting Senator Stennett, [SJM 105](#) was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The President announced that [SCR 121](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Hammond, seconded by Senator Werk, [SCR 121](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that the Transportation Committee report relative to the Gubernatorial appointment of Janice B. Vasser was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Stegner, seconded by Senator Werk, the Gubernatorial appointment of Janice B. Vasser 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 1385

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO RAPE; AMENDING SECTION 18-6101, IDAHO CODE, TO REVISE THE CIRCUMSTANCES THAT CONSTITUTE RAPE, TO PROVIDE THAT CERTAIN CIRCUMSTANCES CONSTITUTING RAPE DO NOT AFFECT CERTAIN OTHER PROVISIONS OF LAW AND TO SPECIFY THE METHOD FOR DETERMINING A CERTAIN AGE DIFFERENCE; AMENDING SECTION 18-6107, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 18-6108, IDAHO CODE, TO REVISE THE CIRCUMSTANCES THAT CONSTITUTE MALE RAPE, TO PROVIDE THAT CERTAIN CIRCUMSTANCES CONSTITUTING MALE RAPE DO NOT AFFECT CERTAIN OTHER PROVISIONS OF LAW AND TO SPECIFY THE METHOD FOR DETERMINING A CERTAIN AGE DIFFERENCE; AMENDING SECTION 18-609A, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-609G, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-8303, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-8304, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS ARE NOT SUBJECT TO THE APPLICATION OF THE SEXUAL OFFENDER REGISTRATION ACT, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-8314, IDAHO CODE, TO PROVIDE AN EXCEPTION RELATING TO THE DUTIES OF THE SEXUAL OFFENDER CLASSIFICATION BOARD AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 19-401, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AND AMENDING SECTION 20-509, IDAHO CODE, TO PROVIDE THAT CERTAIN JUVENILES WHO HAVE ALLEGEDLY COMMITTED MALE RAPE SHALL BE CHARGED, ARRESTED AND PROCEEDED AGAINST AS AN ADULT, TO PROVIDE A CORRECT CODE REFERENCE AND TO DELETE REFERENCE TO STATUTORY RAPE.

S 1385 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

HCR 45, by Revenue and Taxation Committee, was introduced, read at length, and referred to the Local Government and Taxation Committee.

H 458, H 509, and H 527, by Commerce and Human Resources Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 544, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

HJR 5, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 468, 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 1335, by Health and Welfare Committee, was read the second time at length and filed for third reading.

H 471 and H 472, 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

On request by Senator Davis, granted by unanimous consent, H 391, as amended, retained its place on the Third Reading Calendar for one legislative day.

H 422 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—Siddoway. Total - 1.

Total - 35.

Whereupon the President declared H 422 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 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared H 432 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 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 430](#) 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 called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out [S 1330](#), [S 1305](#), and [S 1366](#), without recommendation, amended as follows:

SENATE AMENDMENT TO S 1330 AMENDMENT TO THE BILL

On page 9 of the printed bill, delete lines 33 through 47, on page 10, delete lines 1 through 50, on page 11, delete lines 1 through 50, and on page 12, delete lines 1 through 12; and renumber subsequent sections accordingly.

CORRECTION TO TITLE

On page 1, in line 9, delete "AMENDING SECTION" and in line 10, delete "19-2515A, IDAHO CODE, TO REVISE TERMINOLOGY;"

SENATE AMENDMENT TO S 1305 AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 26 and 27, and insert: "professional land surveyor or licensed professional engineer professionally trained and experienced in legal".

SENATE AMENDMENT TO S 1366 AMENDMENT TO SECTION 1

On page 5 of the printed bill, delete lines 8 through 11, and insert:

"(28) Individual financial statements of a postsecondary educational institution or a proprietary school submitted to the state board of education, its director or a representative thereof for the purpose of registering the postsecondary educational institution or proprietary school pursuant to section 33-2402 or 33-2403, Idaho Code, or provided pursuant to an administrative rule of the board adopted pursuant to such sections."

CORRECTION TO TITLE

On page 1, delete lines 3, 4 and 5, and insert: "CODE, TO EXEMPT CERTAIN FINANCIAL STATEMENTS SUBMITTED TO THE STATE BOARD OF EDUCATION, ITS DIRECTOR OR A REPRESENTATIVE THEREOF."

The Committee also has [S 1340](#) under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Werk, the report was adopted by voice vote.

[S 1330](#), as amended, [S 1305](#), as amended, and [S 1366](#), 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 Kelly, by voice vote, the Senate adjourned at 12 noon until the hour of 10:30 a.m., Friday, February 26, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

FORTY-SEVENTH LEGISLATIVE DAY FRIDAY, FEBRUARY 26, 2010

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senator Malepeai, absent and formally excused by the Chair; and Senators Brackett, Cameron, Coiner, Darrington, Hill, Kelly, and Siddoway, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Emily Jacks, 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 25, 2010, 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.

Senators Brackett, Darrington, Hill, Kelly, and Siddoway were recorded present at this order of business.

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

Reports of Standing Committees

February 25, 2010

The JUDICIARY AND RULES Committee reports that [S 1385](#) has been correctly printed.

DARRINGTON, Chairman

[S 1385](#) was referred to the Judiciary and Rules Committee.

February 25, 2010

The JUDICIARY AND RULES Committee reports that [S 1256](#) and [S 1257](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1256](#) and [S 1257](#) and ordered them transmitted to the House for the signature of the Speaker.

February 25, 2010

The JUDICIARY AND RULES Committee reports that [S 1330](#), as amended, [S 1305](#), as amended, and [S 1366](#), as amended, have been correctly engrossed.

DARRINGTON, Chairman

[S 1330](#), as amended, [S 1305](#), as amended, and [S 1366](#), as amended, were filed for first reading.

February 25, 2010

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1330](#), [S 1305](#), and [S 1366](#) have been correctly printed.

DARRINGTON, Chairman

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

February 25, 2010

The TRANSPORTATION Committee reports out [S 1352](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCGEE, Chairman

There being no objection, [S 1352](#) was referred to the Fourteenth Order of Business, General Calendar.

Senator Coiner was recorded present at this order of business.

February 25, 2010

The LOCAL GOVERNMENT AND TAXATION Committee reports out [S 1295](#) and [S 1381](#) with the recommendation that they do pass.

HILL, Chairman

[S 1295](#) and [S 1381](#) were filed for second reading.

February 25, 2010

The STATE AFFAIRS Committee reports out [S 1354](#) and [S 1379](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[S 1354](#) and [S 1379](#) 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 25, 2010

Dear Mr. President:

I transmit herewith [H 469](#), [HCR 39](#), [H 514](#), [H 516](#), [HCR 41](#), [H 564](#), [H 525](#), [HJR 7](#), [H 481](#), [H 482](#), [H 483](#), [H 576](#), [H 540](#), and [H 542](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 469](#), [HCR 39](#), [H 514](#), [H 516](#), [HCR 41](#), [H 564](#), [H 525](#), [HJR 7](#), [H 481](#), [H 482](#), [H 483](#), [H 576](#), [H 540](#), and [H 542](#) were filed for first reading.

February 25, 2010

Dear Mr. President:

I return herewith Enrolled [S 1253](#), [S 1254](#), and [S 1255](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1253](#), [S 1254](#), and [S 1255](#) 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 1330](#), as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

[S 1305](#), as amended, and [S 1366](#), as amended, by Education Committee, were read the first time at length and filed for second reading.

[H 469](#), by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[HCR 39](#), by Health and Welfare Committee, was introduced, read at length, and referred to the Health and Welfare Committee.

[H 514](#) and [H 516](#), by Local Government Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[HCR 41](#), by Agricultural Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

[H 564](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

[H 525](#), by Commerce and Human Resources Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[HJR 7](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 481](#), [H 482](#), and [H 483](#), by Health and Welfare Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 576](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

[H 540](#) and [H 542](#), by Transportation and Defense Committee, were introduced, read the first time at length, and referred to the Transportation 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 408](#) and [H 411](#), by Resources and Conservation Committee, were read the second time at length and filed for third reading.

[H 449](#) and [H 450](#), by Environment, Energy, and Technology Committee, were read the second time at length and filed for third reading.

[H 409](#) and [H 410](#), by Resources and Conservation Committee, were read the second time at length and filed for third reading, Consent Calendar.

[S 1312](#), [S 1341](#), [S 1371](#), and [S 1373](#), 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 Goedde, granted by unanimous consent, [S 1365](#) was referred to the Fourteenth Order of Business, General Calendar.

President Little called President Pro Tempore Geddes to the Chair.

[S 1353](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Brackett, Cameron, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Winder. Total - 21.

NAYS—Andreason, Bilyeu, Bock, Broadsword, Coiner, Corder, Kelly, Keough, LeFavour, Schroeder, Stegner, Stennett (Stennett), Werk. Total - 13.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1353](#) 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 Kelly, by voice vote, the Senate adjourned at 11:58 a.m. until the hour of 10:30 a.m., Monday, March 1, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

FIFTIETH LEGISLATIVE DAY MONDAY, MARCH 1, 2010

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Andreason, Cameron, Coiner, and Stegner, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Akira 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 February 26, 2010, 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 26, 2010

The JUDICIARY AND RULES Committee reports that Enrolled [S 1253](#), [S 1254](#), and [S 1255](#) were delivered to the Office of the Governor at 2:55 p.m., February 26, 2010.

DARRINGTON, Chairman

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

Senators Coiner and Stegner were recorded present at this order of business.

March 1, 2010

The STATE AFFAIRS Committee reports out [H 446](#) and [S 1376](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[H 446](#) and [S 1376](#) 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

Senator Cameron was recorded present at this order of business.

February 24, 2010

The Honorable Brad Little
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 1302

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor of Idaho

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

February 26, 2010

The Honorable Brad Little
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 1307

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor of Idaho

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

February 26, 2010

Dear Mr. President:

I transmit herewith **HCR 47**, which has passed the House.

ALEXANDER, Chief Clerk

HCR 47 was filed for first reading.

February 26, 2010

Dear Mr. President:

I transmit herewith Enrolled **H 443** and **H 421** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled **H 443** and **H 421** and ordered them returned to the House.

Senator Andreason was recorded present at this order of business.

February 26, 2010

Dear Mr. President:

I return herewith Enrolled **S 1297**, which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled **S 1297** 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

The President announced that **HJM 9** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Bair, seconded by Senator Fulcher, **HJM 9** 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 1386

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO RIGHT TO WORK; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 20, TITLE 44, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 44-2013, IDAHO CODE, TO PROVIDE DEFINITIONS, TO PROVIDE THAT IN REGARD TO CONTRACTS FOR CERTAIN PUBLIC WORKS THE STATE OR ANY POLITICAL SUBDIVISION SHALL NOT REQUIRE CERTAIN PAYMENT TO CERTAIN EMPLOYEES, TO PROVIDE FOR EXCEPTIONS, TO PROVIDE THAT IN REGARD TO CONTRACTS FOR CERTAIN PUBLIC WORKS THE STATE OR ANY POLITICAL SUBDIVISION SHALL NOT REQUIRE THAT A CONTRACTOR, SUBCONTRACTOR, MATERIAL SUPPLIER OR CARRIER ENGAGED IN PUBLIC WORKS BECOME A PARTY TO CERTAIN AGREEMENTS, TO PROVIDE FOR STANDING AND TO PROVIDE FOR APPLICATION OF LAWS; AND PROVIDING SEVERABILITY.

S 1387

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO LABOR ORGANIZATIONS; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 20, TITLE 44, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 44-2012, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROHIBIT CERTAIN ACTIVITIES RELATING TO LABOR ORGANIZATIONS, TO PROVIDE FOR VIOLATIONS AND PENALTIES AND TO PROVIDE FOR CHALLENGES BY INTERESTED PARTIES; AND AMENDING SECTION 44-2012, IDAHO CODE, TO REDESIGNATE THE SECTION.

S 1386 and **S 1387** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

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

S 1295, by Local Government and Taxation Committee, was read the second time at length and filed for third reading.

S 1381, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1354 and S 1379, by State Affairs Committee, were read the second time at length and filed for third reading.

S 1330, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1305, as amended, and S 1366, as amended, by Education 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 1342 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 Senate Rule 39(H), Senator Schroeder disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared S 1342 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, S 1312, S 1341, and S 1371 retained their place on the Third Reading Calendar for one legislative day.

S 1317 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—Pearce. Total - 1.

Total - 35.

Whereupon the President declared S 1317 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 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 Siddoway disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Geddes, Goedde, Hammond, Hill, Keough, Lodge, Malepeai, McGee, McKenzie, Schroeder, Smyser, Stegner, Stennett (Stennett), Winder. Total - 24.

NAYS—Bair, Fulcher, Heinrich, Jorgenson, Kelly, LeFavour, McKague, Mortimer, Pearce, Siddoway, Werk. Total - 11.

Total - 35.

Whereupon the President declared S 1331 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 Kelly, by voice vote, the Senate adjourned at 12:10 p.m. until the hour of 10 a.m., Tuesday, March 2, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

FIFTY-FIRST LEGISLATIVE DAY TUESDAY, MARCH 2, 2010

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Keough, absent and formally excused by the Chair; and Senators Fulcher, Pearce, and Stegner, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Kelsey Kinkle, 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, 2010, 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 2, 2010

The JUDICIARY AND RULES Committee reports that [S 1386](#) and [S 1387](#) have been correctly printed.

DARRINGTON, Chairman

[S 1386](#) and [S 1387](#) were referred to the State Affairs Committee.

Senator Pearce was recorded present at this order of business.

March 1, 2010

The JUDICIARY AND RULES Committee reports that Enrolled [S 1297](#) was delivered to the Office of the Governor at 2:10 p.m., March 1, 2010.

DARRINGTON, Chairman

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

March 1, 2010

The HEALTH AND WELFARE Committee reports out [H 469](#), [H 484](#), [H 494](#), and [HCR 39](#) with the recommendation that they do pass.

LODGE, Chairman

[H 469](#), [H 484](#), and [H 494](#) were filed for second reading.

[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.

March 1, 2010

The HEALTH AND WELFARE Committee reports out [H 468](#) with the recommendation that it do pass, and with the recommendation that it be placed on the Consent Calendar.

LODGE, Chairman

[H 468](#) was filed for second reading.

Senator Stegner was recorded present at this order of business.

March 1, 2010

The JUDICIARY AND RULES Committee reports out [H 444](#), as amended, with the recommendation that it do pass.

DARRINGTON, Chairman

[H 444](#), as amended, was filed for second reading.

March 2, 2010

The EDUCATION Committee reports out [H 493](#) and [H 544](#) with the recommendation that they do pass.

GOEDDE, Chairman

[H 493](#) and [H 544](#) 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

Senator Fulcher was recorded present at this order of business.

March 2, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Emma Lou Atchley of Ashton, Idaho, was appointed as a member of the State Board of Education to serve a term commencing March 1, 2010, and expiring March 1, 2015.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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

March 1, 2010

Dear Mr. President:

I transmit herewith [H 492](#), [H 496](#), [H 522](#), [H 579](#), [H 425](#), [H 478](#), [H 550](#), and [H 508](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 492](#), [H 496](#), [H 522](#), [H 579](#), [H 425](#), [H 478](#), [H 550](#), and [H 508](#) were filed for first reading.

March 1, 2010

Dear Mr. President:

I return herewith [S 1267](#), [S 1287](#), and [S 1308](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1267](#), [S 1287](#), and [S 1308](#) were referred to the Judiciary and Rules Committee for enrolling.

March 1, 2010

Dear Mr. President:

I transmit herewith Enrolled [H 422](#), [H 432](#), and [H 430](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 422](#), [H 432](#), and [H 430](#) and ordered them returned to the House.

March 1, 2010

Dear Mr. President:

I return herewith Enrolled [S 1256](#) and [S 1257](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1256](#) and [S 1257](#) 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 1388

**BY FINANCE COMMITTEE
AN ACT**

APPROPRIATING MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 2011; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1389

**BY JUDICIARY AND RULES COMMITTEE
AN ACT**

RELATING TO VEHICLES AND RULES OF THE ROAD; AMENDING SECTION 49-113, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-114, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 49-115, IDAHO CODE, TO REMOVE A DEFINITION; AMENDING SECTION 49-123, IDAHO CODE, TO DEFINE "LOW-SPEED VEHICLE," TO DEFINE "MEDIUM-SPEED ELECTRIC VEHICLE" AND TO DELETE A DEFINITION; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE FOR AN ANNUAL REGISTRATION FEE FOR CERTAIN VEHICLES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-663, IDAHO CODE, TO PROVIDE FOR THE RESTRICTED USE OF LOW-SPEED VEHICLES; AMENDING CHAPTER 6, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-663A, IDAHO CODE, TO PROVIDE FOR THE RESTRICTED USE OF MEDIUM-SPEED ELECTRIC VEHICLES; AND AMENDING SECTION 67-7122, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

S 1390

**BY JUDICIARY AND RULES COMMITTEE
AN ACT**

RELATING TO IMMUNITY FOR USE OF AUTOMATED EXTERNAL DEFIBRILLATOR; AMENDING SECTION 5-337, IDAHO CODE, TO DELETE PROVISIONS RELATING TO IMMUNITY FROM CIVIL DAMAGES FOR CERTAIN PERSONS OR ENTITIES WHO ACQUIRE OR MAINTAIN A DEFIBRILLATOR.

S 1391

**BY JUDICIARY AND RULES COMMITTEE
AN ACT**

RELATING TO EMERGENCY MEDICAL SERVICES SYSTEM AUTHORITIES; AMENDING TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 59, TITLE 31, IDAHO CODE, TO PROVIDE PURPOSE AND

FUNCTION, TO PROVIDE FOR THE ESTABLISHMENT OF AN EMSS AUTHORITY, TO PROVIDE FOR THE FORMATION OF AN EMSS AUTHORITY BOARD, TO PROVIDE FOR ELECTION OF AN EMSS AUTHORITY BOARD AND FOR NOTICE, TO PROVIDE FOR REINSTATEMENT OF THE BOARD OF COUNTY COMMISSIONERS AS THE EMSS AUTHORITY BOARD BY PETITION, TO PROVIDE FOR THE NAME OF THE EMSS AUTHORITY BOARD, TO PROVIDE BOUNDARIES OF THE EMSS AUTHORITY, TO PROVIDE FOR CONSOLIDATION OF EMSS AUTHORITIES, TO PROVIDE FOR EMSS AUTHORITY EMPLOYEES, TO PROVIDE FOR AN EMSS AUTHORITY FUND, TO PROVIDE POWERS OF THE EMSS AUTHORITY BOARD, TO PROVIDE FOR ORGANIZATIONS SUBJECT TO THE EMSS AUTHORITY, TO PROVIDE FOR REVIEW AND DETERMINATION OF EMS AGENCIES, TO PROVIDE FOR CHANGE IN EMS AGENCY SERVICES, TO PROVIDE FOR LICENSED AIR MEDICAL SERVICES, TO PROVIDE FOR AN OPERATIONS AND FINANCE PLAN, TO PROVIDE FOR A PENALTY FOR FAILURE TO FILE AN OPERATIONS AND FINANCE PLAN, TO PROVIDE FOR PUBLIC PARTICIPATION IN THE PLANNING PROCESS, TO PROVIDE APPLICABILITY OF NATIONAL AND STATE STANDARDS, TO PROVIDE FOR EMS AGENCY COMPLIANCE, TO PROVIDE TERMS OF OFFICE FOR EMSS AUTHORITY BOARD MEMBERS, TO PROVIDE FOR THE FILLING OF EMSS AUTHORITY BOARD VACANCIES AND FOR EXPANSION OF THE EMSS AUTHORITY BOARD, TO PROVIDE FOR COMPENSATION AND EXPENSES OF EMSS AUTHORITY BOARD MEMBERS, TO PROVIDE FOR THE EMSS AUTHORITY TO ADOPT FEES AND FOR VOLUNTARY CONTRIBUTIONS, TO PROVIDE FOR JOINT POWERS, INTERAGENCY AND MUTUAL AID AGREEMENTS AND FOR FEES FOR SERVICE OUTSIDE THE EMSS AUTHORITY, TO PROVIDE FOR A CAPITAL IMPROVEMENT ACCOUNT, TO PROVIDE A PROHIBITION ON EMS AGENCY SERVICE CHANGES AND FOR AN EXCEPTION, TO PROVIDE FOR CRITICAL CARE INTERFACILITY TRANSFER OF PATIENTS BETWEEN HOSPITALS, TO PROVIDE FOR INTERFACILITY TRANSFER BY LICENSED AIR MEDICAL SERVICES, TO PROVIDE FOR NONEMERGENCY MEDICAL TRANSPORTATION SERVICES, TO PROVIDE DISCRETION OF THE EMSS AUTHORITY BOARD TO REQUIRE CERTAIN CONDITIONS, TO PROVIDE A PENALTY FOR FAILURE TO OBTAIN A CERTIFICATE OF COMPLIANCE, TO PROVIDE FOR EMERGENCY RESOLUTIONS AND MORATORIUMS, TO PROVIDE FOR MEDIATION OF CERTAIN DISPUTES, TO PROVIDE FOR THE PURPOSES OF THE MEDICAL DIRECTORATE, TO PROVIDE FOR THE FORMATION OF A MEDICAL DIRECTORATE, TO PROVIDE FOR BINDING DECISIONS OF THE MEDICAL DIRECTORATE, TO PROVIDE FOR THE NAME OF THE MEDICAL DIRECTORATE, TO PROVIDE FOR MANAGEMENT AND OPERATION OF THE MEDICAL DIRECTORATE, TO PROVIDE FOR MEETINGS OF THE MEDICAL DIRECTORATE AND FOR ACTIONS OF THE MEDICAL DIRECTORATE, TO PROVIDE FOR MEDIATION BY THE IDAHO EMS PHYSICIAN COMMISSION AND TO PROVIDE FOR THE PROVISION OF EMS SERVICES THROUGH CONTRACT; AMENDING SECTION 31-1429, IDAHO CODE, TO REQUIRE CONSENT BY THE EMSS AUTHORITY BOARD FOR WITHDRAWAL OF A FIRE DISTRICT THAT IS A PROVIDER OF AMBULANCE SERVICES; AMENDING SECTION 31-1430, IDAHO CODE,

TO PROVIDE FOR AN EXCEPTION; AMENDING SECTION 31-1434, IDAHO CODE, TO REVISE THE DISTRIBUTION OF PROPERTY AND USE OF FUNDS OF A DISSOLVED FIRE PROTECTION DISTRICT; AMENDING CHAPTER 14, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-1438, IDAHO CODE, TO PROVIDE A PROHIBITION FROM CHARGING THE EMSS AUTHORITY FOR RESPONSES; AMENDING CHAPTER 14, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-1439, IDAHO CODE, TO PROVIDE FOR CONFORMING WITH THE EMSS AUTHORITY RATE SETTING DECISIONS; AMENDING SECTION 31-3901, IDAHO CODE, TO REVISE QUALIFICATIONS TO PROCURE AN AMBULANCE AND FOR ESTABLISHING AN AMBULANCE SERVICE AND TO PROVIDE FOR PROCURING OTHER RESOURCES NECESSARY TO OPERATE AN AMBULANCE; AMENDING SECTION 31-3902, IDAHO CODE, TO REVISE THE PURPOSES FOR USE OF THE AMBULANCE SERVICE FUND AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-3903, IDAHO CODE, TO PROVIDE A QUALIFICATION FOR THE OPERATION OF AN AMBULANCE SERVICE; AMENDING SECTION 31-3904, IDAHO CODE, TO REMOVE THE USE OF A CHARGED SCHEDULE OF FEES AND TO PROVIDE A CODE REFERENCE; AMENDING SECTION 31-3905, IDAHO CODE, TO REMOVE CERTAIN AUTHORITY TO ALLOW OPERATION OF AN AMBULANCE SERVICE AND TO PERMIT A SPECIAL TAX TO BE LEVIED WITHIN THE BOUNDARIES OF THE COUNTY; REPEALING SECTION 31-3906, IDAHO CODE, RELATING TO AMBULANCE SERVICE AND PERMITTING ADJACENT COUNTIES AND/OR PRIVATE INDIVIDUALS AND CORPORATIONS TO HAVE COOPERATIVE AGREEMENTS; AMENDING SECTION 31-3907, IDAHO CODE, TO REVISE THE FUND INTO WHICH CERTAIN PROCEEDS ARE TO BE DEPOSITED AND TRANSFERRED; AND AMENDING SECTION 31-3909, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE TO WHOM AND FOR WHAT CERTAIN IMMUNITY IS TO BE PROVIDED AND TO MAKE TECHNICAL CORRECTIONS.

[S 1388](#), [S 1389](#), [S 1390](#), and [S 1391](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 492](#), [H 496](#), and [H 522](#), by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

[H 579](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

[H 425](#), by Business Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 478](#), by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 550](#), by Business Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[H 508](#), by Commerce and Human Resources 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 446](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[S 1376](#), 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 1335](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 31.

NAYS—Jorgenson, McKague, Pearce. Total - 3.

Absent and excused—Keough. Total - 1.

Total - 35.

Whereupon the President declared [S 1335](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1341](#), having been held, 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Andreason, Keough. Total - 2.

Total - 35.

Whereupon the President declared [S 1341](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1312](#), having been held, 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason, Keough. Total - 2.

Total - 35.

Whereupon the President declared [S 1312](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1371](#), 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Keough. Total - 1.

Total - 35.

Whereupon the President declared [S 1371](#) passed, title was approved, and the bill 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 Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

Roll call resulted as follows:

AYES–Andreason, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Geddes, Goedde, Hammond, Heinrich, Hill, Lodge, McGee, McKague, Mortimer, Schroeder, Smyser, Winder. Total - 21.

NAYS–Bilyeu, Bock, Fulcher, Jorgenson, Kelly, LeFavour, Malepeai, McKenzie, Pearce, Siddoway, Stegner, Stennett (Stennett), Werk. Total - 13.

Absent and excused–Keough. Total - 1.

Total - 35.

Whereupon the President declared [S 1373](#) 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 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Keough. Total - 1.

Total - 35.

Whereupon the President declared [S 1370](#) 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 Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Keough. Total - 1.

Total - 35.

Whereupon the President declared [S 1295](#) 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 Kelly, by voice vote, the Senate adjourned at 12:01 p.m. until the hour of 11 a.m., Wednesday, March 3, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

FIFTY-SECOND LEGISLATIVE DAY WEDNESDAY, MARCH 3, 2010

Senate Chamber

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

Roll call showed all members present except Senator Keough, absent and formally excused by the Chair; and Senators Bair, Bilyeu, Brackett, Broadsword, Cameron, Hammond, LeFavour, Mortimer, and Siddoway, absent and formally excused on Committee business.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Evan Lantzy, 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 2, 2010, 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 Bair, Brackett, and Siddoway were recorded present at this order of business.

March 2, 2010

The JUDICIARY AND RULES Committee reports that [S 1388](#), [S 1389](#), [S 1390](#), and [S 1391](#) have been correctly printed.

DARRINGTON, Chairman

[S 1388](#) was referred to the Finance Committee.

[S 1389](#) was referred to the Transportation Committee.

[S 1390](#) was referred to the Judiciary and Rules Committee.

[S 1391](#) was referred to the Health and Welfare Committee.

March 2, 2010

The JUDICIARY AND RULES Committee reports that Enrolled [S 1256](#) and [S 1257](#) were delivered to the Office of the Governor at 2:04 p.m., March 2, 2010.

DARRINGTON, Chairman

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

March 2, 2010

The JUDICIARY AND RULES Committee reports that [S 1267](#), [S 1287](#), and [S 1308](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1267](#), [S 1287](#), and [S 1308](#) and ordered them transmitted to the House for the signature of the Speaker.

Senators Broadsword, Hammond, and Mortimer were recorded present at this order of business.

March 2, 2010

The AGRICULTURAL AFFAIRS Committee reports out [H 464](#), [H 465](#), and [S 1344](#) with the recommendation that they do pass.

CORDER, Chairman

[H 464](#), [H 465](#), and [S 1344](#) were filed for second reading.

March 2, 2010

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:

Kent Ireton to the Commission for the Blind and Visually Impaired, term to expire July 1, 2012.

LODGE, 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 2, 2010

The HEALTH AND WELFARE Committee reports out [H 481](#) and [H 483](#) with the recommendation that they do pass, and with the recommendation that they be placed on the Consent Calendar.

LODGE, Chairman

[H 481](#) and [H 483](#) were filed for second reading.

March 2, 2010

The HEALTH AND WELFARE Committee reports out [H 482](#) with the recommendation that it do pass.

LODGE, Chairman

[H 482](#) was filed for second reading.

March 2, 2010

The LOCAL GOVERNMENT AND TAXATION Committee reports out [HCR 45](#) and [H 513](#) with the recommendation that they do pass.

HILL, Chairman

[H 513](#) was filed for second reading.

[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.

March 2, 2010

The TRANSPORTATION Committee reports out [S 1357](#), [S 1359](#), and [S 1360](#) with the recommendation that they do pass.

MCGEE, Chairman

[S 1357](#), [S 1359](#), and [S 1360](#) were filed for second reading.

March 3, 2010

The EDUCATION Committee reports out [S 1364](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, [S 1364](#) was referred to the Fourteenth Order of Business, General Calendar.

March 3, 2010

The STATE AFFAIRS Committee reports out [S 1378](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCKENZIE, Chairman

There being no objection, [S 1378](#) was referred to the Fourteenth Order of Business, General Calendar.

March 2, 2010

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:

Charles "Chip" A. Kemper to the Idaho Aeronautic Advisory Board, term to expire January 31, 2013.

MCGEE, 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 Ninth Order of Business.

Messages from the House

March 2, 2010

Dear Mr. President:

I transmit herewith [H 526](#), [H 510](#), [H 561](#), [H 545](#), [H 555](#), [H 470](#), [H 517](#), [H 518](#), [H 519](#), [H 575](#), [H 557](#), [H 559](#), [H 560](#), [H 521](#), [H 588](#), [H 597](#), and [HCR 46](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 526](#), [H 510](#), [H 561](#), [H 545](#), [H 555](#), [H 470](#), [H 517](#), [H 518](#), [H 519](#), [H 575](#), [H 557](#), [H 559](#), [H 560](#), [H 521](#), [H 588](#), [H 597](#), and [HCR 46](#) were filed for first reading.

March 2, 2010

Dear Mr. President:

I return herewith [S 1265](#), [S 1266](#), [S 1306](#), [SCR 122](#), [SCR 121](#), and [SJM 103](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1265](#), [S 1266](#), [S 1306](#), [SCR 122](#), [SCR 121](#), and [SJM 103](#) were 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

S 1392

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF INSURANCE FOR FISCAL YEAR 2011; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1393

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING LEGISLATIVE INTENT ON OFFICE CONSOLIDATION.

S 1394

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE LAVA HOT SPRINGS FOUNDATION FOR FISCAL YEAR 2011; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

S 1395

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE ENDOWMENT FUND INVESTMENT BOARD FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING A CONTINUOUS APPROPRIATION FOR CERTAIN COSTS; AND EXPRESSING LEGISLATIVE INTENT REGARDING THE TRANSFER OF MONEYS FROM THE EARNINGS RESERVE FUNDS TO THE INCOME FUNDS.

S 1396

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE OFFICE OF ENERGY RESOURCES FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED FUND BALANCES.

[S 1392](#), [S 1393](#), [S 1394](#), [S 1395](#), and [S 1396](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 526](#) and [H 510](#), by Commerce and Human Resources Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 561](#), by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 545](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

[H 555](#), by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 470](#), [H 517](#), [H 518](#), and [H 519](#), by Health and Welfare Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 575](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 557](#), [H 559](#), and [H 560](#), by Resources and Conservation Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 521](#) and [H 588](#), by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

[H 597](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[HCR 46](#), 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

Senators Bilyeu and LeFavour were recorded present at this order of business.

[H 469](#), [H 484](#), and [H 494](#), by Health and Welfare Committee, were read the second time at length and filed for third reading.

[H 468](#), by Health and Welfare Committee, was read the second time at length and filed for third reading, Consent Calendar.

[H 444](#), as amended, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

[H 493](#) and [H 544](#), by Education 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 1381](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Davis, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Schroeder, Siddoway, Stegner, Stennett (Stennett), Werk, Winder. Total - 27.

NAYS—Bair, Brackett, Darrington, Fulcher, Geddes, Pearce, Smyser. Total - 7.

Absent and excused—Keough. Total - 1.

Total - 35.

Whereupon the President declared [S 1381](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1354](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Keough. Total - 1.

Total - 35.

Whereupon the President declared [S 1354](#) 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 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Keough. Total - 1.

Total - 35.

Whereupon the President declared [S 1379](#) passed, title was approved, and the bill ordered transmitted to the House.

President Little called President Pro Tempore Geddes to the Chair.

[S 1330](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Darrington, Keough. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1330](#), 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 Kelly, by voice vote, the Senate adjourned at 12:10 p.m. until the hour of 10:30 a.m., Thursday, March 4, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

**FIFTY-THIRD LEGISLATIVE DAY
THURSDAY, MARCH 4, 2010**

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Cameron, Coiner, McKague, and Stegner, absent and excused; and Senator Keough, absent and formally excused by the Chair.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Peter Olson, 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, 2010, 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.

Senator Cameron was recorded present at this order of business.

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

Reports of Standing Committees

March 4, 2010

The JUDICIARY AND RULES Committee reports that [S 1392](#), [S 1393](#), [S 1394](#), [S 1395](#), and [S 1396](#) have been correctly printed.

DARRINGTON, Chairman

[S 1392](#), [S 1393](#), [S 1394](#), [S 1395](#), and [S 1396](#) were referred to the Finance Committee.

March 3, 2010

The JUDICIARY AND RULES Committee reports that [S 1265](#), [S 1266](#), [S 1306](#), [SCR 121](#), [SCR 122](#), and [SJM 103](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1265](#), [S 1266](#), [S 1306](#), [SCR 121](#), [SCR 122](#), and [SJM 103](#) and ordered them transmitted to the House for the signature of the Speaker.

March 3, 2010

The JUDICIARY AND RULES Committee reports out [S 1382](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, [S 1382](#) was referred to the Fourteenth Order of Business, General Calendar.

Senator Coiner was recorded present at this order of business.

March 3, 2010

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:

William B. Booth to the Northwest Power and Conservation Council, term to expire January 15, 2013.

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 3, 2010

The RESOURCES AND ENVIRONMENT Committee reports out [S 1355](#), [S 1343](#), and [H 416](#) with the recommendation that they do pass.

SCHROEDER, Chairman

[S 1355](#), [S 1343](#), and [H 416](#) were filed for second reading.

March 3, 2010

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 514](#) with the recommendation that it do pass, and with the recommendation that it be placed on the Consent Calendar.

HILL, Chairman

[H 514](#) was filed for second reading.

March 3, 2010

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 516](#) with the recommendation that it do pass.

HILL, Chairman

[H 516](#) was filed for second reading.

March 4, 2010

The FINANCE Committee reports out [S 1388](#) with the recommendation that it do pass.

CAMERON, Chairman

[S 1388](#) was filed for second reading.

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

Messages from the Governor

March 4, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Darrell Kerby of Bonners Ferry, Idaho, to be Acting State Senator for Legislative District 1, Bonner and Boundary, State of Idaho.

This appointment is effective March 4, 2010, and will continue until such time as Senator Shawn Keough is able to resume her duties.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
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*, Shawn Keough, State Senator, District 1, Bonner and Boundary, State of Idaho, has nominated Darrell Kerby of Bonners Ferry, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 1, Bonner and Boundary.

NOW, THEREFORE, I, C. L. "Butch" Otter, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Darrell Kerby to the office of State Senator, District 1, Bonner and Boundary, State of Idaho, for a term commencing on March 4, 2010, and continuing until such time as Senator Keough is able to resume her 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 third day of March, in the year of our Lord two thousand and ten and of the Independence of the United States of America, the two hundred and thirty-fourth year.

/s/ BY THE GOVERNOR C. L. "BUTCH" OTTER
/s/ SECRETARY OF STATE BEN T. YSURSA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

March 4, 2010

The Honorable Brad Little
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 1253](#), [S 1254](#), and [S 1255](#)

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor of Idaho

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, 2010

Dear Mr. President:

I transmit herewith Enrolled [HJM 9](#) and [H 382](#), as amended in the Senate, for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HJM 9](#) and [H 382](#), as amended in the Senate, 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.

Moved by Senator LeFavour, seconded by Senator Lodge, that [HCR 39](#) be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, Malepeai, McGee, McKenzie, Schroeder, Smyser, Stennett (Stennett), Werk, Winder. Total - 25.

NAYS—Bair, Fulcher, Geddes, Mortimer, Pearce, Siddoway. Total - 6.

Absent and excused—Davis, Keough, McKague, Stegner. Total - 4.

Total - 35.

Whereupon the President declared [HCR 39](#) adopted, title was approved, and the resolution ordered returned to the House.

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 Heinrich, seconded by Senator Bilyeu, [HCR 45](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

Senator McKague was recorded present at this order of business.

The President announced that the Health and Welfare Committee report relative to the Gubernatorial appointment of Kent Ireton was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Coiner, seconded by Senator Bock, the Gubernatorial appointment of Kent Ireton as a member of the Commission for the Blind and Visually Impaired 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 the Transportation Committee report relative to the gubernatorial appointment of Charles "Chip" A. Kemper was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Mortimer, seconded by Senator Bilyeu, the gubernatorial appointment of Charles "Chip" A. Kemper as a member of the Idaho Aeronautics 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.

The Senate advanced to the Eleventh Order of Business.

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

S 1397

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLE DRIVER'S LICENSES; AMENDING SECTION 49-326, IDAHO CODE, TO PROVIDE THAT A PHYSICIAN WHO HAS REASON TO BELIEVE THAT AN INDIVIDUAL IS INCOMPETENT TO DRIVE A MOTOR VEHICLE MAY SUBMIT A REPORT AND TO PROVIDE THAT IF A PHYSICIAN SUBMITS A REPORT IN GOOD FAITH, NO PROFESSIONAL DISCIPLINARY PROCEDURE, NO MONETARY LIABILITY AND NO CAUSE OF ACTION MAY ARISE AGAINST THE PHYSICIAN FOR SUBMISSION OF THE REPORT.

S 1398

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES AND CRIMES AND PUNISHMENT; AMENDING SECTION 18-8005, IDAHO CODE, TO REVISE CERTAIN PENALTY PROVISIONS.

S 1399

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO PHYSICIANS AND SURGEONS; AMENDING CHAPTER 18, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1821, IDAHO CODE, TO PROVIDE NO PHYSICIAN-PATIENT RELATIONSHIP FOR CERTAIN INFORMAL CONSULTATIONS.

[S 1397](#), [S 1398](#), and [S 1399](#) 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 Stegner was recorded present at this order of business.

[H 464](#) and [H 465](#), by Agricultural Affairs Committee, were read the second time at length and filed for third reading.

[S 1344](#), by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

[H 481](#) and [H 483](#), by Health and Welfare Committee, were read the second time at length and filed for third reading, Consent Calendar.

[H 482](#), by Health and Welfare Committee, was read the second time at length and filed for third reading.

[H 513](#), by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

[S 1357](#), [S 1359](#), and [S 1360](#), by Transportation Committee, were 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 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 1364](#), without recommendation and without amendment; and [S 1340](#), [S 1352](#), [S 1365](#), and [S 1378](#), without recommendation, amended as follows:

SENATE AMENDMENT TO S 1340

AMENDMENT TO SECTION 2

On page 2 of the printed bill, in line 35, following "(2)" insert: "[\(a\)](#)".

SENATE AMENDMENT TO S 1352

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 26, following "or" insert: "manual"; delete line 27, and insert: "transmission of written communications via handheld wireless devices except that texting by persons driving law enforcement, fire or emergency medical vehicles shall be exempt while engaging in the course and scope of their duties. This definition does not include voice-operated or hands free devices that allow the user to review, prepare and transmit a text message without the use of either hand except to activate, deactivate or initiate a feature or function.".

AMENDMENT TO SECTION 3

On page 5, in line 4, following "a" insert: "moving"; and in line 5, following "driving" insert: "provided this does not apply to voice-operated or hands free devices that allow the user to review, prepare and transmit a text message without the use of either hand except to activate, deactivate or initiate a feature or function".

SENATE AMENDMENT TO S 1365

AMENDMENT TO SECTION 2

On page 2 of the printed bill, in line 9, delete "The amount contractually committed in a year shall not exceed"; and delete line 10, and insert: "~~The amount contractually committed in a year shall not exceed the annual amount deposited in the rural physician incentive fund.~~".

CORRECTION TO TITLE

On page 1, in line 4, following "CODE," insert: "TO DELETE A PROVISION RELATING TO THE AMOUNT CONTRACTUALLY COMMITTED IN A YEAR AND".

SENATE AMENDMENT TO S 1378
AMENDMENT TO SECTION 2

On page 6 of the printed bill, in line 7, delete "an Idaho address" and insert: "the address of a law enforcement officer's employing entity."? delete lines 8 through 10? in line 15, delete "or former employing entity"? delete lines 24 through 26, and insert:

"(d) A sworn statement by the law enforcement officer that such officer knowingly and voluntarily designates his or her employing entity as agent for purposes of service of process and receipt of first class, certified or registered mail."?

in line 36, delete "or former justice,"? in line 37, delete "judge, magistrate, prosecuting attorney,"? in line 38, following "correctional officer" delete "and" and insert: ", "? in line 39, following "officer" insert: "and any person who prosecutes criminal cases"? also in line 39, following "." insert: "The term "law enforcement officer" shall not include a person who holds an elected office."

On page 7, in line 33, following "chapter" insert: "for a period of four (4) years. Thereafter, law enforcement officers may renew the exemption by submitting a new application and fee, if any"? in line 39, following "on all" insert: "applications and on all"? in line 45, following "to be a" insert: "law enforcement officer or a"? also in line 45, following "member(s)." insert: "Within thirty (30) days of such cessation, the person shall notify, in writing, every public agency to which the person has made an application stating that he or she is no longer eligible for such exemption. If a law enforcement officer changes employment but is still eligible for an exemption under this chapter, such law enforcement officer shall, within thirty (30) days of changing employment, submit a new application to every public agency to which such officer has made an application."; and in line 48, following "member(s)." insert: "A law enforcement officer who has submitted an application pursuant to the provisions of this chapter shall provide his or her current Idaho residential street address to his or her employing entity."

On page 8, in line 1, delete "governmental entity" and insert: "public agency".

AMENDMENT TO SECTION 3

On page 9, in line 2, following "administration." insert: "If an applicant has submitted an application pursuant to the provisions of chapter 58, title 19, Idaho Code, then the applicant may state, in his or her application pursuant to this section, the applicant's alternative Idaho mailing address in place of his or her Idaho residence address and mailing address."; and in line 17, delete "If" and delete lines 18 through 21.

AMENDMENT TO SECTION 5

On page 14, in line 10, following "number." insert: "If an applicant has submitted an application pursuant to the provisions of chapter 58, title 19, Idaho Code, then the applicant may state, in the application required pursuant to this section, the applicant's alternative Idaho mailing address in place of his or her residence address."; in line 15, delete "~~and. If an~~"; delete lines 16 through 18; and in line 19, delete "her Idaho residence address. All" and insert: ", and all".

AMENDMENT TO SECTION 6

On page 15, in line 13, following "address." insert: "If the owner has submitted an application pursuant to the provisions of chapter 58, title 19, Idaho Code, then the owner may state, in the application required pursuant to this section, the applicant's alternative Idaho mailing address in place of his or her physical domicile address."? in line 25, delete "~~and If an applicant has~~"; delete lines 26 through 28; and in line 29, delete "address. All" and insert: "and all".

CORRECTION TO TITLE

On page 1, in line 10, following "CONTENTS OF" delete "A DRIVER'S" and insert: "A CERTAIN APPLICATION"? in line 11, delete "LICENSE AND INSTRUCTION PERMIT"; in line 14, following "CONTENT OF A" delete "CERTIFICATE OF REGISTRATION" and insert: "CERTAIN APPLICATION"? and in line 16, following "OF A" delete "CERTIFICATE OF TITLE" and insert: "CERTAIN APPLICATION".

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Werk, the report was adopted by voice vote.

S 1340, as amended, S 1352, as amended, S 1365, as amended, and S 1378, 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.

S 1364 was filed for second reading.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:10 p.m. until the hour of 10:30 a.m., Friday, March 5, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

FIFTY-FOURTH LEGISLATIVE DAY
FRIDAY, MARCH 5, 2010

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senator McKague, absent and formally excused by the Chair; and Senators Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Hammond, LeFavour, Lodge, Mortimer, Schroeder, Siddoway, Stegner, and Acting Senator Kerby, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Corin Ravsten, 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 4, 2010, 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.

Senator Stegner was recorded present at this order of business.

The President announced that the Oath of Office had previously been administered to Acting Senator Kerby and he was recorded present at this order of business.

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

Reports of Standing Committees

March 5, 2010

The JUDICIARY AND RULES Committee reports that [S 1397](#), [S 1398](#), and [S 1399](#) have been correctly printed.

DARRINGTON, Chairman

[S 1397](#) was referred to the Transportation Committee.

[S 1398](#) and [S 1399](#) were referred to the Judiciary and Rules Committee.

March 4, 2010

The JUDICIARY AND RULES Committee reports that [S 1340](#), as amended, [S 1352](#), as amended, [S 1365](#), as amended, and [S 1378](#), as amended, have been correctly engrossed.

DARRINGTON, Chairman

[S 1340](#), as amended, [S 1352](#), as amended, [S 1365](#), as amended, and [S 1378](#), as amended, were filed for first reading.

March 4, 2010

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1340](#), [S 1352](#), [S 1365](#), and [S 1378](#) have been correctly printed.

DARRINGTON, Chairman

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

March 4, 2010

The AGRICULTURAL AFFAIRS Committee reports out [H 456](#) with the recommendation that it do pass.

CORDER, Chairman

[H 456](#) was filed for second reading.

March 4, 2010

The AGRICULTURAL AFFAIRS Committee reports out [S 1345](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

CORDER, Chairman

There being no objection, [S 1345](#) was referred to the Fourteenth Order of Business, General Calendar.

March 4, 2010

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 458](#), [H 478](#), [H 510](#), and [H 525](#) with the recommendation that they do pass.

ANDREASON, Chairman

[H 458](#), [H 478](#), [H 510](#), and [H 525](#) were filed for second reading.

March 4, 2010

The FINANCE Committee reports out [S 1392](#), [S 1393](#), [S 1394](#), [S 1395](#), and [S 1396](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1392](#), [S 1393](#), [S 1394](#), [S 1395](#), and [S 1396](#) were filed for second reading.

March 4, 2010

The TRANSPORTATION Committee reports out [S 1349](#), [S 1351](#), and [S 1389](#) with the recommendation that they do pass.

MCGEE, Chairman

[S 1349](#), [S 1351](#), and [S 1389](#) were filed for second reading.

March 4, 2010

The TRANSPORTATION Committee reports out [S 1348](#), [S 1350](#), and [S 1361](#) with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

MCGEE, Chairman

There being no objection, [S 1348](#), [S 1350](#), and [S 1361](#) were referred to the Fourteenth Order of Business, General Calendar.

March 4, 2010

The EDUCATION Committee reports out [H 400](#) and [H 545](#) with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, [H 400](#) and [H 545](#) were 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

March 4, 2010

The Honorable Brad Little
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 1256](#), [S 1257](#), and [S 1297](#)

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor of Idaho

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 4, 2010

Dear Mr. President:

I transmit herewith [H 533](#), [H 538](#), [H 405](#), as amended, [H 523](#), as amended, [H 495](#), as amended, [H 535](#), as amended, [H 480](#), as amended, [H 558](#), as amended, [H 531](#), as amended, [H 566](#), [H 431](#), [H 474](#), [H 476](#), [H 529](#), [H 553](#), [HCR 48](#), [HCR 49](#), [H 424](#), [HCR 50](#), [HCR 52](#), [HCR 53](#), [HCR 54](#), [HCR 57](#), and [HCR 44](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 533](#), [H 538](#), [H 405](#), as amended, [H 523](#), as amended, [H 495](#), as amended, [H 535](#), as amended, [H 480](#), as amended, [H 558](#), as amended, [H 531](#), as amended, [H 566](#), [H 431](#), [H 474](#), [H 476](#), [H 529](#), [H 553](#), [HCR 48](#), [HCR 49](#), [H 424](#), [HCR 50](#), [HCR 52](#), [HCR 53](#), [HCR 54](#), [HCR 57](#), and [HCR 44](#) were filed for first reading.

March 4, 2010

Dear Mr. President:

I return herewith Enrolled [S 1267](#), [S 1287](#), and [S 1308](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1267](#), [S 1287](#), and [S 1308](#) 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

Senators Andreason, Bilyeu, Broadsword, Cameron, Lodge, and Schroeder were recorded present at this order of business.

[S 1340](#), as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

[S 1352](#), as amended, by Transportation Committee, was read the first time at length and filed for second reading.

[S 1365](#), as amended, by Education Committee, was read the first time at length and filed for second reading.

[S 1378](#), as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

[H 533](#), by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 538](#), by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 405](#), as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 523](#), 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 495](#), as amended, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 535](#), as amended, by Local Government Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[H 480](#), as amended, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 558](#), as amended, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 531](#), as amended, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 566](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 431](#), [H 474](#), [H 476](#), [H 529](#), [H 553](#), and [H 424](#), by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[HCR 48](#), by State Affairs Committee, was introduced, read at length, and referred to the Education Committee.

[HCR 49](#), by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

[HCR 50](#), by State Affairs Committee, was introduced, read at length, and referred to the Commerce and Human Resources Committee.

[HCR 52](#), [HCR 53](#), and [HCR 54](#), by Ways and Means Committee, were introduced, read at length, and referred to the Resources and Environment Committee.

[HCR 57](#), by State Affairs Committee, was introduced, read at length, and referred to the Health and Welfare Committee.

[HCR 44](#), by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

Senators Bair, LeFavour, Mortimer, and Siddoway were recorded present at this order of business.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Senators Brackett, Hammond, and Acting Senator Kerby were recorded present at this order of business.

[S 1355](#) and [S 1343](#), by Resources and Environment Committee, were read the second time at length and filed for third reading.

[H 416](#), by Resources and Conservation Committee, was read the second time at length and filed for third reading.

[H 514](#), by Local Government Committee, was read the second time at length and filed for third reading, Consent Calendar.

[H 516](#), by Local Government Committee, was read the second time at length and filed for third reading.

[S 1388](#), by Finance Committee, was read the second time at length and filed for third reading.

On request by Senator Goedde, granted by unanimous consent, [S 1364](#) was recommitted to the Education Committee.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Corder, granted by unanimous consent, [S 1344](#) retained its place on the Third Reading Calendar for one legislative day.

On request by Senator McGee, granted by unanimous consent, [S 1357](#) retained its place on the Third Reading Calendar for one legislative day.

[S 1305](#), as amended, 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Cameron, McKague. Total - 2.

Total - 35.

Whereupon the President declared [S 1305](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1366](#), as amended, 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [S 1366](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1376](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [S 1376](#) passed, title was approved, and the bill ordered transmitted to the House.

President Little called President Pro Tempore Geddes to the Chair.

[S 1359](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1359](#) 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 Kelly, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 10:30 a.m., Monday, March 8, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

**FIFTY-SEVENTH LEGISLATIVE DAY
MONDAY, MARCH 8, 2010**

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

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

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Jedediah Russell, 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 5, 2010, 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 5, 2010

The JUDICIARY AND RULES Committee reports that Enrolled [S 1267](#), [S 1287](#), and [S 1308](#) were delivered to the Office of the Governor at 2:45 p.m., March 5, 2010.

DARRINGTON, Chairman

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

March 5, 2010

The STATE AFFAIRS Committee reports out [S 1375](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCKENZIE, Chairman

There being no objection, [S 1375](#) was 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

Senator Andreason was recorded present at this order of business.

March 5, 2010

Dear Mr. President:

I transmit herewith [H 543](#), [H 610](#), [H 599](#), and [H 616](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 543](#), [H 610](#), [H 599](#), and [H 616](#) were filed for first reading.

March 5, 2010

Dear Mr. President:

I return herewith Enrolled [S 1265](#), [S 1266](#), and [S 1306](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1265](#), [S 1266](#), and [S 1306](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 5, 2010

Dear Mr. President:

I return herewith Enrolled [SCR 122](#), [SCR 121](#), and [SJM 103](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [SCR 122](#), [SCR 121](#), and [SJM 103](#) were 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 announced that the Resources and Environment Committee report relative to the Gubernatorial appointment of William B. Booth was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Jorgenson, seconded by Acting Senator Stennett, the Gubernatorial appointment of William B. Booth 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 Senate advanced to the Eleventh Order of Business.

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

S 1400

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO APPOINTEES TO DISTRICT BOARDS OF HEALTH; AMENDING SECTION 39-411, IDAHO CODE, TO PROVIDE THAT IF A BOARD MEMBER OF A PUBLIC HEALTH DISTRICT IS AN APPOINTEE FOR A BOARD OF COUNTY COMMISSIONERS, AND IF THAT BOARD MEMBER IS AN ELECTED COUNTY COMMISSIONER AND LEAVES OFFICE PRIOR TO THE EXPIRATION OF THE TERM ON THE DISTRICT BOARD OF HEALTH, THE BOARD OF COUNTY COMMISSIONERS MAY DECLARE THE POSITION VACANT AND MAY APPOINT ANOTHER CURRENTLY ELECTED COUNTY COMMISSIONER TO FILL THE UNEXPIRED PORTION OF THE TERM OF THAT BOARD MEMBER; AND DECLARING AN EMERGENCY.

S 1401
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO CONSTRUCTION OF PUBLIC PROJECTS; AMENDING SECTION 67-5711C, IDAHO CODE, TO REVISE PREQUALIFICATION REQUIREMENTS WHEN THE DEPARTMENT OF ADMINISTRATION AND THE RESPECTIVE STATE AGENCY DEEM IT IN THE BEST INTEREST OF THE STATE AND TO REVISE PREQUALIFICATION PROVISIONS; AND DECLARING AN EMERGENCY.

[S 1400](#) and [S 1401](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 543](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[H 610](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 599](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 616](#), 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

[H 456](#), by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

[H 458](#), by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

[H 478](#), by Business Committee, was read the second time at length and filed for third reading.

[H 510](#) and [H 525](#), by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

[S 1392](#), [S 1393](#), [S 1394](#), [S 1395](#), and [S 1396](#), by Finance Committee, were read the second time at length and filed for third reading.

[S 1349](#) and [S 1351](#), by Transportation Committee, were read the second time at length and filed for third reading.

[S 1389](#) and [S 1340](#), as amended, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

[S 1352](#), as amended, by Transportation Committee, was read the second time at length and filed for third reading.

[S 1365](#), as amended, by Education Committee, was read the second time at length and filed for third reading.

[S 1378](#), 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

On request by Senator Corder, granted by unanimous consent, [S 1344](#), having been held, was referred to the Fourteenth Order of Business, General Calendar.

[S 1357](#), 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Coiner, McKague. Total - 2.

Total - 35.

Whereupon the President declared [S 1357](#) 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 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, Bair, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stennett (Stennett), Winder. Total - 26.

NAYS—Bock, Davis, Kelly, LeFavour, Stegner, Werk. Total - 6.

Absent and excused—Bilyeu, Coiner, McKague. Total - 3.

Total - 35.

Whereupon the President declared [S 1360](#) 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 Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Coiner, McKague. Total - 2.

Total - 35.

Whereupon the President declared [S 1355](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Stegner, granted by unanimous consent, [S 1343](#) retained its place on the Third Reading Calendar for one legislative day.

[S 1388](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 32.

NAYS—Werk. Total - 1.

Absent and excused—Coiner, McKague. Total - 2.

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, [H 391](#), as amended, retained its place on the Third Reading Calendar for one legislative day.

[H 414](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Coiner, McKague. Total - 2.

Total - 35.

Whereupon the President declared [H 414](#) passed, title was approved, and the bill ordered returned to the House.

[H 386](#), 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—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Coiner, McKague. Total - 2.

Total - 35.

Whereupon the President declared [H 386](#), as amended, 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, with Senate Finance Committee bills to follow, then 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 Kelly, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 10:30 a.m., Tuesday, March 9, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

FIFTY-EIGHTH LEGISLATIVE DAY TUESDAY, MARCH 9, 2010

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senator McKague, absent and formally excused by the Chair; and Senators Schroeder and Stegner, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Elyse Woodland, 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 8, 2010, 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.

Senators Schroeder and Stegner were recorded present at this order of business.

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

Reports of Standing Committees

March 8, 2010

The JUDICIARY AND RULES Committee reports that [S 1400](#) and [S 1401](#) have been correctly printed.

DARRINGTON, Chairman

[S 1400](#) was referred to the Health and Welfare Committee.

March 8, 2010

[S 1401](#) was referred to the State Affairs Committee.

March 8, 2010

The JUDICIARY AND RULES Committee reports that Enrolled [SCR 121](#), [SCR 122](#), and [SJM 103](#) were delivered to the Office of the Secretary of State at 1:58 p.m., March 8, 2010.

DARRINGTON, Chairman

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

March 8, 2010

The JUDICIARY AND RULES Committee reports that Enrolled [S 1265](#), [S 1266](#), and [S 1306](#) were delivered to the Office of the Governor at 2:05 p.m., March 8, 2010.

DARRINGTON, Chairman

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

March 8, 2010

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:

Roy E. Decker to the Bingo-Raffle Advisory Board, term to expire January 7, 2013.

MCKENZIE, 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 8, 2010

The JUDICIARY AND RULES Committee reports out [S 1384](#) and [S 1399](#) with the recommendation that they do pass.

DARRINGTON, Chairman

[S 1384](#) and [S 1399](#) were filed for second reading.

March 8, 2010

The JUDICIARY AND RULES Committee reports out [S 1383](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, [S 1383](#) was referred to the Fourteenth Order of Business, General Calendar.

March 8, 2010

The RESOURCES AND ENVIRONMENT Committee reports out [H 415](#), [H 417](#), [H 463](#), [HJM 11](#), [H 533](#), [H 561](#), [HCR 52](#), [HCR 53](#), and [HCR 54](#) with the recommendation that they do pass.

SCHROEDER, Chairman

[H 415](#), [H 417](#), [H 463](#), [H 533](#), and [H 561](#) were filed for second reading.

[HJM 11](#), [HCR 52](#), [HCR 53](#), and [HCR 54](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

The HEALTH AND WELFARE Committee reports out [H 470](#), [H 480](#), as amended, and [H 518](#) with the recommendation that they do pass.

LODGE, Chairman

[H 470](#), [H 480](#), as amended, and [H 518](#) were filed for second reading.

March 8, 2010

The HEALTH AND WELFARE Committee reports out [H 517](#), [H 519](#), and [H 538](#) with the recommendation that they do pass, and with the recommendation that they be placed on the Consent Calendar.

LODGE, Chairman

[H 517](#), [H 519](#), and [H 538](#) were filed for second reading.

March 8, 2010

The EDUCATION Committee reports out [H 579](#) with the recommendation that it do pass.

GOEDDE, Chairman

[H 579](#) 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 8, 2010

Dear Mr. President:

I transmit herewith [H 625](#), [H 626](#), [H 603](#), [H 598](#), [H 459](#), [H 460](#), and [HCR 55](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 625](#), [H 626](#), [H 603](#), [H 598](#), [H 459](#), [H 460](#), and [HCR 55](#) were filed for first reading.

March 8, 2010

Dear Mr. President:

I transmit herewith Enrolled [HCR 39](#) and [HCR 45](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HCR 39](#) and [HCR 45](#) 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 1402

BY FINANCE COMMITTEE

AN ACT

REDUCING THE APPROPRIATION TO THE LEGISLATIVE COUNCIL FOR FISCAL YEAR 2010; PROVIDING THAT THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL DIRECT THE STATE CONTROLLER TO LIMIT THE FUNDS TRANSFER TO THE LEGISLATIVE FUND FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL

MONEYS TO THE LEGISLATIVE COUNCIL FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE LEGISLATIVE COUNCIL FOR FISCAL YEAR 2011; DIRECTING THE STATE CONTROLLER TO TRANSFER DEDICATED FUNDS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; PROVIDING THAT THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL DIRECT THE STATE CONTROLLER TO LIMIT THE FUNDS TRANSFER TO THE LEGISLATIVE FUND FOR FISCAL YEAR 2011; AND DECLARING AN EMERGENCY FOR SECTIONS 1, 2 AND 3 OF THIS ACT.

S 1403
BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO THE FIRE PROTECTION BOARD; AMENDING SECTION 31-1408, IDAHO CODE, TO DELETE CERTAIN RESIDENCE REQUIREMENTS RELATING TO FIRE PROTECTION DISTRICT COMMISSIONERS, TO REVISE PROVISIONS RELATING TO WHEN THE OATH OF OFFICE OF FIRE PROTECTION COMMISSIONERS SHALL BE TAKEN AND TO REVISE EXCEPTION PROVISIONS RELATING TO TAKING THE OATH.

[S 1402](#) and [S 1403](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 625](#) and [H 626](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 603](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 598](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 459](#) and [H 460](#), by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[HCR 55](#), by Ways and Means Committee, was introduced, read at length, and referred to the State Affairs Committee.

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

Third Reading of Bills

[S 1343](#) 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, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Goedde, Heinrich, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, Schroeder, Stegner, Stennett (Stennett), Werk. Total - 21.

NAYS—Bair, Brackett, Davis, Fulcher, Geddes, Hammond, Hill, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Winder. Total - 13.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [S 1343](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Werk, granted by unanimous consent, [S 1389](#) was referred to the Fourteenth Order of Business, General Calendar.

[S 1349](#) 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, Bilyeu, Bock, Broadsword, Coiner, Corder, Goedde, Hammond, Heinrich, Kelly, LeFavour, Lodge, Malepeai, McGee, Schroeder, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 20.

NAYS—Bair, Brackett, Cameron, Darrington, Davis, Fulcher, Geddes, Hill, Jorgenson, Kerby (Keough), McKenzie, Mortimer, Pearce, Siddoway. Total - 14.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [S 1349](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1351](#) 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—Bilyeu, Heinrich, Kelly, LeFavour, Malepeai, McGee, Werk. Total - 7.

NAYS—Andreason, Bair, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Hill, Jorgenson, Kerby (Keough), Lodge, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 27.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared that [S 1351](#) 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 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 1345](#), [S 1361](#), [H 400](#), and [S 1375](#), without recommendation, amended as follows:

SENATE AMENDMENT TO S 1345 AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 14, following "llamas" insert: ", alpacas".

SENATE AMENDMENT TO S 1361 AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 44, delete "requirement" and insert: "requirement requirements, including a written examination of material presented.".

AMENDMENT TO SECTION 2

On page 3, in line 44, delete "." and insert: ":-"; and following line 44, insert:

"(a) Prelicensing classes shall consist of eight (8) hours of instruction or as otherwise approved by the department, which shall include the written examination.

(b) Fees applicable to the prelicensing class shall not exceed three hundred fifty dollars (\$350).

(c) Fees applicable to the dealer education program shall not exceed two hundred dollars (\$200).

(d) Any provider as approved by the department shall make the dealer education programs and prelicensing classes available on a monthly basis, at a minimum."

AMENDMENT TO THE BILL

On page 4, following line 4, insert:

"SECTION 3. This act shall be in full force and effect on and after January 1, 2011."

CORRECTION TO TITLE

On page 1, in line 6, delete "PROVIDE" and insert: "REVISE PROVISIONS RELATING TO"; in line 7, delete "RELATING TO AN APPROVED PRELICENSING CLASS OR PROGRAM" and insert: "FOR VEHICLE DEALERS; AND PROVIDING AN EFFECTIVE DATE".

SENATE AMENDMENT TO H 400 AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 17, following "(4)" insert: "(a)"; delete lines 20 through 22, and insert: "directives of the board;

(b) Delegate to its executive officer, if necessary to enhance effectiveness and efficiency, such powers as he requires to exercise discretionary authority and to perform duties vested in the state board related to the operation, control and management of Idaho's state universities and colleges and other agencies under the supervision and governance of the state board, and to perform duties and render decisions prescribed to the state board involving the exercise of judgment and discretion that affect the public schools in Idaho;

(c) Delegate to the presidents of Idaho's state universities and colleges, if necessary to enhance effectiveness and efficiency, such powers as said officers require to exercise discretionary authority and to perform duties vested in the state board related to the operation, control and management of Idaho's state universities and colleges;

(d) Delegate to its executive secretary, the superintendent of public instruction, if necessary to enhance effectiveness and efficiency, such powers as he requires to perform duties

and render decisions prescribed to the state board involving the exercise of judgment and discretion that affect the public schools in Idaho;

(e) Delegations of powers under this subsection must be adopted as statements of agency action by the state board, as provided in section 33-105(2), Idaho Code, and pursuant to a process that provides for notice, opportunity for input and formal adoption by the state board;".

CORRECTION TO TITLE

On page 1, in line 3, following "RELATING TO" insert: "THE DELEGATION OF"; and in line 4, following "BOARD" insert: "AND TO PROVIDE PROVISIONS RELATING TO STATEMENTS OF AGENCY ACTION".

SENATE AMENDMENT TO S 1375 AMENDMENT TO SECTION 1

On page 3 of the printed bill, in line 38, delete "who is"; and in line 39, delete "stationed or deployed overseas on military orders".

The Committee also has [S 1382](#), [S 1348](#), [S 1350](#), [H 545](#), [S 1344](#), and [S 1383](#) under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Werk, the report was adopted by voice vote.

[S 1345](#), as amended, [S 1361](#), as amended, and [S 1375](#), 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 400](#), 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 returned to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

On motion by Senator Davis, seconded by Senator Kelly, by voice vote the Senate recessed at 12:10 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 Little presiding.

Roll call showed all members present except Senator McKague, absent and formally excused by the Chair; and Senators Andreason, Cameron, Davis, Fulcher, Goedde, Lodge, Malepeai, Mortimer, Pearce, Schroeder, and Winder, and Acting Senator 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

Senators Andreason, Davis, Fulcher, Goedde, Lodge, Malepeai, Mortimer, Pearce, Schroeder, and Winder were recorded present at this order of business.

On request by Senator McGee, granted by unanimous consent, [S 1352](#), as amended, retained its place on the Third Reading Calendar for one legislative day.

[S 1340](#), 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 32.

NAYS—None.

Absent and excused—Cameron, McKague, Stennett (Stennett). Total - 3.

Total - 35.

Whereupon the President declared [S 1340](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

Acting Senator Stennett was recorded present at this order of business.

[S 1365](#), as amended, 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Cameron, McKague. Total - 2.

Total - 35.

Whereupon the President declared [S 1365](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1378](#), 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?"

On request by Senator McKenzie, granted by unanimous consent, the following typographical correction was made to [S 1378](#), as amended, pursuant to Senate Rule 9(F):

On Page 6, Line 17, change the subsection number "(7)" to subsection "(11)".

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Cameron, McKague. Total - 2.

Total - 35.

Whereupon the President declared [S 1378](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1392](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Cameron, McKague. Total - 2.

Total - 35.

Whereupon the President declared [S 1392](#) passed, title was approved, and the bill ordered transmitted to the House.

Senator Cameron was recorded present at this order of business.

[S 1393](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [S 1393](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1394](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [S 1394](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1395](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [S 1395](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1396](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [S 1396](#) passed, title was approved, and the bill ordered transmitted to the House.

President Little called President Pro Tempore Geddes to the Chair.

[H 391](#), as amended, having been held, 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—Bair, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Winder. Total - 24.

NAYS—Andreason, Bilyeu, Bock, Coiner, Kelly, LeFavour, Malepeai, Stegner, Stennett (Stennett), Werk. Total - 10.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [H 391](#), 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 Kelly, by voice vote, the Senate adjourned at 5:45 p.m. until the hour of 10 a.m., Wednesday, March 10, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

FIFTY-NINTH LEGISLATIVE DAY WEDNESDAY, MARCH 10, 2010

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senator McKague, absent and formally excused by the Chair; and Senators Cameron, Fulcher, Goedde, Lodge, Schroeder, and Smyser, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Rachael 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 March 9, 2010, 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 9, 2010

Senators Goedde, Schroeder, and Smyser were recorded present at this order of business.

March 9, 2010

The JUDICIARY AND RULES Committee reports that [S 1402](#) and [S 1403](#) have been correctly printed.

DARRINGTON, Chairman

[S 1402](#) was referred to the Finance Committee.

[S 1403](#) was referred to the Local Government and Taxation Committee.

March 9, 2010

The JUDICIARY AND RULES Committee reports that [S 1345](#), as amended, [S 1361](#), as amended, and [S 1375](#), as amended, have been correctly engrossed.

DARRINGTON, Chairman

[S 1345](#), as amended, [S 1361](#), as amended, and [S 1375](#), as amended, were filed for first reading.

March 9, 2010

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1345](#), [S 1361](#), [H 400](#), and [S 1375](#) have been correctly printed.

DARRINGTON, Chairman

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

March 9, 2010

The AGRICULTURAL AFFAIRS Committee reports out [S 1346](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

CORDER, Chairman

There being no objection, [S 1346](#) was referred to the Fourteenth Order of Business, General Calendar.

March 9, 2010

The AGRICULTURAL AFFAIRS Committee reports out [H 466](#), [H 467](#), and [HCR 41](#) with the recommendation that they do pass.

CORDER, Chairman

[H 466](#) and [H 467](#) were filed for second reading.

[HCR 41](#) 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, 2010

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 477](#), [H 526](#), and [H 527](#) with the recommendation that they do pass.

ANDREASON, Chairman

[H 477](#), [H 526](#), and [H 527](#) were filed for second reading.

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 474](#), [H 476](#), and [H 553](#) with the recommendation that they do pass, and with the recommendation that they be placed on the Consent Calendar.

ANDREASON, Chairman

[H 474](#), [H 476](#), and [H 553](#) were filed for second reading.

March 9, 2010

The FINANCE Committee reports out [H 625](#) and [H 626](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 625](#) and [H 626](#) were filed for second reading.

March 9, 2010

The TRANSPORTATION Committee reports out [S 1336](#), [S 1337](#), and [S 1397](#) with the recommendation that they do pass.

MCGEE, Chairman

[S 1336](#), [S 1337](#), and [S 1397](#) were filed for second reading.

March 9, 2010

The TRANSPORTATION Committee reports out [S 1311](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCGEE, Chairman

There being no objection, [S 1311](#) was referred to the Fourteenth Order of Business, General Calendar.

March 9, 2010

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 490](#) with the recommendation that it do pass.

HILL, Chairman

[H 490](#) was filed for second reading.

March 9, 2010

The HEALTH AND WELFARE Committee reports out [HCR 57](#) with the recommendation that it do pass.

LODGE, Chairman

[HCR 57](#) 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 9, 2010

The Honorable Brad Little
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 1265](#), [S 1266](#), [S 1267](#), [S 1287](#), [S 1306](#), and [S 1308](#)

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor of Idaho

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 9, 2010

Dear Mr. President:

I transmit herewith [H 426](#), [H 428](#), [H 429](#), [H 461](#), [H 589](#), [H 612](#), [H 614](#), [H 601](#), [H 607](#), [H 611](#), [H 574](#), [H 600](#), and [H 618](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 426](#), [H 428](#), [H 429](#), [H 461](#), [H 589](#), [H 612](#), [H 614](#), [H 601](#), [H 607](#), [H 611](#), [H 574](#), [H 600](#), and [H 618](#) 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

Senator Cameron was recorded present at this order of business.

S 1404

BY FINANCE COMMITTEE

AN ACT

REDUCING THE APPROPRIATION TO THE ATTORNEY GENERAL FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE ATTORNEY GENERAL FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXEMPTING THE ATTORNEY GENERAL FROM CERTAIN APPROPRIATION TRANSFER LIMITATIONS FOR FISCAL YEAR 2011; AND DECLARING AN EMERGENCY.

S 1405

BY FINANCE COMMITTEE

AN ACT

REDUCING THE APPROPRIATION TO THE MILITARY DIVISION FOR FISCAL YEAR 2010; APPROPRIATING MONEYS FOR THE MILITARY DIVISION FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; GRANTING A CONTINUOUS APPROPRIATION FOR THE BUREAU OF HOMELAND SECURITY'S MISCELLANEOUS REVENUE FUND FOR FISCAL YEAR 2011; AND DECLARING AN EMERGENCY.

S 1406

BY FINANCE COMMITTEE

AN ACT

REDUCING THE APPROPRIATION TO THE OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE

OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY.

[S 1404](#), [S 1405](#), and [S 1406](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 400](#), as amended in the Senate, by Education Committee, was read the first time at length and filed for second reading.

[S 1345](#), as amended, by Agricultural Affairs Committee, was read the first time at length and filed for second reading.

[S 1361](#), as amended, by Transportation Committee, was read the first time at length and filed for second reading.

[S 1375](#), as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

[H 426](#), by Business Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 428](#), [H 429](#), and [H 461](#), by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 589](#), [H 612](#), and [H 614](#), by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

[H 601](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

[H 607](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 611](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

[H 574](#) and [H 600](#), by Transportation and Defense Committee, were introduced, read the first time at length, and referred to the Transportation Committee.

[H 618](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

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

Second Reading of Bills

Senator Fulcher was recorded present at this order of business.

[S 1384](#) and [S 1399](#), by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

[H 415](#), [H 417](#), [H 463](#), [H 533](#), and [H 561](#), by Resources and Conservation Committee, were read the second time at length and filed for third reading.

[H 470](#), [H 480](#), as amended, and [H 518](#), by Health and Welfare Committee, were read the second time at length and filed for third reading.

[H 517](#), [H 519](#), and [H 538](#), by Health and Welfare Committee, were read the second time at length and filed for third reading, Consent Calendar.

[H 579](#), by Education Committee, was read the second time at length and filed for third reading, Consent Calendar.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senator Lodge was recorded present at this order of business.

[S 1352](#), as amended, 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Coiner, Corder, Darrington, Davis, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, Mortimer, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 29.

NAYS—Cameron, Fulcher, Jorgenson, McKenzie, Pearce. Total - 5.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [S 1352](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [H 471](#) retained its place on the Third Reading Calendar for one legislative day.

[H 472](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [H 472](#) passed, title was approved, and the bill ordered returned to the House.

The Senate considered the Consent Calendar at this time.

[H 409](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson,

Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [H 409](#) 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 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [H 410](#) passed, title was approved, and the bill ordered returned to the House.

[H 468](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [H 468](#) passed, title was approved, and the bill ordered returned to the House.

[H 481](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS--None.

Absent and excused--McKague. Total - 1.

Total - 35.

Whereupon the President declared [H 481](#) 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 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS--None.

Absent and excused--McKague. Total - 1.

Total - 35.

Whereupon the President declared [H 483](#) 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 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS--None.

Absent and excused--McKague. Total - 1.

Total - 35.

Whereupon the President declared [H 514](#) 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 Kelly, by voice vote, the Senate adjourned at 11:20 a.m. until the hour of 10 a.m., Thursday, March 11, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

**SIXTIETH LEGISLATIVE DAY
THURSDAY, MARCH 11, 2010**

Senate Chamber

President Little called the Senate to order at 10 a.m.

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

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Angela Call, 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, 2010, 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 11, 2010

The JUDICIARY AND RULES Committee reports that [S 1404](#), [S 1405](#), and [S 1406](#) have been correctly printed.

DARRINGTON, Chairman

[S 1404](#), [S 1405](#), and [S 1406](#) were referred to the Finance Committee.

March 10, 2010

The STATE AFFAIRS Committee reports out [HJR 4](#), [HJR 5](#), and [HJR 7](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[HJR 4](#), [HJR 5](#), and [HJR 7](#) were filed for second reading.

March 10, 2010

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:

Rayelle Anderson to the Bingo-Raffle Advisory Board, term to expire January 7, 2013.

MCKENZIE, 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, 2010

The FINANCE Committee reports out [S 1402](#) with the recommendation that it do pass.

CAMERON, Chairman

[S 1402](#) was filed for second reading.

March 10, 2010

The RESOURCES AND ENVIRONMENT Committee reports out [H 557](#), [H 559](#), and [H 599](#) with the recommendation that they do pass.

SCHROEDER, Chairman

[H 557](#), [H 559](#), and [H 599](#) were filed for second reading.

March 10, 2010

The RESOURCES AND ENVIRONMENT Committee reports out [H 560](#) with the recommendation that it do pass, and with the recommendation that it be placed on the Consent Calendar.

SCHROEDER, Chairman

[H 560](#) was filed for second reading.

March 10, 2010

The JUDICIARY AND RULES Committee reports out [H 498](#), [S 1385](#), [S 1390](#), and [S 1398](#) with the recommendation that they do pass.

DARRINGTON, Chairman

[H 498](#), [S 1385](#), [S 1390](#), and [S 1398](#) 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 Andreason and Fulcher were recorded present at this order of business.

March 10, 2010

Dear Mr. President:

I transmit herewith [H 462](#), [H 554](#), [H 620](#), [HCR 51](#), and [HJM 13](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 462](#), [H 554](#), [H 620](#), [HCR 51](#), and [HJM 13](#) were filed for first reading.

March 10, 2010

Dear Mr. President:

I transmit herewith Enrolled [H 414](#) and [H 386](#), as amended, for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 414](#) and [H 386](#), as amended, 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

Senator Stegner was recorded present at this order of business.

S 1407

BY FINANCE COMMITTEE

AN ACT

RELATING TO THE COMPREHENSIVE AQUIFER PLANNING AND MANAGEMENT EFFORT; AMENDING SECTION 42-1780, IDAHO CODE, TO PROVIDE FOR THE SECONDARY AQUIFER PLANNING, MANAGEMENT AND IMPLEMENTATION FUND, TO PROVIDE FOR THE CREATION OF THE SECONDARY AQUIFER PLANNING, MANAGEMENT AND IMPLEMENTATION FUND IN THE STATE TREASURY, TO PROVIDE THAT THE SECONDARY FUND SHALL CONSIST OF SPECIFIED MONEYS, TO PROVIDE FOR THE USE OF ALL MONEYS IN THE SECONDARY FUND, TO PROVIDE FOR CONTINUOUS APPROPRIATION OF MONEYS IN THE SECONDARY FUND TO THE WATER RESOURCE BOARD FOR SPECIFIED PURPOSES, TO PROVIDE THAT SPECIFIED PROVISIONS OF LAW SHALL NOT BE APPLICABLE AND TO PROVIDE FOR THE INVESTMENT OF IDLE MONEYS OF THE SECONDARY FUND AND THE RETENTION BY THE SECONDARY FUND OF INTEREST EARNED ON SUCH INVESTMENTS.

S 1408

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ABSENTEE BALLOTS; AMENDING SECTION 34-1002, IDAHO CODE, TO REVISE PROCEDURES FOR APPLICATION FOR ABSENTEE BALLOTS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 34-1003, IDAHO CODE, TO REVISE PROCEDURES FOR ISSUANCE OF ABSENTEE BALLOTS.

[S 1407](#) and [S 1408](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 462](#), by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 554](#), by Business Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[H 620](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[HCR 51](#), by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

[HJM 13](#), by Ways and Means Committee, was introduced, read at length, and referred to the Transportation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 466](#) and [H 467](#), by Agricultural Affairs Committee, were read the second time at length and filed for third reading.

[H 477](#), by Business Committee, was read the second time at length and filed for third reading.

[H 526](#) and [H 527](#), by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

[H 474](#), [H 476](#), and [H 553](#), by Business Committee, were read the second time at length and filed for third reading, Consent Calendar.

[H 625](#) and [H 626](#), by Appropriations Committee, were read the second time at length and filed for third reading.

[S 1336](#) and [S 1337](#), by Transportation Committee, were read the second time at length and filed for third reading.

[S 1397](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[H 490](#), by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

[H 400](#), as amended in the Senate, by Education Committee, was read the second time at length and filed for third reading.

[S 1345](#), as amended, by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

[S 1361](#), as amended, by Transportation Committee, was read the second time at length and filed for third reading.

[S 1375](#), as amended, by State Affairs Committee, 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 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 1382](#), [S 1383](#), and [S 1311](#), without recommendation, amended as follows:

SENATE AMENDMENT TO S 1382

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 1, delete "or"; in line 2, delete "affinity"; in line 4, following "child" insert: "has resided with the individual without a parent present and with a lack of demonstrated consistent participation by a parent"; following line 9, insert:

"(c) For purposes of the definition in this section, "lack of demonstrated consistent participation" by a parent means refusal or failure to comply with the duties imposed upon the parent by the parent-child relationship. When determining a "lack of demonstrated consistent participation," the court may consider parent involvement in providing the child necessary food, clothing, shelter, health care and education

and in creating a nurturing and consistent relationship for the child's physical, mental or emotional health and development.

(2) In determining if a petitioner or intervenor is a de facto custodian for the child, the court shall also take into consideration whether the child is currently residing with the petitioner or intervenor and, if not, the length of time since the child resided with the petitioner or intervenor."; in line 10, delete "(2)" and insert: "(3)"; in line 14, delete "(3)" and insert: "(4)"; and on page 3, in line 37, delete "appointment" and insert: "qualification".

AMENDMENT TO SECTION 3

On page 5, in line 36, delete "[32-1703](#)" and insert: "[32-1705](#)".

SENATE AMENDMENT TO S 1383

AMENDMENT TO THE BILL

On page 2 of the printed bill, following line 33, insert:

"SECTION 2. That Section 19-2604, Idaho Code, be, and the same is hereby amended to read as follows:

19-2604. DISCHARGE OF DEFENDANT – AMENDMENT OF JUDGMENT. (1) If sentence has been imposed but suspended, or if sentence has been withheld, upon application of the defendant and upon satisfactory showing that the defendant has at all times complied with the terms and conditions upon which he was placed on probation, or has successfully completed and graduated from an authorized drug court program or mental health court program and has at all times complied with the terms and conditions of probation during any period of probation that may have been served following such graduation, the court may, if convinced by the showing made that there is no longer cause for continuing the period of probation, and if it be compatible with the public interest, terminate the sentence or set aside the plea of guilty or conviction of the defendant, and finally dismiss the case and discharge the defendant; and this shall apply to the cases in which defendants have been convicted and granted probation by the court before this law goes into effect, as well as to cases which arise thereafter. The final dismissal of the case as herein provided shall have the effect of restoring the defendant to his civil rights.

(2) If sentence has been imposed but suspended for any period during the first ~~one~~ ~~three~~ ~~hundred~~ ~~eighty~~ ~~sixty~~ ~~five~~ ~~(400365)~~ days of a sentence to the custody of the state board of correction, and the defendant placed upon probation as provided in subsection 4. of section 19-2601, Idaho Code, upon application of the defendant, the prosecuting attorney, or upon the court's own motion, and upon satisfactory showing that the defendant has at all times complied with the terms and conditions of his probation, or has successfully completed and graduated from an authorized drug court program or mental health court program and has at all times complied with the terms and conditions of probation during any period of probation that may have been served following such graduation, the court may amend the judgment of conviction from a term in the custody of the state board of correction to "confinement in a penal facility" for the number of days served prior to suspension, and the amended judgment may be deemed to be a misdemeanor conviction.

(3) Subsection (2) of this section shall not apply to any judgment of conviction for a violation of any offense requiring sex offender registration as set forth in section 18-8304, Idaho Code. A judgment of conviction for a violation of any offense requiring sex offender registration as set forth in section 18-8304, Idaho Code, shall not be subject to dismissal or reduction under this section. A conviction for the purposes of this chapter

means that the person has pled guilty or has been found guilty, notwithstanding the form of the judgment or withheld judgment."

CORRECTION TO TITLE

On page 1, in line 7, following "JURISDICTION" insert: "; AND AMENDING SECTION 19-2604, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE AMENDMENT OF JUDGMENT".

SENATE AMENDMENT TO S 1311

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 16, delete "one (1) or more" and insert: "more than one (1)".

The Committee also has [S 1348](#), [S 1350](#), [H 545](#), [S 1344](#), [S 1389](#), and [S 1346](#) 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 1382](#), as amended, [S 1383](#), as amended, and [S 1311](#), 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.

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

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, [H 471](#) retained its place on the Third Reading Calendar for one legislative day.

On request by Senator Malepeai, granted by unanimous consent, [H 449](#) retained its place on the Third Reading Calendar for one legislative day.

President Littlereturned to the Chair.

[S 1384](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 34.

NAYS—None.

Absent and excused—Werk. Total - 1.

Total - 35.

Whereupon the President declared [S 1384](#) 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. 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, Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 31.

NAYS—Bock, Kelly, Malepeai. Total - 3.

Absent and excused—Werk. Total - 1.

Total - 35.

Whereupon the President declared [S 1399](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 408](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 34.

NAYS—None.

Absent and excused—Werk. Total - 1.

Total - 35.

Whereupon the President declared [H 408](#) 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 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 34.

NAYS—None.

Absent and excused—Werk. Total - 1.

Total - 35.

Whereupon the President declared [H 411](#) passed, title was approved, and the bill ordered returned to the House.

[H 450](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Acting 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis,

Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 34.

NAYS–None.

Absent and excused–Werk. Total - 1.

Total - 35.

Whereupon the President declared [H 450](#) passed, title was approved, and the bill ordered returned to the House.

President Little called President Pro Tempore Geddes to the Chair.

[H 446](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 34.

NAYS–None.

Absent and excused–Werk. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [H 446](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Coiner, granted by unanimous consent, [H 469](#) retained its place on the Third Reading Calendar for one legislative day.

[H 484](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 34.

NAYS–None.

Absent and excused–Werk. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [H 484](#) passed, title was approved, and the bill ordered returned to the House.

[H 494](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 34.

NAYS–None.

Absent and excused–Werk. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [H 494](#) passed, title was approved, and the bill ordered returned to the House.

President Little returned to the Chair.

On request by Senator Stegner, granted by unanimous consent, [H 444](#), as amended, retained its place on the Third Reading Calendar for one legislative day.

[H 493](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Fulcher arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Fulcher, granted by unanimous consent, [H 493](#) was referred to the Fourteenth Order of Business, General Calendar.

[H 544](#) 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–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason, Werk. Total - 2.

Total - 35.

Whereupon the President declared [H 544](#) 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

March 11, 2010

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:02 p.m. until the hour of 10:30 a.m., Friday, March 12, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

**SIXTY-FIRST LEGISLATIVE DAY
FRIDAY, MARCH 12, 2010**

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Goedde and Stegner, and Acting Senator Stennett, absent and formally excused by the Chair; and Senators Cameron, McGee, and Schroeder, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Logan Cartwright, 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 11, 2010, 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 Cameron, McGee, and Schroeder were recorded present at this order of business.

March 11, 2010

The JUDICIARY AND RULES Committee reports that [S 1407](#) and [S 1408](#) have been correctly printed.

DARRINGTON, Chairman

[S 1407](#) was referred to the Finance Committee.[S 1408](#) was referred to the State Affairs Committee.

March 11, 2010

The JUDICIARY AND RULES Committee reports that [S 1382](#), as amended, [S 1383](#), as amended, and [S 1311](#), as amended, have been correctly engrossed.

DARRINGTON, Chairman

[S 1382](#), as amended, [S 1383](#), as amended, and [S 1311](#), as amended, were filed for first reading.

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1382](#), [S 1383](#), and [S 1311](#) have been correctly printed.

DARRINGTON, Chairman

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

March 11, 2010

The FINANCE Committee reports out [S 1404](#), [S 1405](#), and [S 1406](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1404](#), [S 1405](#), and [S 1406](#) were filed for second reading.

March 11, 2010

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 529](#) and [H 558](#), as amended, with the recommendation that they do pass.

ANDREASON, Chairman

[H 529](#) and [H 558](#), as amended, were filed for second reading.

March 11, 2010

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 424](#) and [H 431](#) with the recommendation that they do pass.

ANDREASON, Chairman

[H 424](#) and [H 431](#) were filed for second reading.

March 11, 2010

The TRANSPORTATION Committee reports out [H 445](#) with the recommendation that it do pass.

MCGEE, Chairman

[H 445](#) was filed for second reading.

March 11, 2010

The TRANSPORTATION Committee reports out [H 457](#), [H 486](#), [H 540](#), and [H 564](#) with the recommendation that they do pass.

MCGEE, Chairman

[H 457](#), [H 486](#), [H 540](#), and [H 564](#) were filed for second reading.

March 11, 2010

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:

Emma Lou Atchley to the State Board of Education, term to expire March 1, 2015.

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.

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

Messages from the House

March 11, 2010

Dear Mr. President:

I transmit herewith [H 641](#), [H 642](#), [H 630](#), [H 617](#), [H 534](#), [H 624](#), [H 583](#), as amended, [H 593](#), as amended, [H 596](#), as amended, [H 537](#), as amended, [H 433](#), as amended, [H 602](#), as amended, [H 556](#), as amended, [H 604](#), as amended, and [H 608](#), as amended, which have passed the House.

ALEXANDER, Chief Clerk

[H 641](#), [H 642](#), [H 630](#), [H 617](#), [H 534](#), [H 624](#), [H 583](#), as amended, [H 593](#), as amended, [H 596](#), as amended, [H 537](#), as amended, [H 433](#), as amended, [H 602](#), as amended, [H 556](#), as amended, [H 604](#), as amended, and [H 608](#), as amended, were filed for first reading.

March 11, 2010

Dear Mr. President:

I return herewith [S 1388](#), [S 1296](#), [S 1338](#), [S 1316](#), [S 1332](#), [S 1282](#), [S 1283](#), [S 1284](#), and [S 1285](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1388](#), [S 1296](#), [S 1338](#), [S 1316](#), [S 1332](#), [S 1282](#), [S 1283](#), [S 1284](#), and [S 1285](#) were referred to the Judiciary and Rules Committee for enrolling.

March 11, 2010

Dear Mr. President:

I transmit herewith Enrolled [H 391](#), as amended, for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 391](#), as amended, and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Roy E. Decker 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 Roy E. Decker 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.

On request by Senator Davis, granted by unanimous consent, the committee report of the Gubernatorial appointment

confirmation of Rayelle Anderson retained its place on the calendar for Monday, March 15, 2010.

On request by Senator Schroeder, granted by unanimous consent, [HCR 52](#) was recommitted to the Resources and Environment Committee.

On request by Senator Schroeder, granted by unanimous consent, [HCR 53](#) was recommitted to the Resources and Environment Committee.

The President announced that [HJM 11](#) was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Pearce, seconded by Senator Fulcher, [HJM 11](#) was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President announced that [HCR 54](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Brackett, seconded by Senator Malepeai, [HCR 54](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that [HCR 41](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Corder, seconded by Senator Malepeai, [HCR 41](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that [HCR 57](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Bilyeu, seconded by Senator Lodge, [HCR 57](#) 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 1382](#), as amended, and [S 1383](#), as amended, by Judiciary and Rules Committee, were read the first time at length and filed for second reading.

[S 1311](#), as amended, by Transportation Committee, was read the first time at length and filed for second reading.

[H 641](#) and [H 642](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 630](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 617](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 534](#), by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 624, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

H 583, as amended, by Business Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 593, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 596, 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 537, as amended, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 433, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 602, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 556, as amended, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 604, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 608, as amended, by Ways and Means 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

HJR 4, HJR 5, and HJR 7, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

S 1402, by Finance Committee, was read the second time at length and filed for third reading.

H 557 and H 559, by Resources and Conservation Committee, were read the second time at length and filed for third reading.

H 599, by State Affairs Committee, was read the second time at length and filed for third reading.

H 560, by Resources and Conservation Committee, was read the second time at length and filed for third reading, Consent Calendar.

H 498, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

S 1385, S 1390, and S 1398, 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 McGee, granted by unanimous consent, S 1397 was referred to the Fourteenth Order of Business, General Calendar.

S 1336 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Coiner, Corder, Davis, Hammond, Heinrich, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, Siddoway, Smyser, Werk, Winder. Total - 21.

NAYS—Cameron, Darrington, Fulcher, Geddes, Hill, McKague, McKenzie, Mortimer, Pearce, Schroeder. Total - 10.

Absent and excused—Andreason, Goedde, Stegner, Stennett (Stennett). Total - 4.

Total - 35.

Whereupon the President declared S 1336 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 Kelly, by voice vote, the Senate adjourned at 12 noon until the hour of 10 a.m., Monday, March 15, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

SIXTY-FOURTH LEGISLATIVE DAY MONDAY, MARCH 15, 2010

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Andreason, Darrington, Fulcher, Pearce, and Stegner, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Katharine Hoehne, 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 12, 2010, 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.

Senators Andreason, Fulcher, and Darrington were recorded present at this order of business.

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

Petitions, Resolutions, and Memorials

SP 103

BY STATE AFFAIRS COMMITTEE

A PROCLAMATION

HONORING AND COMMENDING ROSE CLAIRE HART WETHERELL FOR HER YEARS OF SERVICE TO THE LEGISLATURE OF THE STATE OF IDAHO AND FOR HER HUMANITARIAN AND PHILANTHROPIC ENDEAVORS.

We, the members of the Senate of the State of Idaho assembled in the Second Regular Session of the Sixtieth Idaho Legislature, honor and commend Rose Claire Hart Wetherell.

WHEREAS, South Dakota native Claire Wetherell studied at the University of California at Berkeley and earned her associate's degree after which she returned to the Midwest to complete her nursing training at the Sisters of Mercy Hospital in Council Bluffs, Iowa. With her degree in hand, she went on to serve her country as a U.S. Navy nurse during World War II where she met her future husband, Robert Miles Wetherell, while stationed in Bremerton, Washington; and

WHEREAS, she moved to her husband's home town of Mountain Home, Idaho, in 1946, and worked as a nurse in the community including several years as the area's primary healthcare provider following the departure of the town's only doctor; and

WHEREAS, following World War II she became the Director of the USO that served the men and women of the U.S. Air Force stationed in Mountain Home and then later spent 16 years on the Idaho Veterans Affairs Commission including four years as the chairperson; and

WHEREAS, she was instrumental in the passage of a bond that led to the 1955 construction of the Elmore County Hospital (now the Elmore Medical Center). Here she continued her work as a nurse and also served for two years as president of the hospital auxiliary, which honored her with their lifetime achievement award in 2006; and

WHEREAS, Claire was the first woman to serve as president of the Mountain Home Chamber of Commerce, was vice chair of the state Democratic party from 1962 to 1972 and helped establish the Business and Professional Women's group in Mountain Home; and

WHEREAS, the lifelong Catholic and member of the Our Lady of Good Counsel Parish who served two terms as president of the Altar Society and was a member of the Legion of Mary and was named the Idaho Catholic Woman of the Year in 1989; and

WHEREAS, Claire became the first woman to serve on the Mountain Home City Council, a post she maintained for eight years, and where she was the first female president of the Council; and

WHEREAS, she served in the Idaho State Senate for 12 years (1983-1984, District 22; 1987-1992, District 12; 1993-1996, District 20) including service on the Joint Finance-Appropriations Committee and where her late husband, Bob Wetherell, also served (1951-52, 1955-64); and

WHEREAS, she devoted herself to her family and raised four beloved children including son Dennis and daughter Ellen, who both died prematurely. Claire's son Michael E. Wetherell is the Administrative District Judge for the Fourth Judicial District and her son Robert T. Wetherell has been an attorney in private practice in the city of Boise since 1982; and

WHEREAS, Claire continuously advocated for parks for Mountain Home, where in 2006 she was honored with a park named for her and given a lifetime key to the city. Upon receiving this honor, she revealed her deep sense of humor by remarking that she was afraid they would change the locks after the award was given; and

WHEREAS, her dedication and service to her faith, her family, her community and the state of Idaho has been unwavering.

NOW, THEREFORE, BE IT PROCLAIMED by the members of the Senate assembled in the Second Regular Session of the Sixtieth Idaho Legislature, that we recognize and honor the life and achievements of Rose Claire Hart Wetherell and we extend to her the appreciation and gratitude of the Senate for her service to the State of Idaho, and, in particular, her service to Idaho's veterans and the legislative branch of our state government.

[SP 103](#) 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 12, 2010

The JUDICIARY AND RULES Committee reports that [S 1282](#), [S 1283](#), [S 1284](#), [S 1285](#), [S 1296](#), [S 1316](#), [S 1332](#), [S 1338](#), and [S 1388](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1282](#), [S 1283](#), [S 1284](#), [S 1285](#), [S 1296](#), [S 1316](#), [S 1332](#), [S 1338](#), and [S 1388](#) and ordered them transmitted to the House for the signature of the Speaker.

March 12, 2010

The STATE AFFAIRS Committee reports out [S 1271](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCKENZIE, Chairman

There being no objection, [S 1271](#) was referred to the Fourteenth Order of Business, General Calendar.

March 12, 2010

The FINANCE Committee reports out [H 641](#) and [H 642](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 641](#) and [H 642](#) 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 12, 2010

Dear Mr. President:

I transmit herewith [H 648](#), [H 649](#), [H 548](#), as amended, [H 647](#), [H 652](#), [H 605](#), [H 613](#), and [H 636](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 648](#), [H 649](#), [H 548](#), as amended, [H 647](#), [H 652](#), [H 605](#), [H 613](#), and [H 636](#) were filed for first reading.

March 12, 2010

Dear Mr. President:

I return herewith [S 1392](#), [S 1393](#), [S 1394](#), [S 1395](#), [S 1396](#), [S 1329](#), [S 1252](#), as amended, [S 1247](#), [S 1299](#), [S 1315](#), and [S 1367](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1392](#), [S 1393](#), [S 1394](#), [S 1395](#), [S 1396](#), [S 1329](#), [S 1252](#), as amended, [S 1247](#), [S 1299](#), [S 1315](#), and [S 1367](#) were referred to the Judiciary and Rules Committee for enrolling.

March 12, 2010

Dear Mr. President:

I transmit herewith Enrolled [H 472](#), [H 409](#), [H 410](#), [H 468](#), [H 481](#), [H 483](#), and [H 514](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 472](#), [H 409](#), [H 410](#), [H 468](#), [H 481](#), [H 483](#), and [H 514](#) and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Stegner was recorded present at this order of business.

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Rayelle Anderson was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Jorgenson, seconded by Acting Senator Stennett, the Gubernatorial appointment of Rayelle Anderson 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.

The President announced that the Education Committee report relative to the Gubernatorial appointment of Emma Lou Atchley was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Schroeder, seconded by Senator Malepeai, the Gubernatorial appointment of Emma Lou Atchley 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.

The Senate advanced to the Eleventh Order of Business.

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

S 1409

BY FINANCE COMMITTEE

AN ACT

REDUCING THE APPROPRIATION TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2010; APPROPRIATING MONEYS FOR THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY.

S 1410

BY FINANCE COMMITTEE

AN ACT

REDUCING THE APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR THE COMMISSION FOR PARDONS AND PAROLE FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE COMMISSION FOR PARDONS AND PAROLE FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXEMPTING THE COMMISSION FROM CERTAIN APPROPRIATION TRANSFER LIMITATIONS FOR FISCAL YEAR 2010; EXEMPTING THE COMMISSION FROM CERTAIN APPROPRIATION TRANSFER LIMITATIONS FOR FISCAL YEAR 2011; AND DECLARING AN EMERGENCY.

S 1411

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE CONTROL AND SITING OF EXTRA LARGE POULTRY AND SWINE CONFINED ANIMAL FEEDING OPERATIONS; AMENDING TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 40, TITLE 25, IDAHO CODE, TO ESTABLISH THE POULTRY ENVIRONMENTAL CONTROL ACT, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE FINDINGS AND PURPOSES, TO DEFINE TERMS, TO PROVIDE FOR PERMITS, TO PROVIDE FOR PERMIT APPLICATIONS, TO PROVIDE FOR APPLICATION FEES, TO PROVIDE FOR EXISTING POULTRY OPERATIONS, TO PROVIDE FOR PERMIT CONDITIONS, TO PROVIDE SPECIFIC PERMIT CONDITIONS FOR EXTRA LARGE AND LARGE POULTRY OPERATIONS, TO PROVIDE FOR PERMIT AMENDMENTS, TO PROVIDE FOR THE TRANSFER OF PERMITS, TO PROVIDE FOR NUTRIENT MANAGEMENT RECORDKEEPING, TO PROVIDE FOR FEES TO BE COLLECTED FOR PERMITTED POULTRY OPERATIONS, TO PROVIDE FOR DESIGNATION, TO AUTHORIZE RULEMAKING, TO PROVIDE FOR VIOLATIONS, TO PROVIDE FOR REVOCATION OF PERMITS, TO PROVIDE FOR CIVIL PENALTIES, TO PROVIDE FOR FINANCIAL ASSURANCES FOR LARGE POULTRY OPERATIONS

AND FOR EXTRA LARGE POULTRY OPERATIONS, TO PROVIDE FOR SITING REQUIREMENTS FOR EXTRA LARGE POULTRY OPERATIONS, TO PROVIDE THAT CERTAIN RECORDS SHALL BE SUBJECT TO PUBLIC DISCLOSURE, TO PROVIDE FOR SEVERABILITY AND TO PROVIDE FOR CONFLICTS; AMENDING TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 41, TITLE 25, IDAHO CODE, TO ESTABLISH THE SWINE ENVIRONMENTAL CONTROL ACT, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE FINDINGS AND PURPOSES, TO DEFINE TERMS, TO PROVIDE FOR PERMITS, TO PROVIDE FOR PERMIT APPLICATIONS, TO PROVIDE FOR APPLICATION FEES, TO PROVIDE FOR EXISTING SWINE OPERATIONS, TO PROVIDE FOR PERMIT CONDITIONS, TO PROVIDE SPECIFIC PERMIT CONDITIONS FOR EXTRA LARGE AND LARGE SWINE OPERATIONS, TO PROVIDE FOR PERMIT AMENDMENTS, TO PROVIDE FOR THE TRANSFER OF PERMITS, TO PROVIDE FOR NUTRIENT MANAGEMENT RECORDKEEPING, TO PROVIDE FOR FEES TO BE COLLECTED FOR PERMITTED SWINE OPERATIONS, TO PROVIDE FOR DESIGNATION, TO AUTHORIZE RULEMAKING, TO PROVIDE FOR VIOLATIONS, TO PROVIDE FOR REVOCATION OF PERMITS, TO PROVIDE FOR CIVIL PENALTIES, TO PROVIDE FOR FINANCIAL ASSURANCES FOR LARGE SWINE OPERATIONS AND FOR EXTRA LARGE SWINE OPERATIONS, TO PROVIDE FOR SITING REQUIREMENTS FOR EXTRA LARGE SWINE OPERATIONS, TO PROVIDE THAT CERTAIN RECORDS SHALL BE SUBJECT TO PUBLIC DISCLOSURE, TO PROVIDE FOR SEVERABILITY AND TO PROVIDE FOR CONFLICTS; AMENDING TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 42, TITLE 25, IDAHO CODE, TO ESTABLISH THE LOCAL OPTION EXTRA LARGE SWINE OPERATIONS AND EXTRA LARGE POULTRY OPERATIONS SITING ACT, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE FINDINGS AND PURPOSES, TO PROVIDE FOR THE APPLICABILITY OF SPECIFIED DEFINITIONS AND TO DEFINE TERMS, TO REQUIRE SITE APPROVAL BY CERTAIN OPERATIONS THAT ARE REGULATED BY SPECIFIED LAW, TO PROVIDE THAT SITE APPROVAL IS SUPPLEMENTAL TO OTHER REQUIREMENTS, TO PROVIDE THAT PARTICIPATION IS A LOCAL OPTION, TO PROVIDE THAT LOCAL ACTION IS REQUIRED FOR ACTION BY THE IDAHO STATE DEPARTMENT OF AGRICULTURE, TO PROVIDE FOR APPLICATIONS, TO PROVIDE THAT THE DIRECTOR MAY MAKE RULES AND CONTRACT WITH OTHER AGENCIES, TO PROVIDE LOCATION GUIDELINES, TO ESTABLISH SITE REVIEW PANELS, TO PROVIDE FOR SITING APPLICATIONS AND CONTENTS OF APPLICATIONS, TO PROVIDE DUTIES OF THE DIRECTOR RELATIVE TO APPLICATIONS, TO REQUIRE FINANCIAL ASSURANCE FOR CLOSURE AND REMEDIATION, TO PROVIDE THAT THE DIRECTOR MAY REQUEST ADDITIONAL INFORMATION, TO PROVIDE FOR VIOLATIONS AND ENFORCEMENT, TO PROVIDE FOR CONFIDENTIALITY OF RECORDS, TO PROVIDE SEVERABILITY AND TO PROVIDE FOR CONFLICTS; REPEALING SECTION 39-104A, IDAHO CODE, RELATING TO RULEMAKING AUTHORITY REGARDING LARGE SWINE AND POULTRY FEEDING OPERATIONS AND REGARDING FINANCIAL ASSURANCES FOR SUCH OPERATIONS; AND REPEALING CHAPTER 79, TITLE 39, IDAHO CODE, RELATING TO THE LOCAL OPTION SWINE FACILITIES SITING ACT.

[S 1409](#), [S 1410](#), and [S 1411](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 648](#) and [H 649](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 548](#), as amended, by Commerce and Human Resources Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 647](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 652](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 605](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 613](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[H 636](#), by Education 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

[S 1404](#), [S 1405](#), and [S 1406](#), by Finance Committee, were read the second time at length and filed for third reading.

[H 529](#), by Business Committee, was read the second time at length and filed for third reading.

[H 558](#), as amended, by Resources and Conservation Committee, was read the second time at length and filed for third reading.

[H 424](#) and [H 431](#), by Business Committee, were read the second time at length and filed for third reading, Consent Calendar.

[H 457](#), by Appropriations Committee, was read the second time at length and filed for third reading.

[H 486](#) and [H 540](#), by Transportation and Defense Committee, were read the second time at length and filed for third reading.

[H 564](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 445](#), by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading, Consent Calendar.

[S 1382](#), as amended, and [S 1383](#), as amended, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

[S 1311](#), as amended, 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

[S 1337](#) 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 Corder disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Coiner, Corder, Davis, Goedde, Hammond, Heinrich, Hill, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 24.

NAYS—Bair, Cameron, Darrington, Fulcher, Geddes, Jorgenson, McKague, Mortimer, Pearce, Schroeder, Siddoway. Total - 11.

Total - 35.

Whereupon the President declared [S 1337](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1345](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1345](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1361](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1361](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1375](#), 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1375](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1402](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1402](#) 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. 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1385](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1390](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 32.

NAYS—Bock, Kelly, Werk. Total - 3.

Total - 35.

Whereupon the President declared [S 1390](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1398](#) 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, Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 32.

NAYS—Bock, Kelly, LeFavour. Total - 3.

Total - 35.

Whereupon the President declared [S 1398](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 400](#), 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, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stegner, Winder. Total - 28.

NAYS—Bilyeu, Bock, LeFavour, Malepeai, Schroeder, Stennett (Stennett), Werk. Total - 7.

Total - 35.

Whereupon the President declared [H 400](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all bills on the Third Reading Calendar were reordered with [S 1382](#), as amended, [S 1383](#), as amended, and [S 1311](#), as amended, placed at the head of the Third Reading Calendar, followed by House Joint Resolutions, then Senate bills, then 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 Kelly, by voice vote, the Senate adjourned at 12:07 p.m. until the hour of 10 a.m., Tuesday, March 16, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

SIXTY-FIFTH LEGISLATIVE DAY TUESDAY, MARCH 16, 2010

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Brackett, Malepeai, and Stegner, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Emily Jacks, Page.

Senator Brackett was recorded present at this order of business.

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, 2010, 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 15, 2010

The JUDICIARY AND RULES Committee reports that [S 1409](#), [S 1410](#), [S 1411](#), and [SP 103](#) have been correctly printed.

DARRINGTON, Chairman

[S 1409](#) and [S 1410](#) were referred to the Finance Committee.

[S 1411](#) was referred to the Agricultural Affairs Committee.

[SP 103](#) was referred to the Tenth Order of Business, Motions and Resolutions.

March 15, 2010

The JUDICIARY AND RULES Committee reports that [S 1247](#), [S 1252](#), as amended, [S 1299](#), [S 1315](#), [S 1329](#), [S 1367](#), [S 1392](#), [S 1393](#), [S 1394](#), [S 1395](#), and [S 1396](#) have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled [S 1247](#), [S 1252](#), as amended, [S 1299](#), [S 1315](#), [S 1329](#), [S 1367](#), [S 1392](#), [S 1393](#), [S 1394](#), [S 1395](#), and [S 1396](#) and ordered them transmitted to the House for the signature of the Speaker.

March 15, 2010

The STATE AFFAIRS Committee reports out [H 521](#), [H 522](#), and [H 588](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[H 521](#), [H 522](#), and [H 588](#) were filed for second reading.

March 15, 2010

The FINANCE Committee reports out [H 648](#) and [H 649](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 648](#) and [H 649](#) were filed for second reading.

March 15, 2010

The JUDICIARY AND RULES Committee reports out [H 508](#) with the recommendation that it do pass.

DARRINGTON, Chairman

[H 508](#) was filed for second reading.

March 15, 2010

The RESOURCES AND ENVIRONMENT Committee reports out [H 598](#) and [H 556](#), as amended, with the recommendation that they do pass.

SCHROEDER, Chairman

[H 598](#) and [H 556](#), as amended, were filed for second reading.

March 15, 2010

The HEALTH AND WELFARE Committee reports out [H 495](#), as amended, [H 610](#), and [S 1400](#) with the recommendation that they do pass.

LODGE, Chairman

[H 495](#), as amended, [H 610](#), and [S 1400](#) were filed for second reading.

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

Messages from the House

Senators Malepeai and Stegner were recorded present at this order of business.

March 15, 2010

Dear Mr. President:

I transmit herewith [HCR 63](#), [H 657](#), [HCR 61](#), and [HCR 59](#), which have passed the House.

ALEXANDER, Chief Clerk

[HCR 63](#), [H 657](#), [HCR 61](#), and [HCR 59](#) were filed for first reading.

March 15, 2010

Dear Mr. President:

I return herewith [S 1339](#), [S 1379](#), [S 1371](#), [S 1286](#), [S 1328](#), and [S 1342](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1339](#), [S 1379](#), [S 1371](#), [S 1286](#), [S 1328](#), and [S 1342](#) were referred to the Judiciary and Rules Committee for enrolling.

March 15, 2010

Dear Mr. President:

I transmit herewith Enrolled [H 408](#), [H 411](#), [H 450](#), [H 446](#), [H 484](#), [H 494](#), and [H 544](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled [H 408](#), [H 411](#), [H 450](#), [H 446](#), [H 484](#), [H 494](#), and [H 544](#) 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 [SP 103](#) was before the Senate for final consideration, the question being, "Shall the proclamation be adopted?"

On motion by Senator Kelly, seconded by Senator Davis, [SP 103](#) was adopted by voice vote, title was approved, and the

proclamation 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 1412

BY FINANCE COMMITTEE

AN ACT

REDUCING THE APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE STATE CONTROLLER TO TRANSFER FUNDS FROM THE RURAL ECONOMIC DEVELOPMENT INTEGRATED FREIGHT AND TRANSPORTATION FUND TO THE INVASIVE SPECIES FUND; AND DECLARING AN EMERGENCY.

S 1413

BY FINANCE COMMITTEE

AN ACT

REDUCING THE APPROPRIATION FOR THE AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION SERVICE FOR FISCAL YEAR 2010; APPROPRIATING MONEYS FOR THE AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION SERVICE FOR FISCAL YEAR 2011; AND DECLARING AN EMERGENCY.

S 1414

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO GRANDPARENT VISITATION; REPEALING SECTION 32-719, IDAHO CODE, RELATING TO GRANDPARENT VISITATION RIGHTS; AMENDING CHAPTER 7, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-719, IDAHO CODE, TO PROVIDE FOR PETITIONS FOR VISITATION WITH GRANDCHILDREN BY GRANDPARENTS AND GREAT-GRANDPARENTS, TO PROVIDE A REBUTTABLE PRESUMPTION RELATING TO DECISIONS BY PARENTS REGARDING VISITATION WITH GRANDPARENTS AND GREAT-GRANDPARENTS, TO PROVIDE A STANDARD OF EVIDENCE, TO PROVIDE FOR FINDINGS RELATING TO THE REBUTTABLE PRESUMPTION, TO AUTHORIZE THE COURT TO CONSIDER ADDITIONAL ELEMENTS, TO PROVIDE THAT THE COURT SHALL CONSIDER WHETHER GRANDPARENT VISITATION IS IN THE BEST INTERESTS OF THE CHILD AND TO PROVIDE FOR CONSIDERATION OF ALL RELEVANT FACTORS BY THE COURT.

[S 1412](#), [S 1413](#), and [S 1414](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[HCR 63](#), by Revenue and Taxation Committee, was introduced, read at length, and referred to the State Affairs Committee.

[H 657](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[HCR 61](#), by Ways and Means Committee, was introduced, read at length, and referred to the Commerce and Human Resources Committee.

[HCR 59](#), by State 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

[H 641](#) and [H 642](#), by Appropriations Committee, were 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 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 545](#), [S 1344](#), [S 1346](#), and [H 493](#), without recommendation, amended as follows:

SENATE AMENDMENT TO H 545 AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 17, following "attendance" insert: "at the time of the violations".

CORRECTION TO TITLE

On page 1, in line 3, following "TRUSTEES" insert: ", TO PROVIDE THAT A CHILD WHO IS AN HABITUAL TRUANT SHALL COME UNDER THE PURVIEW OF THE JUVENILE CORRECTIONS ACT IF HE OR SHE WAS WITHIN THE AGE OF COMPULSORY ATTENDANCE AT THE TIME OF THE VIOLATIONS".

SENATE AMENDMENT TO S 1344 AMENDMENT TO SECTION 4

On page 2 of the printed bill, delete lines 26 through 34, and insert:

"(2) Peace officers within the state of Idaho, upon reasonable suspicion that a conveyance is infested with quagga mussels or zebra mussels, may require a driver of a vehicle to stop and submit to an inspection of the exterior of any conveyance(s) in plain view.

(3) If the peace officer has probable cause to believe that the conveyance(s) are contaminated with quagga mussels or zebra mussels, or when a conveyance is found to be contaminated or otherwise carrying quagga mussels or zebra mussels, the peace officer shall detain the vehicle and conveyance(s) and immediately summon a tow truck to transport the conveyance(s) to the nearest available impound yard."

SENATE AMENDMENT TO S 1346 AMENDMENT TO THE BILL

On page 1 of the printed bill, following line 8, insert: "SECTION 1. That Section 22-4902, Idaho Code, be, and the same is hereby amended to read as follows:

22-4902. DECLARATION OF POLICY AND STATEMENT OF LEGISLATIVE INTENT. (1) The legislature recognizes the importance of protecting state natural resources including, surface water and ground water. It is the intent of the legislature to protect the quality of these natural resources while maintaining an ecologically sound, economically viable, and socially responsible beef cattle industry in the state. The beef cattle industry produces manure and process wastewater which, when properly used, supplies valuable nutrients and organic matter to soils and is protective of the environment, but may, when improperly stored and managed, create adverse impacts on natural resources, including waters of the state. This chapter is intended to ensure that manure and process wastewater associated with beef cattle operations are handled in a manner which protects the natural resources of the state.

(2) Further, the legislature recognizes that the beef cattle industry is potentially subject to various state and federal laws designed to protect state natural resources and that the Idaho department of agriculture is in the best position to administer and implement these various laws. It is therefore the intent of the legislature that the administration of this law by the department of agriculture fully meets the goals and requirements of the federal clean water act and state laws designed to further protect state waters and that administration of this chapter by the department of agriculture shall not be more stringent than or broader in scope than the requirements of the clean water act and applicable state and federal laws. The department shall have authority to administer all laws to protect the quality of water within the confines of a beef cattle animal feeding operation that is not under permit issued by the federal environmental protection agency. In carrying out this chapter the department shall prioritize its resources on operations which have the greatest potential to significantly impact the environment and ensure that any requirements imposed under this chapter upon operators of beef cattle animal feeding operations are cost-effective and economically, environmentally and technologically feasible.

(3) Successful implementation of this chapter is dependent upon the department receiving adequate funding from the legislature and is dependent upon the department executing a memorandum of agreement with the United States environmental protection agency, the department of environmental quality and the Idaho cattle association which sets forth a working arrangement between the agencies to ensure compliance with this chapter and applicable state and federal laws, including the federal clean water act. Moreover, the legislature recognizes that it is important for the state to obtain a delegated national pollutant discharge elimination system (NPDES) permit program from the EPA under the clean water act."

On page 1, in line 9, delete "SECTION 1." and insert: "SECTION 2."

CORRECTION TO TITLE

On page 1, in line 2, following "OPERATIONS;" insert: "AMENDING SECTION 22-4902, IDAHO CODE, TO PROVIDE THAT THE IDAHO DEPARTMENT OF AGRICULTURE SHALL HAVE AUTHORITY TO ADMINISTER WATER QUALITY LAWS IN REGARD TO CERTAIN BEEF CATTLE ANIMAL FEEDING OPERATIONS; AND".

SENATE AMENDMENT TO S 1346 AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 16, following "generated" insert: "by the beef cattle feeding operation".

CORRECTION TO TITLE

On page 1, delete lines 6 and 7, and insert: "PROVIDE THAT THE NUTRIENT MANAGEMENT PLAN AND CERTAIN INFORMATION GENERATED AS A RESULT OF THE PLAN SHALL BE CONFIDENTIAL."

SENATE AMENDMENT TO H 493
AMENDMENT TO THE BILL

On page 5 of the printed bill, following line 6, insert: "SECTION 7. This act shall be null, void and of no force and effect on and after July 1, 2016."

CORRECTION TO TITLE

On page 1, in line 14, following ";," delete "AND"; and in line 15, following "RULES", insert: "; AND PROVIDING A SUNSET DATE".

The Committee also has [S 1348](#), [S 1350](#), [S 1389](#), [S 1397](#), and [S 1271](#) under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Werk, the report was adopted by voice vote.

[S 1344](#), as amended, and [S 1346](#), 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 545](#), as amended in the Senate, and [H 493](#), 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

[S 1382](#), 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Stennett (Stennett). Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1382](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1383](#), 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Stennett (Stennett). Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1383](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1311](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Stennett (Stennett). Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1311](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[HJR 4](#) 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 resolution and opened the debate. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Stennett (Stennett). Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President Pro Tempore declared [HJR 4](#) adopted, title was approved, and the resolution 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 Kelly, by voice vote the Senate recessed at 12:30 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 Little presiding.

Roll call showed all members present except Senators Coiner, McKenzie, and Pearce, 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

HJR 5 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 resolution and opened the debate. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—McKague. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared **HJR 5** adopted, title was approved, and the resolution ordered returned to the House.

HJR 7 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 resolution and opened the debate. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared **HJR 7** adopted, title was approved, and the resolution ordered returned to the House.

S 1404 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson,

Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 34.

NAYS—Werk. Total - 1.

Total - 35.

Whereupon the President declared **S 1404** passed, title was approved, and the bill ordered transmitted to the House.

S 1405 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared **S 1405** passed, title was approved, and the bill ordered transmitted to the House.

S 1406 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Smyser, Stegner, Stennett (Stennett), Winder. Total - 32.

NAYS—Kelly, Werk. Total - 2.

Absent and excused—Siddoway. Total - 1.

Total - 35.

Whereupon the President declared **S 1406** passed, title was approved, and the bill ordered transmitted to the House.

H 471, 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared **H 471** passed, title was approved, and the bill ordered returned to the House.

H 449, 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 449](#) passed, title was approved, and the bill ordered returned to the House.

[H 469](#), having been held, 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 469](#) passed, title was approved, and the bill ordered returned to the House.

[H 444](#), as amended, 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 444](#), as amended, 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 Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 464](#) 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 Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis,

Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 465](#) passed, title was approved, and the bill ordered returned to the House.

[H 482](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 482](#) 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 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 513](#) passed, title was approved, and the bill ordered returned to the House.

[H 416](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 416](#) passed, title was approved, and the bill ordered returned to the House.

[H 516](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 516](#) passed, title was approved, and the bill ordered returned to the House.

[H 456](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 456](#) 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 LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 458](#) passed, title was approved, and the bill ordered returned to the House.

[H 478](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 478](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator LeFavour, granted by unanimous consent, [H 510](#) retained its place on the Third Reading Calendar for one legislative day.

[H 525](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 525](#) 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 Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 415](#) passed, title was approved, and the bill ordered returned to the House.

[H 417](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 417](#) passed, title was approved, and the bill ordered returned to the House.

[H 463](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—LeFavour. Total - 1.

Total - 35.

Whereupon the President declared [H 463](#) passed, title was approved, and the bill ordered returned to the House.

[H 533](#) 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, Bilyeu, Bock, Broadsword, Coiner, Corder, Goedde, Heinrich, Jorgenson, Kelly, Kerby (Keough),

LeFavour, Lodge, Malepeai, McGee, McKenzie, Schroeder, Smyser, Stegner, Stennett (Stennett), Werk. Total - 21.

NAYS—Bair, Brackett, Cameron, Darrington, Davis, Fulcher, Geddes, Hammond, Hill, McKague, Mortimer, Pearce, Siddoway, Winder. Total - 14.

Total - 35.

Whereupon the President declared [H 533](#) 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 Kelly, by voice vote, the Senate adjourned at 6:02 p.m. until the hour of 10 a.m., Wednesday, March 17, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

SIXTY-SIXTH LEGISLATIVE DAY WEDNESDAY, MARCH 17, 2010

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except President Pro Tempore Geddes and Senators Andreason, Siddoway, Smyser, and Stegner, absent and excused.

Prayer was offered by Senator Pearce.

The Pledge of Allegiance was led by Akira 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 16, 2010, 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

President Pro Tempore Geddes and Senators Andreason, Siddoway, and Smyser were recorded present at this order of business.

March 17, 2010

The JUDICIARY AND RULES Committee reports that [S 1412](#), [S 1413](#), and [S 1414](#) have been correctly printed.

DARRINGTON, Chairman

[S 1412](#) and [S 1413](#) were referred to the Finance Committee.

[S 1414](#) was referred to the Judiciary and Rules Committee.

March 16, 2010

The JUDICIARY AND RULES Committee reports that [S 1286](#), [S 1328](#), [S 1339](#), [S 1342](#), [S 1371](#), and [S 1379](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1286](#), [S 1328](#), [S 1339](#), [S 1342](#), [S 1371](#), and [S 1379](#) and ordered them transmitted to the House for the signature of the Speaker.

March 16, 2010

The JUDICIARY AND RULES Committee reports that [S 1344](#), as amended, and [S 1346](#), as amended, have been correctly engrossed.

DARRINGTON, Chairman

[S 1344](#), as amended, and [S 1346](#), as amended, were filed for first reading.

March 16, 2010

The JUDICIARY AND RULES Committee reports that Senate amendments to [H 545](#), [S 1344](#), [S 1346](#), and [H 493](#) have been correctly printed.

DARRINGTON, Chairman

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

March 16, 2010

The FINANCE Committee reports out [S 1409](#) and [S 1410](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1409](#) and [S 1410](#) were filed for second reading.

March 16, 2010

The AGRICULTURAL AFFAIRS Committee reports out [H 576](#) and [S 1411](#) with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

CORDER, Chairman

There being no objection, [H 576](#) and [S 1411](#) were referred to the Fourteenth Order of Business, General Calendar.

March 16, 2010

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:

Lydia Justice-Edwards to the Idaho Lottery Commission, term to expire January 1, 2015.

MCKENZIE, 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 16, 2010

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 459](#) and [H 602](#), as amended, with the recommendation that they do pass.

ANDREASON, Chairman

[H 459](#) and [H 602](#), as amended, were filed for second reading.

March 16, 2010

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 604](#), as amended, [H 428](#), [H 429](#), [H 460](#), and [H 461](#) with the recommendation that they do pass, and with the recommendation that they be placed on the Consent Calendar.

ANDREASON, Chairman

[H 604](#), as amended, [H 428](#), [H 429](#), [H 460](#), and [H 461](#) were filed for second reading.

March 16, 2010

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 509](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

ANDREASON, Chairman

There being no objection, [H 509](#) was referred to the Fourteenth Order of Business, General Calendar.

March 16, 2010

The HEALTH AND WELFARE Committee reports out [H 537](#), as amended, with the recommendation that it do pass, and with the recommendation that it be placed on the Consent Calendar.

LODGE, Chairman

[H 537](#), as amended, was filed for second reading.

March 16, 2010

The TRANSPORTATION Committee reports out [H 398](#), [H 438](#), [H 542](#), and [H 574](#) with the recommendation that they do pass.

MCGEE, Chairman

[H 398](#), [H 438](#), [H 542](#), and [H 574](#) were filed for second reading.

March 16, 2010

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 425](#), [H 596](#), as amended, and [H 608](#), as amended, with the recommendation that they do pass.

HILL, Chairman

[H 425](#), [H 596](#), as amended, and [H 608](#), as amended, were filed for second reading.

March 17, 2010

The STATE AFFAIRS Committee reports out [HCR 46](#) with the recommendation that it do pass.

MCKENZIE, 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.

Senator Stegner 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

March 16, 2010

Dear Mr. President:

I transmit herewith [H 659](#), [H 660](#), [H 661](#), [H 662](#), [H 664](#), [H 644](#), [H 502](#), [H 503](#), [H 504](#), [H 581](#), and [HCR 58](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 659](#), [H 660](#), [H 661](#), [H 662](#), [H 664](#), [H 644](#), [H 502](#), [H 503](#), [H 504](#), [H 581](#), and [HCR 58](#) were filed for first reading.

March 16, 2010

Dear Mr. President:

I transmit herewith Enrolled [HJM 11](#), [HCR 54](#), [HCR 41](#), and [HCR 57](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HJM 11](#), [HCR 54](#), [HCR 41](#), and [HCR 57](#) and ordered them returned to the House.

March 16, 2010

Dear Mr. President:

I return herewith Enrolled [S 1282](#), [S 1283](#), [S 1284](#), [S 1285](#), [S 1296](#), [S 1316](#), [S 1332](#), [S 1338](#), and [S 1388](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1282](#), [S 1283](#), [S 1284](#), [S 1285](#), [S 1296](#), [S 1316](#), [S 1332](#), [S 1338](#), and [S 1388](#) 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 Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate consideration of [HCR 46](#) were suspended.

The President announced that [HCR 46](#) was now before the Senate for final consideration. The question being, "Shall the resolution be adopted?"

On motion by Senator Fulcher, seconded by Senator Malepeai, [HCR 46](#) 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 1415

BY FINANCE COMMITTEE

AN ACT

REDUCING THE APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR COMMUNITY COLLEGES FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR COMMUNITY COLLEGES FOR FISCAL YEAR 2011; AND DECLARING AN EMERGENCY.

S 1416

BY FINANCE COMMITTEE

AN ACT

REDUCING THE APPROPRIATION TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION/STATE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION/STATE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO THE LONGITUDINAL DATA SYSTEM; AND DECLARING AN EMERGENCY.

S 1417

BY FINANCE COMMITTEE

AN ACT

REDUCING THE APPROPRIATION TO THE IDAHO EDUCATIONAL PUBLIC BROADCASTING SYSTEM FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE IDAHO EDUCATIONAL PUBLIC BROADCASTING SYSTEM FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY.

S 1418

BY FINANCE COMMITTEE

AN ACT

REDUCING THE APPROPRIATION TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2010; REDUCING THE APPROPRIATION TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2010; STATING FUND SOURCES FOR THE APPROPRIATION FOR PUBLIC SCHOOLS FOR FISCAL YEAR 2011; APPROPRIATING MONEYS FOR THE TRANSFER TO THE PUBLIC SCHOOL

INCOME FUND; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2011; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2011; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2011; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2011; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF FACILITIES FOR FISCAL YEAR 2011; TRANSFERRING \$14,400,000 FROM THE GENERAL FUND TO THE BOND LEVY EQUALIZATION FUND; LIMITING THE AMOUNT OF REVENUE DISTRIBUTED TO THE GENERAL FUND; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2011; EXPRESSING LEGISLATIVE INTENT THAT CERTAIN STATE FUNDED BENEFITS BE PAID; EXPRESSING LEGISLATIVE INTENT RELATING TO UNEMPLOYMENT INSURANCE; AMENDING SECTION 33-1004E, IDAHO CODE, TO PROVIDE FOR DECREASES IN BASE SALARIES, MINIMUM SALARY AND MASTER TEACHER AWARDS; DIRECTING THAT \$754,300 BE DISTRIBUTED FOR THE REPLACEMENT OF CERTAIN LEVY FUNDS; PROVIDING THAT THE FUNDS FROM THE SCHOOL DISTRICT BUILDING ACCOUNT BE USED AS DISCRETIONARY FUNDS; PROVIDING THAT \$7,481,400 OF TOBACCO, CIGARETTE AND LOTTERY INCOME TAX FUNDS AND \$3,300,000 OF DRIVER'S TRAINING FUNDS BE USED AS DISCRETIONARY FUNDS; PROVIDING THAT NO MONEYS BE APPROPRIATED DIRECTLY FOR THE EXPECTANT OR DELIVERED MOTHERS PROGRAM; PROVIDING AN ESTIMATE OF DISCRETIONARY FUNDS PER SUPPORT UNIT AND PLACING RESTRICTIONS ON THE USE OF DISCRETIONARY FUNDS; PROVIDING FOR A TEN PERCENT REDUCTION IN TRANSPORTATION COSTS; DIRECTING THE USE OF \$318,600 OF TOBACCO, CIGARETTE AND LOTTERY INCOME TAX MONEYS; DIRECTING THE USE OF SAFE AND DRUG-FREE SCHOOLS MONEYS; DIRECTING THE USE OF \$9,400,000 FOR CHILDREN'S PROGRAMS AND TECHNOLOGY INITIATIVES; DIRECTING THE USE OF \$4,000,000 FOR LIMITED ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE USE OF \$5,000,000 FOR THE IDAHO DIGITAL LEARNING ACADEMY; GRANTING THE AUTHORITY TO TRANSFER FUNDS AMONG FIVE DIVISIONS OF THE EDUCATIONAL SUPPORT PROGRAM; RELIEVING THE STATE OF THE REQUIREMENT TO PROVIDE SCHOOL MAINTENANCE MATCHING FUNDS; GRANTING THE AUTHORITY TO DEPOSIT FUNDS INTO CERTAIN RESERVE ACCOUNTS; AMENDING SECTION 33-1004A, IDAHO CODE, RESTRICTING MOVEMENT FOR EXPERIENCE AND EDUCATION ON THE MULTIPLIER TABLE; AMENDING SECTION 33-1006, IDAHO CODE, TO REVISE SPECIFIC TRANSPORTATION COSTS AS NONREIMBURSABLE; DECLARING THAT CERTAIN PROVISIONS OF SECTION 33-522, IDAHO CODE, ARE MET FOR ALL SCHOOL DISTRICTS; PROVIDING THAT THE CONDITIONS OF SECTION 33-522, IDAHO CODE, SATISFY THE CONDITIONS OF SECTION 33-515(3), IDAHO CODE; DIRECTING THE USE OF CERTAIN FISCAL YEAR 2010 APPROPRIATIONS; AND DECLARING AN EMERGENCY.

[S 1415](#), [S 1416](#), [S 1417](#), and [S 1418](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 545](#), as amended in the Senate, by Education Committee, was read the first time at length and filed for second reading.

[S 1344](#), as amended, and [S 1346](#), as amended, by Agricultural Affairs Committee, were read the first time at length and filed for second reading.

[H 493](#), as amended in the Senate, by Education Committee, was read the first time at length and filed for second reading.

[H 659](#), [H 660](#), and [H 661](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 662](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

[H 664](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 644](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 502](#), [H 503](#), [H 504](#), and [H 581](#), by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[HCR 58](#), by State Affairs 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 521](#), [H 522](#), and [H 588](#), by State Affairs Committee, were read the second time at length and filed for third reading.

[H 648](#) and [H 649](#), by Appropriations Committee, were read the second time at length and filed for third reading.

[H 508](#), by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

[H 598](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 556](#), as amended, by Resources and Conservation Committee, was read the second time at length and filed for third reading.

[H 495](#), as amended, by Health and Welfare Committee, was read the second time at length and filed for third reading.

[H 610](#), by Ways and Means Committee, was read the second time at length and filed for third reading.

[S 1400](#), 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 510](#), having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 510](#) passed, title was approved, and the bill ordered returned to the House.

[H 561](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 561](#) passed, title was approved, and the bill ordered returned to the House.

[H 470](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 470](#) passed, title was approved, and the bill ordered returned to the House.

[H 480](#), 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 480](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 518](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis,

Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 518](#) 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 Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 579](#) 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. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 466](#) passed, title was approved, and the bill ordered returned to the House.

The Senate considered the Consent Calendar at this time.

[H 517](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 517](#) passed, title was approved, and the bill ordered returned to the House.

[H 519](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson,

Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 519](#) passed, title was approved, and the bill ordered returned to the House.

[H 538](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 538](#) passed, title was approved, and the bill ordered returned to the House.

[H 474](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 474](#) 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 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 476](#) passed, title was approved, and the bill ordered returned to the House.

[H 553](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 553](#) 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 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 560](#) passed, title was approved, and the bill ordered returned to the House.

[H 424](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 424](#) 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 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 431](#) passed, title was approved, and the bill ordered returned to the House.

[H 445](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 445](#) 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 Kelly, by voice vote, the Senate adjourned at 12:10 p.m. until the hour of 10 a.m., Thursday, March 18, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

SIXTY-SEVENTH LEGISLATIVE DAY THURSDAY, MARCH 18, 2010

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Bilyeu, Brackett, Broadsword, Cameron, Coiner, Hammond, LeFavour, Mortimer, Siddoway, and Stegner, and Acting Senator Kerby, absent and excused.

Prayer was offered by Senator Bair.

The Pledge of Allegiance was led by Kelsey Kinkle, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 17, 2010, 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, Siddoway, and LeFavour, and Acting Senator Kerby were recorded present at this order of business.

March 18, 2010

The JUDICIARY AND RULES Committee reports that [S 1415](#), [S 1416](#), [S 1417](#), and [S 1418](#) have been correctly printed.

DARRINGTON, Chairman

[S 1415](#), [S 1416](#), [S 1417](#), and [S 1418](#) were referred to the Finance Committee.

March 17, 2010

The JUDICIARY AND RULES Committee reports that Enrolled [S 1282](#), [S 1283](#), [S 1284](#), [S 1285](#), [S 1296](#), [S 1316](#), [S 1332](#), [S 1338](#), and [S 1388](#) were delivered to the Office of the Governor at 3 p.m., March 17, 2010.

DARRINGTON, Chairman

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

March 17, 2010

The STATE AFFAIRS Committee reports out [H 496](#), [H 555](#), [H 603](#), and [S 1408](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[H 496](#), [H 555](#), [H 603](#), and [S 1408](#) were filed for second reading.

March 17, 2010

The STATE AFFAIRS Committee reports out [S 1401](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCKENZIE, Chairman

There being no objection, [S 1401](#) was referred to the Fourteenth Order of Business, General Calendar.

March 17, 2010

The JUDICIARY AND RULES Committee reports out [H 543](#), [H 550](#), [H 554](#), [H 593](#), as amended, and [H 613](#) with the recommendation that they do pass.

DARRINGTON, Chairman

[H 543](#), [H 550](#), [H 554](#), [H 593](#), as amended, and [H 613](#) were filed for second reading.

March 17, 2010

The RESOURCES AND ENVIRONMENT Committee reports out [H 531](#), as amended, with the recommendation that it do pass.

SCHROEDER, Chairman

[H 531](#), as amended, was filed for second reading.

Senators Brackett, Hammond, Mortimer, and Stegner were recorded present at this order of business.

March 17, 2010

The FINANCE Committee reports out [S 1412](#) and [S 1413](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1412](#) and [S 1413](#) were filed for second reading.

March 17, 2010

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 607](#), [H 630](#), and [S 1403](#) with the recommendation that they do pass.

HILL, Chairman

[H 607](#), [H 630](#), and [S 1403](#) were filed for second reading.

March 17, 2010

The HEALTH AND WELFARE Committee reports out [H 534](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

LODGE, Chairman

There being no objection, [H 534](#) was referred to the Fourteenth Order of Business, General Calendar.

March 18, 2010

The EDUCATION Committee reports out [H 601](#) with the recommendation that it do pass.

GOEDDE, Chairman

[H 601](#) was filed for second reading.

Senators Broadsword and Bilyeu were recorded present at this order of business.

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

Messages from the Governor

March 18, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Roderic W. Lewis of Eagle, Idaho, was appointed as a member of the State Board of Education to serve a term commencing March 18, 2010, and expiring March 1, 2015.

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

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate, and the gubernatorial appointment was referred to the Education Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 17, 2010

Dear Mr. President:

I transmit herewith [H 656](#) and [H 609](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 656](#) and [H 609](#) were filed for first reading.

March 17, 2010

Dear Mr. President:

I return herewith [S 1353](#), [S 1313](#), [S 1314](#), [S 1355](#), and [S 1321](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1353](#), [S 1313](#), [S 1314](#), [S 1355](#), and [S 1321](#) were referred to the Judiciary and Rules Committee for enrolling.

March 17, 2010

Dear Mr. President:

I return herewith Enrolled [S 1247](#), [S 1252](#), as amended, [S 1299](#), [S 1315](#), [S 1329](#), [S 1367](#), [S 1392](#), [S 1393](#), [S 1394](#), [S 1395](#), and [S 1396](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1247](#), [S 1252](#), as amended, [S 1299](#), [S 1315](#), [S 1329](#), [S 1367](#), [S 1392](#), [S 1393](#), [S 1394](#), [S 1395](#), and [S 1396](#) 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 that the State Affairs Committee report relative to the Gubernatorial appointment of Lydia Justice-Edwards was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Heinrich, seconded by Acting Senator Stennett, the Gubernatorial appointment of Lydia Justice-Edwards as a member of the Idaho Lottery 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 1419

BY FINANCE COMMITTEE

AN ACT

REDUCING THE APPROPRIATION TO THE STATE BOARD OF EDUCATION 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 2010; 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 2011; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; ESTABLISHING AMOUNTS TO BE EXPENDED FOR SYSTEMWIDE PROGRAMS; PROVIDING LEGISLATIVE INTENT FOR AMERICAN RECOVERY AND REINVESTMENT ACT MONEYS; AND DECLARING AN EMERGENCY.

S 1420

BY FINANCE COMMITTEE

AN ACT

REPEALING SECTION 5, CHAPTER 248, LAWS OF 2009; REDUCING THE APPROPRIATION TO

PROFESSIONAL-TECHNICAL EDUCATION FOR FISCAL YEAR 2010; APPROPRIATING MONEYS FOR PROFESSIONAL-TECHNICAL EDUCATION FOR FISCAL YEAR 2011; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; EXPRESSING LEGISLATIVE INTENT; AND DECLARING AN EMERGENCY.

S 1421

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5205, IDAHO CODE, TO PROVIDE FOR LEGAL SUFFICIENCY REVIEWS RELATING TO PETITIONS TO ESTABLISH NEW PUBLIC CHARTER SCHOOLS INCLUDING PUBLIC VIRTUAL SCHOOLS, TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION SHALL NOTIFY THE BOARD OF THE DISTRICT WHERE THE PUBLIC CHARTER SCHOOL WILL BE LOCATED THAT A PETITION HAS BEEN SUBMITTED AND SHALL MAKE CERTAIN TRAINING AVAILABLE, TO CLARIFY THAT PETITION SUBMISSIONS SHALL OCCUR FOLLOWING LEGAL SUFFICIENCY REVIEWS AND TO MAKE A TECHNICAL CORRECTION.

S 1422

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-804, IDAHO CODE, TO PROVIDE THAT IN CERTAIN FISCAL YEARS THE BOARD OF TRUSTEES OF ANY SCHOOL DISTRICT WITH A PREVIOUSLY APPROVED PLANT FACILITIES LEVY MAY SUBMIT TO THE QUALIFIED ELECTORS OF THE SCHOOL DISTRICT THE QUESTION OF CONVERTING A PREVIOUSLY APPROVED PLANT FACILITIES LEVY TO A SUPPLEMENTAL LEVY SUBJECT TO CERTAIN CONDITIONS AND REQUIREMENTS, TO PROVIDE FOR A QUESTION TO BE SUBMITTED AND TO PROVIDE PROVISIONS RELATING TO ELECTIONS; AMENDING SECTION 33-804, IDAHO CODE, AS AMENDED BY SECTION 47, CHAPTER 341, LAWS OF 2009, TO PROVIDE THAT IN CERTAIN FISCAL YEARS THE BOARD OF TRUSTEES OF ANY SCHOOL DISTRICT WITH A PREVIOUSLY APPROVED PLANT FACILITIES LEVY MAY SUBMIT TO THE QUALIFIED ELECTORS OF THE SCHOOL DISTRICT THE QUESTION OF CONVERTING A PREVIOUSLY APPROVED PLANT FACILITIES LEVY TO A SUPPLEMENTAL LEVY SUBJECT TO CERTAIN CONDITIONS AND REQUIREMENTS, TO PROVIDE FOR A QUESTION TO BE SUBMITTED AND TO PROVIDE PROVISIONS RELATING TO ELECTIONS; AMENDING SECTION 33-1004, IDAHO CODE, TO PROVIDE THAT FOR A CERTAIN PERIOD A DISTRICT MAY SHIFT UP TO FIVE PERCENT OF CERTAIN POSITIONS TO FEDERAL FUNDS; PROVIDING THAT FOR A CERTAIN PERIOD CERTAIN MONEYS MAY BE SPENT AT THE DISCRETION OF THE SCHOOL DISTRICT AND TO PROVIDE THAT SUCH AMOUNT SHALL BE DETERMINED BY THE STATE DEPARTMENT OF EDUCATION PURSUANT TO A CERTAIN FORMULA; PROVIDING THAT SCHOOL DISTRICTS MAY TRANSFER MONEYS FROM A PLANT FACILITIES RESERVE FUND TO THE GENERAL FUND DURING A CERTAIN PERIOD AND SUBJECT TO CERTAIN CONDITIONS; DECLARING AN

EMERGENCY, PROVIDING RETROACTIVE APPLICATION AND PROVIDING EFFECTIVE DATES.

[S 1419](#), [S 1420](#), [S 1421](#), and [S 1422](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 656](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 609](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1409](#) and [S 1410](#), by Finance Committee, were read the second time at length and filed for third reading.

[H 459](#), by Business Committee, was read the second time at length and filed for third reading.

[H 602](#), as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

[H 604](#), as amended, by State Affairs Committee, was read the second time at length and filed for third reading, Consent Calendar.

[H 428](#), [H 429](#), [H 460](#), and [H 461](#), by Business Committee, were read the second time at length and filed for third reading, Consent Calendar.

[H 537](#), as amended, by Health and Welfare Committee, was read the second time at length and filed for third reading, Consent Calendar.

[H 398](#), [H 438](#), [H 542](#), and [H 574](#), by Transportation and Defense Committee, were read the second time at length and filed for third reading.

[H 425](#), by Business Committee, was read the second time at length and filed for third reading.

[H 596](#), as amended, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

[H 608](#), as amended, by Ways and Means Committee, was read the second time at length and filed for third reading.

[H 545](#), as amended in the Senate, and [H 493](#), as amended in the Senate, by Education Committee, were read the second time at length and filed for third reading.

[S 1344](#), as amended, and [S 1346](#), as amended, by Agricultural 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 1400](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Cameron. Total - 1.

Total - 35.

Whereupon the President declared [S 1400](#) passed, title was approved, and the bill ordered transmitted to the House.

Senator Cameron was recorded present at this order of business.

[H 467](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 467](#) passed, title was approved, and the bill ordered returned to the House.

[H 477](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 477](#) 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 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 526](#) 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 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 30.

NAYS—Kelly, LeFavour, Malepeai, McKague, Werk. Total - 5.

Total - 35.

Whereupon the President declared [H 527](#) passed, title was approved, and the bill ordered returned to the House.

[H 625](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 625](#) passed, title was approved, and the bill ordered returned to the House.

[H 626](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 626](#) passed, title was approved, and the bill ordered returned to the House.

[H 490](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk. Total - 33.

NAYS—LeFavour. Total - 1.

Absent and excused—Winder. Total - 1.

Total - 35.

Whereupon the President declared [H 490](#) passed, title was approved, and the bill ordered returned to the House.

[H 557](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 557](#) 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 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 559](#) 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 Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 599](#) passed, title was approved, and the bill ordered returned to the House.

[H 498](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Coiner, Corder, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk. Total - 32.

NAYS—Cameron, Darrington. Total - 2.

Absent and excused—Winder. Total - 1.

Total - 35.

Whereupon the President declared [H 498](#) 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 called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out [S 1389](#), [S 1397](#), [H 576](#), [S 1411](#), and [H 509](#), without recommendation, amended as follows:

SENATE AMENDMENT TO S 1389

AMENDMENT TO SECTION 4

On page 6 of the printed bill, in line 16, delete "equipped with a roll cage or crush-proof body design.".

AMENDMENT TO SECTION 6

On page 10, in line 37, delete "~~thirty~~twenty" and insert: "thirty"; in line 38, delete "~~(325)~~" and insert: "(35)"; also in line 38, following "hour." insert: "Provided however, that a person may not operate a low-speed vehicle on a highway with a posted speed limit greater than twenty-five (25) miles per hour without displaying on the rear of the low-speed vehicle, a slow-moving vehicle identification emblem that complies with the society of automotive engineers standard SAE J943."; and also on page 10, delete line 41, and insert: "forty-five (45) miles per hour."; and following line 41, insert:

"(3) Nothing in this section shall be construed to prohibit local units of government from passing ordinances or resolutions which are more stringent than the provisions of this section."

SENATE AMENDMENT TO S 1397

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 11, delete "an individual" and insert: "a patient"; and in line 13, following "department." insert: "Before submitting a report, a physician should notify the patient or the patient's family of the physician's concerns about the patient's ability to drive.".

CORRECTION TO TITLE

On page 1, in line 3, delete "AN"; in line 4, delete "INDIVIDUAL" and insert: "A PERSON"; and following line 4, insert: ", TO PROVIDE FOR NOTICE".

SENATE AMENDMENT TO H 576

AMENDMENT TO SECTION 3

On page 9 of the printed bill, in line 13, delete "February" and insert: "March"; also in line 13, delete "on"; and in line 14, delete "the cooperation between the commission and the districts".

AMENDMENT TO SECTION 6

On page 16, in line 12, following "appointed" insert: "and shall be registered to vote in the state of Idaho".

AMENDMENT TO SECTION 7

On page 19, in line 11, following "appointed" insert: "and shall be registered to vote in the state of Idaho".

AMENDMENT TO THE BILL

On page 45, delete lines 5 through 13.

CORRECTION TO TITLE

On page 1, in line 18, following "COMMISSION," insert: "TO PROVIDE THAT SUPERVISORS SHALL BE REGISTERED TO VOTE IN THE STATE OF IDAHO,"; and in line 21, following "COMMISSION," insert: "TO PROVIDE THAT SUPERVISORS SHALL BE REGISTERED TO VOTE IN THE STATE OF IDAHO,".

On page 2, in line 24, delete "; AND PROVIDING AN"; and in line 25, delete "EFFECTIVE DATE".

SENATE AMENDMENT TO S 1411

AMENDMENT TO SECTION 1

On page 15 of the printed bill, delete lines 38 through 41; in line 42, delete "25-4020" and insert: "25-4019"; and in line 46, delete "25-4021" and insert: "25-4020"; and on page 16, in line 4, delete "25-4022" and insert: "25-4021".

AMENDMENT TO SECTION 3

On page 29, in line 15, delete "AND EXTRA LARGE POULTRY OPERATIONS"; in line 18, delete "and Extra Large Poultry Operations"; in line 21, delete "and poultry industries are" and insert: "industry is"; in line 26, delete "and extra large poultry"; in line 30, delete "and extra large poultry"; in line 34, delete "Chapters 40 and" and insert: "Chapter"; and also in line 34, delete "vest" and insert: "vests"; in line 36, delete "extra large poultry operations and"; in line 37, delete "and extra large poul-"; in line 38, delete "try operation"; in line 41, delete "and extra large poultry operations"; and in line 45, delete "and extra large poultry operations"; on page 30, delete line 8; in line 9, delete "title"; in line 13, delete "and the defini-"; and delete lines 14 and 15, and insert: "."; in line 34, delete "or poultry"; in line 41, delete "or an extra large"; in line 42, delete "poultry operation"; in line 45, delete "and to extra large poultry"; and in line 46, delete "operations"; on page 31, delete lines 2 and 3, and insert: "chapter 41, title 25, Idaho Code. Further, the"; in line 7, delete "or extra large poultry operations"; in line 9, delete "and extra large"; in line 10, delete "poultry operations"; in line 13, delete "and"; in line 14, delete "extra large poultry operations"; in line 29, delete "and extra"; delete line 30; in line 31, delete "Code,"; in line 35, delete "and existing extra large"; in line 36, delete "poultry operations"; in line 43, delete "and existing extra large"; and in line 44, delete "poultry operations"; on page 32, in line 8, delete "and extra large poultry operations"; and in line 13, delete "or extra large poultry operation"; on page 35, in line 40, delete "or poultry"; and in line 49, delete ", for"; on page 36, delete lines 1 and 2, and insert: ","; on page 38, delete lines 39 through 41, and insert: "section 25-4118, Idaho Code."; on page 39, in line 6, delete "or extra"; in line 7, delete "large poultry operations"; in line 15, delete "section 25-4016, Idaho"; delete lines 16 and 17, and insert: "section 25-4116, Idaho Code."; and in line 22, delete "or an extra large poultry operation"; and on page 40, in line 2, delete "or extra"; and in line 3, delete "large poultry operations".

CORRECTION TO TITLE

On page 1, delete line 17; and in line 38, delete "AND EXTRA LARGE POULTRY OPERATIONS".

SENATE AMENDMENT TO H 509
AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 6, delete "and are not".

The Committee also has [S 1348](#), [S 1350](#), and [S 1271](#) under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Werk, the report was adopted by voice vote.

[S 1389](#), as amended, [S 1397](#), as amended, and [S 1411](#), 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 576](#), as amended in the Senate, and [H 509](#), 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 Fifth Order of Business.

Petitions, Resolutions, and Memorials

On motion by Senator Davis, seconded by Senator Kelly, by voice vote the Senate recessed at 12:05 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 Little presiding.

Roll call showed all members present except Senators Andreason, absent and formally excused by the Chair; and Senators Bair, Bilyeu, Brackett, Broadsword, Cameron, Corder, Hill, Jorgenson, Lodge, McKague, McKenzie, Mortimer, Stegner, and Werk, absent and excused.

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

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Corder, Jorgenson, and Stegner were recorded present at this order of business.

March 18, 2010

The JUDICIARY AND RULES Committee reports that [S 1313](#), [S 1314](#), [S 1321](#), [S 1353](#), and [S 1355](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1313](#), [S 1314](#), [S 1321](#), [S 1353](#), and [S 1355](#) and ordered them transmitted to the House for the signature of the Speaker.

March 18, 2010

The JUDICIARY AND RULES Committee reports that Enrolled [S 1247](#), [S 1252](#), as amended, [S 1299](#), [S 1315](#), [S 1329](#), [S 1367](#), [S 1392](#), [S 1393](#), [S 1394](#), [S 1395](#), and

[S 1396](#) were delivered to the Office of the Governor at 2:45 p.m., March 18, 2010.

DARRINGTON, Chairman

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

March 18, 2010

The JUDICIARY AND RULES Committee reports that [S 1389](#), as amended, [S 1397](#), as amended, and [S 1411](#), as amended, have been correctly engrossed.

DARRINGTON, Chairman

[S 1389](#), as amended, [S 1397](#), as amended, and [S 1411](#), as amended, were filed for first reading.

March 18, 2010

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1389](#), [S 1397](#), [S 1411](#), [H 576](#), and [H 509](#) have been correctly printed.

DARRINGTON, Chairman

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

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

March 18, 2010

The AGRICULTURAL AFFAIRS Committee reports out [H 611](#) with the recommendation that it do pass.

CORDER, Chairman

[H 611](#) was filed for second reading.

Senators Brackett, Broadsword, and Mortimer were recorded present at this order of business.

March 18, 2010

The FINANCE Committee reports out [S 1407](#), [S 1415](#), [S 1416](#), [S 1417](#), and [S 1418](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1407](#), [S 1415](#), [S 1416](#), [S 1417](#), and [S 1418](#) were filed for second reading.

March 18, 2010

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 462](#), [H 504](#), [H 548](#), as amended, [H 581](#), [H 644](#), and [HCR 61](#) with the recommendation that they do pass.

ANDREASON, Chairman

[H 462](#), [H 504](#), [H 548](#), as amended, [H 581](#), and [H 644](#) were filed for second reading.

[HCR 61](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 18, 2010

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 502](#) with the recommendation that it do pass and with the recommendation it be placed on the Consent Calendar.

ANDREASON, Chairman

[H 502](#) was filed for second reading.

March 18, 2010

The EDUCATION Committee reports out [H 624](#) with the recommendation that it do pass, and with the recommendation that it be placed on the Consent Calendar.

GOEDDE, Chairman

[H 624](#) 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**

[H 576](#), as amended in the Senate, by Revenue and Taxation Committee, was read the first time at length and filed for second reading.

Senators Bilyeu, Lodge, and McKague were recorded present at this order of business.

[H 509](#), as amended in the Senate, by Commerce and Human Resources Committee, was read the first time at length and filed for second reading.

[S 1389](#), as amended, and [S 1397](#), as amended, by Judiciary and Rules Committee, were read the first time at length and filed for second reading.

[S 1411](#), as amended, by State Affairs 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

Senators Bair, McKenzie, and Werk were recorded present at this order of business.

[H 529](#) 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?"

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

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 529](#) passed, title was approved, and the bill ordered returned to the House.

[H 558](#), 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 558](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 457](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 457](#) passed, title was approved, and the bill ordered returned to the House.

[H 486](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bilyeu, Brackett, Cameron, Coiner, Darrington, Davis, Fulcher, Geddes, Goedde, Heinrich, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, Pearce, Schroeder, Smyser, Stennett (Stennett), Winder. Total - 22.

NAYS—Bock, Corder, Hammond, Hill, Jorgenson, McKenzie, Mortimer, Siddoway, Stegner, Werk. Total - 10.

Absent and excused—Andreason, Bair, Broadsword. Total - 3.

Total - 35.

Whereupon the President declared [H 486](#) passed, title was approved, and the bill ordered returned to the House.

[H 540](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bilyeu, Brackett, Cameron, Coiner, Darrington, Davis, Fulcher, Goedde, Heinrich, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, Schroeder, Smyser, Stennett (Stennett), Winder. Total - 21.

NAYS—Bock, Corder, Geddes, Hammond, Hill, McKenzie, Mortimer, Pearce, Siddoway, Stegner, Werk. Total - 11.

Absent and excused—Andreason, Bair, Broadsword. Total - 3.

Total - 35.

Whereupon the President declared [H 540](#) 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 McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 564](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, [H 641](#) retained its place on the Third Reading Calendar.

[H 642](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 642](#) 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 Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bilyeu, Bock, Brackett, Cameron, Coiner, Corder, Darrington, Davis, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 30.

NAYS—Fulcher, McKague. Total - 2.

Absent and excused—Andreason, Bair, Broadsword. Total - 3.

Total - 35.

Whereupon the President declared [H 521](#) 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. 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 522](#) passed, title was approved, and the bill ordered returned to the House.

[H 588](#) 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 588](#) passed, title was approved, and the bill ordered returned to the House.

[H 648](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—Davis. Total - 1.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 648](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, [H 641](#) was placed before the Senate for final consideration at this time.

[H 641](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 32.

NAYS—Geddes, Schroeder. Total - 2.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 641](#) 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 Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 649](#) passed, title was approved, and the bill ordered returned to the House.

[H 508](#) 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 508](#) passed, title was approved, and the bill ordered returned to the House.

[H 598](#) 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 598](#) passed, title was approved, and the bill ordered returned to the House.

[H 556](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 556](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 495](#), 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie,

Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 495](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 610](#) 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–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 610](#) passed, title was approved, and the bill ordered returned to the House.

Having voted on the prevailing side by which [H 598](#) passed the Senate, Senator Goedde served notice that he may on this or the next legislative day move for reconsideration of the vote.

[H 598](#) was ordered held at the Secretary's desk.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [S 1409](#) 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.

[S 1409](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS–Schroeder. Total - 1.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared [S 1409](#) 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 Kelly, by voice vote, the Senate adjourned at 6:10 p.m. until the hour of 10 a.m., Friday, March 19, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

**SIXTY-EIGHTH LEGISLATIVE DAY
FRIDAY, MARCH 19, 2010**

Senate Chamber

President Little called the Senate to order at 10 a.m.

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

Prayer was offered by Acting Senator Stennett.

The Pledge of Allegiance was led by Jedediah Russell, 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 18, 2010, 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

PETITION TO WAIVE JOINT RULE 20

We, the majority leadership of the Senate, petition that the President waive the provisions of Joint Rule 20 pertaining to the limitation on introduction of proposed constitutional amendments, which would permit the introduction and consideration of [SJR 102](#) and [SJR 103](#) to amend the Constitution of the State of Idaho by clarifying the limitations on county and municipal indebtedness.

Signed:

- /s/ Robert L. Geddes, President Pro Tempore
- /s/ Bart Davis, Majority Leader
- /s/ Joe Stegner, Assistant Majority Leader
- /s/ Russ Fulcher, Majority Caucus Chairman

Upon presentation of the petition, the President waived the provisions of Joint Rule 20 for the introduction of **SJR 102** and **SJR 103**. The correspondence was ordered filed in the office of the Secretary of the Senate

SJR 102

BY STATE AFFAIRS COMMITTEE

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 8, ARTICLE IX, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE LOCATION AND DISPOSITION OF PUBLIC LANDS; TO PROVIDE THAT THE LEGISLATURE SHALL PROVIDE BY LAW FOR THE SALE OR OTHER DISPOSITION OF THE GENERAL GRANTS OF LAND MADE BY CONGRESS TO THE STATE FROM TIME TO TIME, AND FOR THE SALE OF TIMBER ON ALL STATE LANDS, AT PUBLIC AUCTION OR THROUGH SUCH OTHER MEANS A PRUDENT INVESTOR WOULD USE WHILE CONSIDERING THE PURPOSES AND TERMS OF THE TRUST AND WHILE EXERCISING REASONABLE CARE, SKILL AND CAUTION, TO PROVIDE THAT THE PROCEEDS FROM ANY DISPOSITION OF LANDS SHALL BE FAITHFULLY APPLIED IN ACCORDANCE WITH THE TERMS OF THE GRANTS, AND TO DELETE A RESTRICTION PROHIBITING THE SALE OF MORE THAN THREE HUNDRED AND TWENTY ACRES OF LAND TO ANY ONE INDIVIDUAL, COMPANY OR CORPORATION; 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 103

BY STATE AFFAIRS COMMITTEE

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 10, ARTICLE IX, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE SALE OF UNIVERSITY LANDS; TO PROVIDE THAT NO UNIVERSITY LANDS SHALL BE SOLD FOR LESS THAN THE APPRAISED PRICE, RATHER THAN FOR LESS THAN TEN DOLLARS PER ACRE; AND TO REMOVE A RESTRICTION PROHIBITING THE SALE OF MORE THAN ONE HUNDRED AND SIXTY ACRES OF UNIVERSITY LANDS, TO ANY ONE PERSON, COMPANY OR CORPORATION; 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 102 and **SJR 103** 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

Senator Cameron was recorded present at this order of business.

March 19, 2010

The JUDICIARY AND RULES Committee reports that **S 1419**, **S 1420**, **S 1421**, **S 1422**, **SJR 102**, and **SJR 103** have been correctly printed.

DARRINGTON, Chairman

S 1419 and **S 1420** were referred to the Finance Committee.

S 1421 and **S 1422** were referred to the Education Committee.

SJR 102 and **SJR 103** were referred to the State Affairs Committee.

March 18, 2010

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 605** and **H 647** with the recommendation that they do pass.

HILL, Chairman

H 605 and **H 647** 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 18, 2010

The Honorable Brad Little
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 1388, **S 1332**, **S 1296**, **S 1285**, **S 1284**,
S 1283, **S 1282**, **S 1338**, and **S 1316**

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor of Idaho

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 18, 2010

Dear Mr. President:

I transmit herewith **H 668**, **H 669**, **H 670**, **H 671**, **H 573**, **H 673**, **H 633**, **H 586**, as amended, and **H 407**, as amended, which have passed the House.

ALEXANDER, Chief Clerk

H 668, **H 669**, **H 670**, **H 671**, **H 573**, **H 673**, **H 633**, **H 586**, as amended, and **H 407**, as amended, were filed for first reading.

March 18, 2010

Dear Mr. President:

I transmit herewith Enrolled **HJR 4**, **HJR 5**, **HJR 7**, **H 471**, **H 449**, **H 469**, **H 444**, as amended, **H 464**, **H 465**, **H 482**, **H 513**,

[H 416](#), [H 516](#), [H 456](#), [H 458](#), [H 478](#), [H 525](#), [H 415](#), [H 417](#), [H 463](#), and [H 533](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HJR 4](#), [HJR 5](#), [HJR 7](#), [H 471](#), [H 449](#), [H 469](#), [H 444](#), as amended, [H 464](#), [H 465](#), [H 482](#), [H 513](#), [H 416](#), [H 516](#), [H 456](#), [H 458](#), [H 478](#), [H 525](#), [H 415](#), [H 417](#), [H 463](#), and [H 533](#) and ordered them returned to the House.

March 18, 2010

Dear Mr. President:

I return herewith Enrolled [S 1286](#), [S 1328](#), [S 1339](#), [S 1342](#), [S 1371](#), and [S 1379](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1286](#), [S 1328](#), [S 1339](#), [S 1342](#), [S 1371](#), and [S 1379](#) 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

Having voted on the prevailing side and proper notice having been served, Senator Goedde moved, seconded by Senator Werk, that the vote by which [H 598](#) passed the Senate be now reconsidered. The question being, "Shall the motion prevail?"

Roll call resulted as follows:

AYES—Davis, Fulcher, Geddes, Goedde, Hammond, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, Mortimer, Smyser, Stegner, Stennett (Stennett), Werk. Total - 17.

NAYS—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Heinrich, McGee, McKague, McKenzie, Pearce, Schroeder, Siddoway. Total - 17.

Absent and excused—Winder. Total - 1.

Total - 35.

The roll call having resulted in a tie vote, the President voted AYE, declared that the motion to reconsider [H 598](#) had prevailed, and [H 598](#) was before the Senate for final consideration.

On request by Senator Goedde, granted by unanimous consent, [H 598](#) was returned to the Third Reading Calendar.

The President announced that [HCR 61](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Cameron, seconded by Senator LeFavour, [HCR 61](#) 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 1423

BY FINANCE COMMITTEE

AN ACT

REDUCING THE APPROPRIATION TO THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE DIVISION OF

FINANCIAL MANAGEMENT FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY.

S 1424

BY FINANCE COMMITTEE

AN ACT

REDUCING THE APPROPRIATION TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY.

S 1425

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO STATE OFFICES; AMENDING SECTION 59-904, IDAHO CODE, TO REVISE PROVISIONS REGARDING VACANCIES IN STATE OFFICES AND APPOINTMENTS TO THOSE OFFICES AND SENATE CONFIRMATION AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

S 1426

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO CERTAIN TRANSFERS BEING CONTINUOUSLY APPROPRIATED; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR AIRPORT DEVELOPMENT GRANTS; AUTHORIZING THE TRANSFER OF HIGHWAY FUNDS TO THE TOURISM AND PROMOTION FUND; AND REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES OF TITLE XII AND TITLE XIV AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FUNDS.

S 1427

BY FINANCE COMMITTEE

AN ACT

RELATING TO HIGHWAY TRANSPORTATION PROJECTS; APPROVING BONDING AUTHORITY TO FINANCE CERTAIN HIGHWAY TRANSPORTATION PROJECTS; REFERENCING PROJECTS TO BE FINANCED WITH BOND PROCEEDS; LIMITING THE SCOPE OF TRANSPORTATION PROJECTS; PROVIDING A REQUIREMENT REGARDING A GARVEE PROGRAM MANAGEMENT SERVICES AGREEMENT; PROVIDING FOR ISSUANCE OF GARVEE BONDS; PROVIDING LEGISLATIVE INTENT AS TO THE IDAHO TRANSPORTATION BOARD'S PRIORITY USE OF BOND REVENUE; PROVIDING LEGISLATIVE INTENT REGARDING WORK PERFORMED BY THE IDAHO TRANSPORTATION DEPARTMENT; AUTHORIZING A TRANSFER OF FUNDS FOR DEBT SERVICE; AND PROVIDING A DATE FOR SUBMISSION OF A REPORT TO THE LEGISLATURE.

[S 1423](#), [S 1424](#), [S 1425](#), [S 1426](#), and [S 1427](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 668](#), [H 669](#), [H 670](#), and [H 671](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 573](#), by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 673](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 633](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 586](#), as amended, by Business Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

[H 407](#), as amended, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

President Little called President Pro Tempore Geddes to the Chair.

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

Reports of Standing Committees

March 19, 2010

The JUDICIARY AND RULES Committee reports that [S 1423](#), [S 1424](#), [S 1425](#), [S 1426](#), and [S 1427](#) have been correctly printed.

DARRINGTON, Chairman

[S 1425](#) was referred to the State Affairs Committee.

[S 1423](#), [S 1424](#), [S 1426](#), and [S 1427](#) were referred to the Finance Committee.

March 19, 2010

The STATE AFFAIRS Committee reports out [S 1425](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[S 1425](#) 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

[H 496](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 555](#), by Resources and Conservation Committee, was read the second time at length and filed for third reading.

[H 603](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[S 1408](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 543](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 550](#) and [H 554](#), by Business Committee, were read the second time at length and filed for third reading.

[H 593](#), as amended, and [H 613](#), by State Affairs Committee, were read the second time at length and filed for third reading.

[H 531](#), as amended, by Resources and Conservation Committee, was read the second time at length and filed for third reading.

[S 1412](#) and [S 1413](#), by Finance Committee, were read the second time at length and filed for third reading.

[H 607](#), by Ways and Means Committee, was read the second time at length and filed for third reading.

[H 630](#), by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

[S 1403](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[H 601](#), by Education Committee, was read the second time at length and filed for third reading.

[H 611](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[S 1407](#), [S 1415](#), [S 1416](#), [S 1417](#), and [S 1418](#), by Finance Committee, were read the second time at length and filed for third reading.

[H 462](#) and [H 504](#), by Business Committee, were read the second time at length and filed for third reading.

[H 548](#), as amended, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

[H 581](#), by Business Committee, was read the second time at length and filed for third reading.

[H 644](#), by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

[H 502](#), by Business Committee, was read the second time at length and filed for third reading, Consent Calendar.

[H 624](#), by Education Committee, was read the second time at length and filed for third reading, Consent Calendar.

[H 576](#), as amended in the Senate, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

[H 509](#), as amended in the Senate, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

[S 1389](#), as amended, and [S 1397](#), as amended, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

[S 1411](#), 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 1410](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk. Total - 34.

NAYS—None.

Absent and excused—Winder. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1410](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1344](#), 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kerby (Keough), LeFavour, Lodge, McGee, Mortimer, Schroeder, Stegner, Stennett (Stennett), Werk. Total - 25.

NAYS—Fulcher, Hill, Kelly, McKague, McKenzie, Pearce, Siddoway, Smyser. Total - 8.

Absent and excused—Malepeai, Winder. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1344](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1346](#), 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?"

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

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner. Total - 26.

NAYS—Bilyeu, Jorgenson, Kelly, LeFavour, Stennett (Stennett), Werk. Total - 6.

Absent and excused—Bock, Malepeai, Winder. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared [S 1346](#), as amended, 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 Kelly, by voice vote, the Senate adjourned at 12:25 p.m. until the hour of 10 a.m., Monday, March 22, 2010.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

SEVENTY-FIRST LEGISLATIVE DAY MONDAY, MARCH 22, 2010

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Bilyeu, absent and formally excused by the Chair; and Senators McKenzie, Pearce, Siddoway, Stegner, and Acting Senator Stennett, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Peter Olson, 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 19, 2010, 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.

Senators McKenzie, Pearce, and Siddoway were recorded present at this order of business.

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

Reports of Standing Committees

March 19, 2010

The JUDICIARY AND RULES Committee reports that Enrolled [S 1286](#), [S 1328](#), [S 1339](#), [S 1342](#), [S 1371](#), and [S 1379](#) were delivered to the Office of the Governor at 1:40 p.m., March 19, 2010.

DARRINGTON, Chairman

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

March 19, 2010

The STATE AFFAIRS Committee reports out [H 664](#), [HCR 36](#), [HCR 37](#), [HCR 47](#), [HCR 49](#), [HCR 55](#), and [HCR 63](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[H 664](#) was filed for second reading.

[HCR 36](#), [HCR 37](#), [HCR 47](#), [HCR 49](#), [HCR 55](#), and [HCR 63](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 19, 2010

The FINANCE Committee reports out [H 659](#), [H 660](#), and [H 661](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 659](#), [H 660](#), and [H 661](#) were filed for second reading.

Senator Stegner and Acting Senator Stennett were recorded present at this order of business.

March 19, 2010

The FINANCE Committee reports out [S 1419](#), [S 1420](#), [S 1423](#), and [S 1424](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1419](#), [S 1420](#), [S 1423](#), and [S 1424](#) were filed for second reading.

March 19, 2010

The FINANCE Committee reports out [H 668](#), [H 669](#), [H 670](#), and [H 671](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 668](#), [H 669](#), [H 670](#), and [H 671](#) were filed for second reading.

March 19, 2010

The FINANCE Committee reports out [S 1426](#) and [S 1427](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1426](#) and [S 1427](#) 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 19, 2010

Dear Mr. President:

I transmit herewith [H 677](#), [H 678](#), [H 679](#), [H 640](#), as amended, [H 645](#), as amended, [H 646](#), as amended, [H 674](#), [H 680](#), [H 653](#), and [HCR 64](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 677](#), [H 678](#), [H 679](#), [H 640](#), as amended, [H 645](#), as amended, [H 646](#), as amended, [H 674](#), [H 680](#), [H 653](#), and [HCR 64](#) were filed for first reading.

March 19, 2010

Dear Mr. President:

I return herewith [S 1341](#), as amended in the House, which has passed the House.

ALEXANDER, Chief Clerk

On request by Senator Broadsword, granted by unanimous consent, [S 1341](#), as amended in the House, was referred to the Judiciary and Rules Committee.

March 19, 2010

Dear Mr. President:

I return herewith [S 1404](#), [S 1405](#), [S 1406](#), [S 1402](#), [S 1312](#), [S 1370](#), [S 1248](#), [S 1250](#), [S 1251](#), [S 1323](#), [S 1325](#), [S 1324](#), and [S 1366](#), as amended, which have passed the House.

ALEXANDER, Chief Clerk

[S 1404](#), [S 1405](#), [S 1406](#), [S 1402](#), [S 1312](#), [S 1370](#), [S 1248](#), [S 1250](#), [S 1251](#), [S 1323](#), [S 1325](#), [S 1324](#), and [S 1366](#), as amended, were referred to the Judiciary and Rules Committee for enrolling.

March 19, 2010

Dear Mr. President:

I transmit herewith Enrolled [HCR 46](#), [H 510](#), [H 561](#), [H 470](#), [H 480](#), as amended, [H 518](#), [H 579](#), [H 466](#), [H 517](#), [H 519](#), [H 538](#), [H 474](#), [H 445](#), [H 431](#), [H 560](#), [H 553](#), [H 476](#), and [H 424](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled [HCR 46](#), [H 510](#), [H 561](#), [H 470](#), [H 480](#), as amended, [H 518](#), [H 579](#), [H 466](#), [H 517](#), [H 519](#), [H 538](#), [H 474](#), [H 445](#), [H 431](#), [H 560](#), [H 553](#), [H 476](#), and [H 424](#) and ordered them returned to the House.

March 19, 2010

Dear Mr. President:

I return herewith Enrolled [S 1313](#), [S 1314](#), [S 1321](#), [S 1353](#), and [S 1355](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1313](#), [S 1314](#), [S 1321](#), [S 1353](#), and [S 1355](#) 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

[H 677](#), [H 678](#), and [H 679](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 640](#), as amended, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

[H 645](#), 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 646](#), as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 674](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 680](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 653](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[HCR 64](#), 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 605](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 647](#), by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

[S 1425](#), by State Affairs Committee, 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 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 1401](#) and [H 534](#), without recommendation, amended as follows:

SENATE AMENDMENT TO S 1401

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 38, delete "and other good faith factors that the"; delete line 39; and in line 40, delete "bidder to perform fully and in good faith the contract requirements".

On page 2, in line 3, following "be" insert: "so"; and in line 4, following "notified" insert: "and licensed contractors that do not meet the prequalification standards shall also be so notified".

SENATE AMENDMENT TO H 534

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 10, delete "LIMITATIONS ON" and insert: "NOTIFICATION OF"; delete lines 24 and 25, and insert: "treatment of epilepsy or seizures, pharmacy personnel who perform drug product selections shall."; in line 26, delete "Sent notification" and insert: "Notify the prescriber"; in line 29, delete "Provided" and insert: "Provide"; and in line 30, following "selection." insert:

"(3) Nothing in this section shall delay the dispensing of a valid prescription for an anti-epileptic drug."

CORRECTION TO TITLE

On page 1, in line 4, delete "CERTAIN LIMITATIONS ON" and insert: "NOTIFICATION OF".

The Committee also has [S 1348](#), [S 1350](#), and [S 1271](#) under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Werk, the report was adopted by voice vote.

[S 1401](#), 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 534](#), 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 returned 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 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, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 29.

NAYS—Bock, Kelly, LeFavour, Malepeai, Werk. Total - 5.

Absent and excused—Bilyeu. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1408](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Coiner, granted by unanimous consent, [H 598](#) was referred to the Fourteenth Order of Business, General Calendar.

[S 1412](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Bilyeu. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1412](#) 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 Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 32.

NAYS—Schroeder. Total - 1.

Absent and excused—Andreason, Bilyeu. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1413](#) 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 Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Bilyeu. 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 1407](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Bilyeu. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1407](#) 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 Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Winder. Total - 26.

NAYS—Bock, Kelly, LeFavour, Malepeai, Schroeder, Stegner, Stennett (Stennett), Werk. Total - 8.

Absent and excused—Bilyeu. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1415](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1416](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 32.

NAYS—Kelly, Werk. Total - 2.

Absent and excused—Bilyeu. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1416](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [S 1417](#) retained its place on the Third Reading Calendar for one legislative day.

On request by Senator Davis, granted by unanimous consent, [S 1418](#) retained its place on the Third Reading Calendar.

[S 1389](#), 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, Bair, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague,

McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Bilyeu. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1389](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1397](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Kerby arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Schroeder, Siddoway, Stegner, Stennett (Stennett), Werk, Winder. Total - 29.

NAYS–Bock, Fulcher, Jorgenson, Pearce, Smyser. Total - 5.

Absent and excused–Bilyeu. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1397](#), 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 Fifth Order of Business.

Petitions, Resolutions, and Memorials

On motion by Senator Davis, seconded by Senator Kelly, by voice vote the Senate recessed at 12:05 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 Bilyeu, absent and formally excused by the Chair.

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

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 22, 2010

The JUDICIARY AND RULES Committee reports that [S 1401](#), as amended, has been correctly engrossed.

DARRINGTON, Chairman

[S 1401](#), as amended, was filed for first reading.

March 22, 2010

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1401](#) and [H 534](#) have been correctly printed.

DARRINGTON, Chairman

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

March 22, 2010

The STATE AFFAIRS Committee reports out [SJR 102](#) and [SJR 103](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[SJR 102](#) and [SJR 103](#) were filed for second reading.

March 22, 2010

The STATE AFFAIRS Committee reports out [H 492](#), [H 575](#), and [H 617](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[H 492](#), [H 575](#), and [H 617](#) were filed for second reading.

March 22, 2010

The RESOURCES AND ENVIRONMENT Committee reports out [HCR 58](#) and [H 407](#), as amended, with the recommendation that they do pass.

SCHROEDER, Chairman

[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.

[H 407](#), as amended, 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 22, 2010

Dear Mr. President:

I transmit herewith [H 683](#), [H 685](#), [H 684](#), [H 637](#), [H 615](#), [H 541](#), as amended, [H 665](#), as amended, [H 687](#), [H 689](#), [H 690](#), [H 691](#), and [H 675](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 683](#), [H 685](#), [H 684](#), [H 637](#), [H 615](#), [H 541](#), as amended, [H 665](#), as amended, [H 687](#), [H 689](#), [H 690](#), [H 691](#), and [H 675](#) 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

[H 534](#), as amended in the Senate, by Health and Welfare Committee, was read the first time at length and filed for second reading.

[S 1401](#), as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

[H 683](#) and [H 685](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 684](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 637](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

[H 615](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 541](#), as amended, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 665](#), 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 687](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[H 689](#) and [H 690](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 691](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 675](#), by Ways and Means 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

[SJR 102](#) and [SJR 103](#), 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 1418](#), 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?"

On request by Senator Cameron, granted by unanimous consent, the following typographical corrections were made to [S 1418](#), pursuant to Senate Rule 9(F):

On page 4, line 40, of the bill, Section 3 should read Section 8; on page 6, line 10, change Section 8 to Section 9; on page 6, line 22, change Section 3 to Section 9; on page 7, line 9, change Section 3 to Section 10; on page 7, line 26, change Section 3 to Section 10; and on page 7, line 43, change Section 3 to Section 10.

Moved by Senator LeFavour, seconded by Senator Malepeai, that [S 1418](#) be referred to the Fourteenth Order of Business for amendment. The question being, "Shall the motion prevail?"

Whereupon the President Pro Tempore declared that, by voice vote, the motion to refer [S 1418](#) to the Fourteenth Order of Business for amendment did not prevail.

The question being, "Shall [S 1418](#) pass?"

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

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

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

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

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stegner, Winder. Total - 27.

NAYS—Bilyeu, Bock, Kelly, LeFavour, Malepeai, Schroeder, Stennett (Stennett), Werk. Total - 8.

Paired and voting included in roll call:

AYE - Corder NAY - Bilyeu

Total - 35.

Whereupon the President Pro Tempore declared [S 1418](#) 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 Senate Joint Resolutions, 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 Kelly, by voice vote, the Senate adjourned at 6:10 p.m. until the hour of 10 a.m., Tuesday, March 23, 2010.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

SEVENTY-SECOND LEGISLATIVE DAY TUESDAY, MARCH 23, 2010

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Corin Ravsten, 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, 2010, 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 125

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE A FEE OR CHARGE, WITH STATED 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 a certain rule docket of the Department of Health and Welfare, Rules Governing Standards for Child Care Licensing is not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Lands governing Regulation of Beds, Waters and Airspace Over Navigable Lakes are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Lands governing the Leases on State-Owned Submerged and Formerly Submerged Lands are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Endowment Fund Investment Board, Rules Governing the Credit Enhancement Program for School Districts is not consistent with legislative intent; 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 Sixtieth 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 2010 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 16.06.02, Rules of the Department of Health and Welfare, Rules Governing Standards for Child Care Licensing, adopted as a pending fee rule under Docket Number 16-0602-0901, the entire rulemaking docket.

IDAPA 20.03.04, Rules of the Department of Lands, Regulation of Beds, Waters and Airspace Over Navigable Lakes, Section 020, Applications, Subsection 07.e, Forms, Filing, Section 035, Temporary

Permits, Subsection 04, Fee, and Section 065, Assignments, Subsection 02, Assignment Fee, only, adopted as pending fee rules under Docket Number 20-0304-0901;

IDAPA 20.03.17, Rules of the Department of Lands, Leases on State-Owned Submerged and Formerly Submerged Lands, Section 030, Lease Application, Fee, and Procedure, Subsection 01, Fee, and Section 055, Assignments, Assignment Fee, Subsection 02, Assignment Fee, only, adopted as pending fee rules under Docket Number 20-0317-0901; and

IDAPA 32.01.01, Rules of the Endowment Fund Investment Board, Rules Governing the Credit Enhancement Program for School Districts, adopted as pending fee rules under Docket Number 32-0101-0901 (New Chapter), the entire rulemaking docket.

BE IT FURTHER RESOLVED that IDAPA 16.06.02, Rules of the Department of Health and Welfare, Rules Governing Standards for Child Care Licensing, adopted as a pending fee rule under Docket Number 16-0602-0901, the entire rulemaking docket; IDAPA 20.03.04, Rules of the Department of Lands, Regulation of Beds, Waters and Airspace Over Navigable Lakes, Section 020, Applications, Subsection 07.e, Forms, Filing, Section 035, Temporary Permits, Subsection 04, Fee, and Section 065, Assignments, Subsection 02, Assignment Fee, only, adopted as pending fee rules under Docket Number 20-0304-0901; IDAPA 20.03.17, Rules of the Department of Lands, Leases on State-Owned Submerged and Formerly Submerged Lands, Section 030, Lease Application, Fee, and Procedure, Subsection 01, Fee, and Section 055, Assignments, Assignment Fee, Subsection 02, Assignment Fee, only, adopted as pending fee rules under Docket Number 20-0317-0901; and IDAPA 32.01.01, Rules of the Endowment Fund Investment Board, Rules Governing the Credit Enhancement Program for School Districts, adopted as pending fee rules under Docket Number 32-0101-0901 (New Chapter), the entire rulemaking docket, 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 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 126

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND APPROVING AND EXTENDING TEMPORARY RULES REVIEWED BY THE LEGISLATURE.

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 Sixtieth 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 2010 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.

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 Sixty-first 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 were not submitted to the Legislature for review during the 2010 legislative session shall expire by operation of statute upon adjournment of the Second Regular Session of the Sixtieth Idaho Legislature, unless approved by adoption of a separate concurrent resolution by both houses of the Legislature.

[SCR 125](#) and [SCR 126](#) 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 22, 2010

The JUDICIARY AND RULES Committee reports that [S 1248](#), [S 1250](#), [S 1251](#), [S 1312](#), [S 1323](#), [S 1324](#), [S 1325](#), [S 1366](#), as amended, [S 1370](#), [S 1402](#), [S 1404](#), [S 1405](#), and [S 1406](#) have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled [S 1248](#), [S 1250](#), [S 1251](#), [S 1312](#), [S 1323](#), [S 1324](#), [S 1325](#), [S 1366](#), as amended, [S 1370](#), [S 1402](#), [S 1404](#), [S 1405](#), and [S 1406](#) and ordered them transmitted to the House for the signature of the Speaker.

March 22, 2010

The JUDICIARY AND RULES Committee reports that Enrolled [S 1313](#), [S 1314](#), [S 1321](#), [S 1353](#), and [S 1355](#) were delivered to the Office of the Governor at 3:30 p.m., March 22, 2010.

DARRINGTON, Chairman

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

March 22, 2010

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:

Ford Elsaesser to the Lake Pend Oreille Basin Commission, term to expire July 24, 2012.

Marc Brinkmeyer to the Lake Pend Oreille Basin Commission, term to expire July 24, 2011.

Linda Mitchell to the Lake Pend Oreille Basin Commission, term to expire July 24, 2012.

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 22, 2010

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:

Roderic W. Lewis to the State Board of Education, term to expire March 1, 2015.

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.

March 22, 2010

The EDUCATION Committee reports out [HCR 48](#) with the recommendation that it be referred to the State Affairs Committee.

GOEDDE, Chairman

There being no objection, [HCR 48](#) was referred to the State Affairs Committee.

March 22, 2010

The EDUCATION Committee reports out [H 636](#) and [H 662](#) with the recommendation that they do pass.

GOEDDE, Chairman

[H 636](#) and [H 662](#) were filed for second reading.

March 22, 2010

The EDUCATION Committee reports out [S 1422](#) with the recommendation that it do pass.

GOEDDE, Chairman

[S 1422](#) was filed for second reading.

March 22, 2010

The FINANCE Committee reports out [H 677](#), [H 678](#), and [H 679](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 677](#), [H 678](#), and [H 679](#) were filed for second reading.

March 22, 2010

The HEALTH AND WELFARE Committee reports out [H 657](#) with the recommendation that it do pass, and with the recommendation that it be placed on the Consent Calendar.

LODGE, Chairman

[H 657](#) was filed for second reading.

March 22, 2010

The HEALTH AND WELFARE Committee reports out [H 656](#) with the recommendation that it do pass.

LODGE, Chairman

[H 656](#) was filed for second reading.

March 22, 2010

The FINANCE Committee reports out [H 683](#), [H 685](#), [H 689](#), and [H 690](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 683](#), [H 685](#), [H 689](#), and [H 690](#) were filed for second reading.

March 22, 2010

The AGRICULTURAL AFFAIRS Committee reports out [HCR 59](#) with the recommendation that it do pass.

CORDER, Chairman

[HCR 59](#) 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 22, 2010

Dear Mr. President:

I return herewith [S 1359](#), [S 1330](#), as amended, [S 1378](#), as amended, and [S 1305](#), as amended, which have passed the House.

ALEXANDER, Chief Clerk

[S 1359](#), [S 1330](#), as amended, [S 1378](#), as amended, and [S 1305](#), as amended, were referred to the Judiciary and Rules Committee for enrolling.

March 22, 2010

Dear Mr. President:

I transmit herewith Enrolled [H 467](#), [H 477](#), [H 526](#), [H 527](#), [H 625](#), [H 626](#), [H 490](#), [H 557](#), [H 559](#), [H 599](#), [H 498](#), [H 529](#), [H 558](#), as amended, [H 457](#), [H 486](#), [H 540](#), [H 564](#), [H 642](#), [H 521](#), [H 522](#), [H 588](#), [H 648](#), [H 641](#), [H 649](#), [H 508](#), [H 556](#), as amended, [H 495](#), as amended, and [H 610](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled [H 467](#), [H 477](#), [H 526](#), [H 527](#), [H 625](#), [H 626](#), [H 490](#), [H 557](#), [H 559](#), [H 599](#), [H 498](#), [H 529](#), [H 558](#), as amended, [H 457](#), [H 486](#), [H 540](#), [H 564](#), [H 642](#), [H 521](#), [H 522](#), [H 588](#), [H 648](#), [H 641](#), [H 649](#), [H 508](#), [H 556](#), as amended, [H 495](#), as amended, and [H 610](#) 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 [HCR 36](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Werk, seconded by Senator Fulcher, [HCR 36](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President Pro Tempore announced that [HCR 37](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Davis, seconded by Senator Kelly, [HCR 37](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President Pro Tempore announced that [HCR 47](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Stegner, seconded by Acting Senator Stennett, [HCR 47](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President Pro Tempore announced that [HCR 49](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator McKenzie, seconded by Acting Senator Stennett, [HCR 49](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President Pro Tempore announced that [HCR 55](#) was before the Senate for final consideration.

Moved by Senator Pearce, seconded by Senator Fulcher, that [HCR 55](#) be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Bair, Brackett, Cameron, Darrington, Davis, Fulcher, Geddes, Hammond, Heinrich, Hill, Kerby (Keough), McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Winder. Total - 19.

NAYS—Andreason, Bilyeu, Bock, Broadsword, Coiner, Corder, Goedde, Jorgenson, Kelly, LeFavour, Lodge, Malepeai, Schroeder, Stegner, Stennett (Stennett), Werk. Total - 16.

Total - 35.

Whereupon the President Pro Tempore declared [HCR 55](#) adopted, title was approved, and the resolution ordered returned to the House.

The President Pro Tempore announced that [HCR 63](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Pearce, seconded by Senator Werk, [HCR 63](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President Pro Tempore announced that [HCR 58](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Acting Senator Kerby, seconded by Senator Fulcher, [HCR 58](#) 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 1428

BY FINANCE COMMITTEE

AN ACT

REDUCING THE APPROPRIATION TO THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON SHARING OFFICE SPACE; AND DECLARING AN EMERGENCY.

S 1429

BY FINANCE COMMITTEE

AN ACT

REDUCING THE APPROPRIATION TO THE IDAHO COMMISSION FOR LIBRARIES FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE IDAHO COMMISSION FOR LIBRARIES FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON RESTORING ONE-TIME SAVINGS; PROVIDING LEGISLATIVE INTENT TO ALLOW FLEXIBILITY IN DEALING WITH REDUCED APPROPRIATIONS FOR FISCAL YEAR 2011; AND DECLARING AN EMERGENCY.

S 1430

BY FINANCE COMMITTEE

AN ACT

REDUCING THE APPROPRIATION TO THE IDAHO COMMISSION ON HISPANIC AFFAIRS FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE IDAHO COMMISSION ON HISPANIC AFFAIRS FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY.

S 1431

BY FINANCE COMMITTEE

AN ACT

REDUCING THE APPROPRIATION TO THE PUBLIC HEALTH TRUST FUND FOR FISCAL YEAR 2010 AND REDUCING THE TRANSFER FROM THE GENERAL FUND; APPROPRIATING MONEYS AND DIRECTING A TRANSFER OF FUNDS TO THE PUBLIC HEALTH TRUST FUND FOR FISCAL YEAR 2011; AND DECLARING AN EMERGENCY.

S 1432

BY FINANCE COMMITTEE

AN ACT

REDUCING THE APPROPRIATION TO THE COMMISSION ON AGING FOR FISCAL YEAR 2010; APPROPRIATING MONEYS FOR THE COMMISSION ON AGING FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY.

S 1433

BY FINANCE COMMITTEE

AN ACT

REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE INDEPENDENT COUNCILS FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DOMESTIC VIOLENCE COUNCIL FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR INDEPENDENT COUNCILS FOR FISCAL YEAR 2011; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE INDEPENDENT COUNCILS; PROVIDING LEGISLATIVE INTENT FOR THE EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES; ALLOWING TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES; PROVIDING LEGISLATIVE INTENT FOR PROGRAM INTEGRITY; AND DECLARING AN EMERGENCY.

S 1434

BY FINANCE COMMITTEE

AN ACT

REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PSYCHIATRIC HOSPITALIZATION FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PSYCHIATRIC HOSPITALIZATION FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; DIRECTING THAT FUNDS FOR TRUSTEE AND BENEFIT PAYMENTS SHALL NOT BE TRANSFERRED; PROVIDING LEGISLATIVE INTENT FOR THE EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES; ALLOWING TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES; PROVIDING LEGISLATIVE INTENT ON PROGRAM INTEGRITY; AND DECLARING AN EMERGENCY.

S 1435

BY FINANCE COMMITTEE

AN ACT

REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR SUBSTANCE ABUSE TREATMENT AND PREVENTION FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR SUBSTANCE ABUSE TREATMENT AND PREVENTION FOR FISCAL YEAR 2010; APPROPRIATING MONEYS FOR THE DEPARTMENT OF HEALTH AND WELFARE FOR SUBSTANCE ABUSE TREATMENT AND PREVENTION FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; DIRECTING THAT FUNDS FOR TRUSTEE AND BENEFIT PAYMENTS SHALL NOT BE TRANSFERRED; PROVIDING LEGISLATIVE INTENT FOR THE EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES; ALLOWING TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES; PROVIDING LEGISLATIVE INTENT FOR PROGRAM INTEGRITY; DIRECTING

EXPENDITURES FOR GAIN PROVIDER TRAINING; DIRECTING EXPENDITURES FOR A STATEWIDE MEDIA CAMPAIGN FOR UNDERAGE DRINKING; AND DECLARING AN EMERGENCY.

[S 1428](#), [S 1429](#), [S 1430](#), [S 1431](#), [S 1432](#), [S 1433](#), [S 1434](#), and [S 1435](#) 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 664](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 659](#), [H 660](#), and [H 661](#), by Appropriations Committee, were read the second time at length and filed for third reading.

[S 1419](#), [S 1420](#), [S 1423](#), and [S 1424](#), by Finance Committee, were read the second time at length and filed for third reading.

[H 668](#), [H 669](#), [H 670](#), and [H 671](#), by Appropriations Committee, were read the second time at length and filed for third reading.

[S 1426](#) and [S 1427](#), by Finance Committee, were read the second time at length and filed for third reading.

[H 492](#), [H 575](#), and [H 617](#), by State Affairs Committee, were read the second time at length and filed for third reading.

[H 407](#), as amended, by Resources and Conservation Committee, was read the second time at length and filed for third reading.

[H 534](#), as amended in the Senate, by Health and Welfare Committee, was read the second time at length and filed for third reading.

[S 1401](#), as amended, by State Affairs Committee, 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 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 598](#), without recommendation, amended as follows:

SENATE AMENDMENT TO H 598

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 19 through 22, and insert: "If the district obtains a surety bond, blanket surety bond or crime insurance coverage pursuant to the applicable provisions of chapter 8, title 59, Idaho Code, the directors shall not be required to post a bond under the provisions of this section."

The Committee also has [S 1348](#), [S 1350](#), and [S 1271](#) under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Werk, the report was adopted by voice vote.

[H 598](#), 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 returned to the Thirteenth Order of Business.

Third Reading of Bills

[S 1417](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared [S 1417](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Stegner, granted by unanimous consent, [S 1411](#), as amended, retained its place on the Third Reading Calendar.

[S 1425](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared [S 1425](#) passed, title was approved, and the bill ordered transmitted to the House.

The Senate considered the Consent Calendar at this time.

[H 604](#), 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared [H 604](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 428](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared [H 428](#) passed, title was approved, and the bill ordered returned to the House.

[H 429](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared [H 429](#) 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 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared [H 461](#) passed, title was approved, and the bill ordered returned to the House.

[H 537](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared [H 537](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 502](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared [H 502](#) 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 Kelly, by voice vote the Senate recessed at 12:02 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 Little presiding.

Roll call showed all members present except Senators Brackett, Broadsword, Cameron, Goedde, Hill, Malepeai, Mortimer, and Werk, absent and excused.

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

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 23, 2010

The JUDICIARY AND RULES Committee reports that Senate amendments to [H 598](#) have been correctly printed.

DARRINGTON, Chairman

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

Senators Malepeai and Werk were recorded present at this order of business.

March 23, 2010

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 503](#) and [H 646](#), as amended, with the recommendation that they do pass.

ANDREASON, Chairman

[H 503](#) and [H 646](#), as amended, were filed for second reading.

March 23, 2010

The TRANSPORTATION Committee reports out [H 586](#), as amended, and [H 609](#) with the recommendation that they do pass.

MCGEE, Chairman

[H 586](#), as amended, and [H 609](#) were filed for second reading.

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**

[H 598](#), as amended in the Senate, by State Affairs Committee, was read the first time at length and filed for second reading.

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

Third Reading of Bills

Senators Broadsword, Brackett, Cameron, Goedde, Hill, and Mortimer were recorded present at this order of business.

[S 1411](#), as amended, having been held, 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, Bilyeu, Bock, Brackett, Broadsword, Coiner, Corder, Goedde, Hammond, Heinrich, Hill, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 24.

NAYS—Bair, Cameron, Darrington, Davis, Fulcher, Geddes, Jorgenson, Kelly, McKague, Pearce, Werk. Total - 11.

Total - 35.

Whereupon the President declared [S 1411](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[SJR 102](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder 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, Bair, Bock, Brackett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 30.

NAYS—Bilyeu, Broadsword, Kerby (Keough), LeFavour, Schroeder. Total - 5.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared [SJR 102](#) adopted, title was approved, and the resolution ordered transmitted to the House.

[SJR 103](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis,

Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 32.

NAYS—Kerby (Keough), LeFavour, Schroeder. Total - 3.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared [SJR 103](#) adopted, title was approved, and the resolution 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 1401](#), 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.

[S 1401](#), 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Jorgenson. Total - 1.

Total - 35.

Whereupon the President declared [S 1401](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[H 545](#), as amended in the Senate, 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Jorgenson. Total - 1.

Total - 35.

Whereupon the President declared [H 545](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

[H 493](#), as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Fulcher arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stennett (Stennett), Winder. Total - 27.

NAYS—Andreason, Bock, Coiner, Kelly, Schroeder, Stegner, Werk. Total - 7.

Absent and excused—Jorgenson. Total - 1.

Total - 35.

Whereupon the President declared [H 493](#), as amended in the Senate, 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 Kelly, by voice vote, the Senate adjourned at 6:05 p.m. until the hour of 10 a.m., Wednesday, March 24, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

SEVENTY-THIRD LEGISLATIVE DAY WEDNESDAY, MARCH 24, 2010

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Lodge, McGee, Pearce, Schroeder, and Siddoway, absent and excused; and Senator McKague, absent and formally excused by the Chair.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Evan Lantzy, 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, 2010, 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.

Senators Lodge and Schroeder were recorded present at this order of business.

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

Reports of Standing Committees

March 24, 2010

The JUDICIARY AND RULES Committee reports that [S 1428](#), [S 1429](#), [S 1430](#), [S 1431](#), [S 1432](#), [S 1433](#), [S 1434](#), [S 1435](#), [SCR 125](#), and [SCR 126](#) have been correctly printed.

DARRINGTON, Chairman

[S 1428](#), [S 1429](#), [S 1430](#), [S 1431](#), [S 1432](#), [S 1433](#), [S 1434](#), and [S 1435](#) were referred to the Finance Committee.

[SCR 125](#) and [SCR 126](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 23, 2010

The JUDICIARY AND RULES Committee reports that [S 1305](#), as amended, [S 1330](#), as amended, [S 1359](#), and [S 1378](#), as amended, have been correctly printed.

DARRINGTON, Chairman

The President signed Enrolled [S 1305](#), as amended, [S 1330](#), as amended, [S 1359](#), and [S 1378](#), as amended, 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 Ninth Order of Business.

Messages from the House

March 23, 2010

Dear Mr. President:

I transmit herewith [H 694](#), [H 695](#), [H 696](#), and [H 681](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 694](#), [H 695](#), [H 696](#), and [H 681](#) were filed for first reading.

March 23, 2010

Dear Mr. President:

I return herewith [S 1410](#), [S 1409](#), [S 1365](#), as amended, [S 1327](#), [S 1357](#), [S 1375](#), as amended, [S 1345](#), as amended, [SCR 119](#), [SCR 120](#), [SCR 115](#), and [SCR 113](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1410](#), [S 1409](#), [S 1365](#), as amended, [S 1327](#), [S 1357](#), [S 1375](#), as amended, [S 1345](#), as amended, [SCR 119](#), [SCR 120](#), [SCR 115](#), and [SCR 113](#) were referred to the Judiciary and Rules Committee for enrolling.

March 23, 2010

Dear Mr. President:

I transmit herewith Enrolled [HCR 61](#) and [H 400](#), as amended in the Senate, for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HCR 61](#) and [H 400](#), as amended in the Senate, and ordered them returned to the House.

Senator McGee was recorded present at this order of business.

March 23, 2010

Dear Mr. President:

I return herewith [S 1354](#), as amended in the House, which has passed the House.

ALEXANDER, Chief Clerk

On request by Senator Davis, granted by unanimous consent, [S 1354](#), 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 23, 2010

Dear Mr. President:

I return herewith [S 1376](#), as amended in the House, which has passed the House.

ALEXANDER, Chief Clerk

On request by President Pro Tempore Geddes, granted by unanimous consent, [S 1376](#), 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.

Senator Pearce was recorded present at this order of business.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

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

On motion by Acting Senator Kerby, seconded by Senator Bock, the Gubernatorial appointment of Ford Elsaesser 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 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 Acting Senator Kerby, seconded by Senator LeFavour, 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.

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

On motion by Senator Broadsword, seconded by Senator Kelly, the Gubernatorial appointment of Linda Mitchell 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 the Education Committee report relative to the Gubernatorial appointment of Roderic W. Lewis was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Winder, seconded by Senator Fulcher, the Gubernatorial appointment of Roderic W. Lewis 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.

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 LeFavour, seconded by Senator Davis, [HCR 59](#) 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 1354](#), 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 1354](#), as amended in the House?"

On request by Senator Pearce, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to [S 1354](#), as amended in the House.

[S 1354](#), as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The President announced that the House amendments to [S 1376](#), 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 1376](#), as amended in the House?"

On request by President Pro Tempore Geddes, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to [S 1376](#), as amended in the House.

[S 1376](#), 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 1436

BY FINANCE COMMITTEE
AN ACT

REDUCING THE APPROPRIATION TO THE AMERICAN LUNG ASSOCIATION FOR FISCAL YEAR 2010;

APPROPRIATING MONEYS TO THE COMMISSION ON HISPANIC AFFAIRS FOR FISCAL YEAR 2010; 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 2011; APPROPRIATING MONEYS FROM THE IDAHO MILLENNIUM INCOME FUND TO THE STATE TREASURER FOR THE PURPOSES AND PROGRAMS SPECIFIED FOR FISCAL YEAR 2011; DIRECTING A TRANSFER FROM THE IDAHO MILLENNIUM INCOME FUND TO THE IDAHO MILLENNIUM FUND; PROVIDING THAT CERTAIN UNEXPENDED AND UNENCUMBERED MONEYS SHALL BE REVERTED TO THE IDAHO MILLENNIUM INCOME FUND; AND DECLARING AN EMERGENCY.

S 1437
BY FINANCE COMMITTEE
AN ACT

REDUCING THE APPROPRIATION TO THE COMMISSION ON THE ARTS FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS TO THE COMMISSION ON THE ARTS FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE COMMISSION ON THE ARTS FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY.

S 1438
BY FINANCE COMMITTEE
AN ACT

REDUCING THE APPROPRIATION TO THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO AND THE STATE BOARD OF EDUCATION FOR HEALTH EDUCATION PROGRAMS FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS TO THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO AND THE STATE BOARD OF EDUCATION FOR HEALTH EDUCATION PROGRAMS FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO AND THE STATE BOARD OF EDUCATION FOR HEALTH EDUCATION PROGRAMS FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR THE SEVERAL DESIGNATED PROGRAMS; EXEMPTING THE BOARD FROM CERTAIN APPROPRIATION TRANSFER LIMITATIONS; PROVIDING LEGISLATIVE INTENT REGARDING HEALTH EDUCATION STUDENT SEATS; AND DECLARING AN EMERGENCY.

S 1439
BY FINANCE COMMITTEE
AN ACT

APPROPRIATING MONEYS TO THE STATE LIQUOR DIVISION FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED FUND BALANCES; AND AMENDING SECTION 4, CHAPTER 323, LAWS OF 2009, TO REVISE A CERTAIN DATE.

S 1440
BY FINANCE COMMITTEE
AN ACT

REDUCING THE APPROPRIATION TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2010; APPROPRIATING MONEYS FOR ADMINISTRATION OF THE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICES PROGRAM FOR FISCAL YEAR 2011; APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY.

S 1441
BY FINANCE COMMITTEE
AN ACT

REDUCING THE APPROPRIATION TO THE HUMAN RIGHTS COMMISSION FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS TO THE HUMAN RIGHTS COMMISSION FOR FISCAL YEAR 2010; AND DECLARING AN EMERGENCY.

S 1442
BY FINANCE COMMITTEE
AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE CATASTROPHIC HEALTH CARE FUND FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE CATASTROPHIC HEALTH CARE FUND FOR FISCAL YEAR 2011; AND DECLARING AN EMERGENCY.

S 1443
BY FINANCE COMMITTEE
AN ACT

REDUCING THE GENERAL FUND APPROPRIATION AND TRANSFER TO THE STATE INDEPENDENT LIVING COUNCIL FOR FISCAL YEAR 2010; REDUCING THE STATE INDEPENDENT LIVING COUNCIL (GENERAL) FUND APPROPRIATION TO THE STATE INDEPENDENT LIVING COUNCIL FOR FISCAL YEAR 2010; APPROPRIATING MONEYS AND DIRECTING A TRANSFER TO THE STATE INDEPENDENT LIVING COUNCIL (GENERAL) FUND FOR FISCAL YEAR 2011; APPROPRIATING MONEYS TO THE STATE INDEPENDENT LIVING COUNCIL FOR FISCAL YEAR 2011; AND DECLARING AN EMERGENCY.

[S 1436](#), [S 1437](#), [S 1438](#), [S 1439](#), [S 1440](#), [S 1441](#), [S 1442](#), and [S 1443](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 694](#), [H 695](#), and [H 696](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 681](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

Senator McKague was recorded present at this order of business.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 636](#) and [H 662](#), by Education Committee, were read the second time at length and filed for third reading.

[S 1422](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 677](#), [H 678](#), and [H 679](#), by Appropriations Committee, were read the second time at length and filed for third reading.

[H 657](#), by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

[H 656](#), by Ways and Means Committee, was read the second time at length and filed for third reading, Consent Calendar.

[H 683](#), [H 685](#), [H 689](#), and [H 690](#), by Appropriations Committee, were read the second time at length and filed for third reading.

[H 503](#), by Business Committee, was read the second time at length and filed for third reading.

[H 646](#), as amended, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

[H 586](#), as amended, by Business Committee, was read the second time at length and filed for third reading.

[H 609](#), by Ways and Means Committee, was read the second time at length and filed for third reading.

[H 598](#), as amended in the Senate, 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 1419](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Winder. Total - 26.

NAYS—Bilyeu, Bock, Kelly, LeFavour, Malepeai, Schroeder, Stegner, Stennett (Stennett), Werk. Total - 9.

Total - 35.

Whereupon the President declared [S 1419](#) passed, title was approved, and the bill ordered transmitted to the House.

President Little called Senator Kelly to the Chair.

[S 1420](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee,

McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stennett (Stennett), Winder. Total - 32.

NAYS—Schroeder, Stegner, Werk. Total - 3.

Total - 35.

Whereupon the Acting President declared [S 1420](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1423](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Kerby arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the Acting President declared [S 1423](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1424](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Kerby arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the Acting President declared [S 1424](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1426](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the Acting President declared [S 1426](#) 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. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Kerby (Keough), Lodge, Malepeai,

McGee, McKague, McKenzie, Smyser, Stennett (Stennett), Werk, Winder. Total - 25.

NAYS–Bair, Fulcher, Hill, LeFavour, Mortimer, Pearce, Schroeder, Siddoway, Stegner. Total - 9.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the Acting President declared [S 1427](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 576](#), as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk. Total - 33.

NAYS–None.

Absent and excused–Andreason, Winder. Total - 2.

Total - 35.

Whereupon the Acting President declared [H 576](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

[H 509](#), as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk. Total - 32.

NAYS–None.

Absent and excused–Andreason, Hill, Winder. Total - 3.

Total - 35.

Whereupon the Acting President declared [H 509](#), as amended in the Senate, 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 Kelly, by voice vote the Senate recessed at 12:05 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 Little presiding.

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

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

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 24, 2010

The JUDICIARY AND RULES Committee reports out [S 1341](#), as amended in the House, with the recommendation that the Senate not concur in the House amendments.

DARRINGTON, Chairman

[S 1341](#), as amended in the House, and the committee report were referred to the Tenth Order of Business, Motions and Resolutions.

March 24, 2010

The JUDICIARY AND RULES Committee reports out [H 687](#) with the recommendation that it do pass.

DARRINGTON, Chairman

[H 687](#) was filed for second reading.

March 24, 2010

The JUDICIARY AND RULES Committee reports that [S 1354](#), as amended in the House, and [S 1376](#), as amended in the House, have been correctly engrossed.

DARRINGTON, Chairman

[S 1354](#), as amended in the House, and [S 1376](#), as amended in the House, were filed for first reading.

March 24, 2010

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1354](#) and [S 1376](#) have been correctly printed.

DARRINGTON, Chairman

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

March 24, 2010

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

John Ewing to the State Building Authority, term to expire January 1, 2014.

Andrea Wassner to the Idaho Commission on Human Rights, term to expire July 1, 2012.

MCKENZIE, 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 24, 2010

The STATE AFFAIRS Committee reports out [H 426](#), [H 566](#), [H 652](#), [H 673](#), [H 674](#), and [H 680](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[H 426](#), [H 566](#), [H 652](#), [H 673](#), [H 674](#), and [H 680](#) were filed for second reading.

March 24, 2010

The STATE AFFAIRS Committee reports out [H 589](#) and [H 614](#) with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

MCKENZIE, Chairman

There being no objection, [H 589](#) and [H 614](#) were referred to the Fourteenth Order of Business, General Calendar.

March 24, 2010

The STATE AFFAIRS Committee reports out [H 433](#), as amended, without recommendation.

MCKENZIE, Chairman

[H 433](#), as amended, was filed for second reading.

March 24, 2010

The STATE AFFAIRS Committee reports out [HCR 44](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[HCR 44](#) 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, 2010

The FINANCE Committee reports out [H 694](#), [H 695](#), and [H 696](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 694](#), [H 695](#), and [H 696](#) 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 24, 2010

The Honorable Brad Little
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 1392](#), [S 1329](#), [S 1247](#), [S 1396](#), [S 1395](#),
[S 1394](#), [S 1393](#), [S 1367](#), [S 1315](#), [S 1299](#), and
[S 1252](#), as amended

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor of Idaho

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, 2010

Dear Mr. President:

I transmit herewith [H 697](#), [H 698](#), [H 699](#), [H 700](#), [H 686](#), [H 682](#), [H 590](#), [H 688](#), and [HJM 14](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 697](#), [H 698](#), [H 699](#), [H 700](#), [H 686](#), [H 682](#), [H 590](#), [H 688](#), and [HJM 14](#) were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that [S 1341](#), as amended in the House, and the Judiciary and Rules Committee report recommending that the Senate not concur in the House amendments, were now before the Senate for final consideration.

Moved by Senator Darrington, seconded by Senator Broadsword, that the Judiciary and Rules Committee report be adopted. The question being, "Shall the motion prevail?"

The President announced that by voice vote the motion did prevail, the Senate did not concur in the House amendments, and [S 1341](#), as amended in the House, 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 1354](#), as amended in the House, and [S 1376](#), as amended in the House, by State Affairs Committee, were read the first time at length and filed for second reading.

[H 697](#) and [H 698](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 699](#) and [H 700](#), by Education Committee, were introduced, read the first time at length, and referred to the Education Committee.

[H 686](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 682](#), by Education Committee, was introduced, read the first time 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 Health and Welfare Committee.

[H 688](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the Education Committee.

[HJM 14](#), by Education Committee, was introduced, read at length, and referred to the Transportation Committee.

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

Third Reading of Bills

[H 534](#), as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Heinrich, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 28.

NAYS—Broadsword, Goedde, Hammond, Hill, Jorgenson, McGee. Total - 6.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 534](#), as amended in the Senate, 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 Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 459](#) passed, title was approved, and the bill ordered returned to the House.

[H 602](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. 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 398](#) 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 398](#) passed, title was approved, and the bill ordered returned to the House.

[H 438](#) 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 438](#) passed, title was approved, and the bill ordered returned to the House.

[H 542](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Kerby arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 542](#) passed, title was approved, and the bill ordered returned to the House.

[H 574](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 574](#) passed, title was approved, and the bill ordered returned to the House.

[H 425](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 425](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Stegner, granted by unanimous consent, [H 596](#), as amended, retained its place on the Third Reading Calendar.

[H 608](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKague arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 608](#), as amended, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Stegner, granted by unanimous consent, [H 596](#), as amended, was placed before the Senate for consideration at this time.

[H 596](#), as amended, having been held, 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 596](#), as amended, passed, title was approved, and the bill ordered returned to the House.

President Little called President Pro Tempore Geddes to the Chair.

[H 496](#) 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—Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Winder. Total - 27.

NAYS—Bilyeu, Bock, Kelly, LeFavour, Malepeai, Werk. Total - 6.

Absent and excused—Andreason, Stennett (Stennett). Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [H 496](#) 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. 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [H 555](#) passed, title was approved, and the bill ordered returned to the House.

President Little returned to the Chair.

[H 603](#) 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?"

On request by Senator Davis, granted by unanimous consent, the Fiscal Impact for [H 603](#) was revised.

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 603](#) passed, title was approved, and the bill ordered returned to the House.

[H 543](#) 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 543](#) 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 Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 550](#) passed, title was approved, and the bill ordered returned to the House.

[H 554](#) 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 554](#) passed, title was approved, and the bill ordered returned to the House.

[H 593](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 593](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 613](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 613](#) passed, title was approved, and the bill ordered returned to the House.

[H 531](#), 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 Schroeder arose as

co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Winder. Total - 30.

NAYS—Kelly, LeFavour, Werk. Total - 3.

Absent and excused—Andreason, Stennett (Stennett). Total - 2.

Total - 35.

Whereupon the President declared [H 531](#), 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 598](#), 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.

[H 598](#), as amended in the Senate, 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 598](#), as amended in the Senate, 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 Kelly, by voice vote, the Senate adjourned at 6:18 p.m. until the hour of 10 a.m., Thursday, March 25, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

SEVENTY-FOURTH LEGISLATIVE DAY THURSDAY, MARCH 25, 2010

Senate Chamber

President Little called the Senate to order at 10 a.m.

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

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Elyse Woodland, 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, 2010, 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 127

BY FINANCE COMMITTEE

A CONCURRENT RESOLUTION

STATING THE FINDINGS OF THE LEGISLATURE AND RESOLVING THAT THE CITIZENRY AND THE STATE OF IDAHO HAVE AMPLE OPPORTUNITY TO PROVIDE SUBSTANTIVE REVIEW AND COMMENT ON ANY RECORD OF DECISION OR AMENDMENT PROPOSED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR THE BUNKER HILL SUPERFUND SITE.

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

WHEREAS, the United States Environmental Protection Agency issued Records of Decision in 1991 and 1992 related to the 21 square mile Bunker Hill Superfund Site Box and issued an Interim Record of Decision in 2002 for the site which was expanded to the Coeur d'Alene Basin; and

WHEREAS, the State of Idaho has certain financial obligations related to the cost of the cleanup under the Records of Decision; and

WHEREAS, the Idaho State Legislature is responsible for appropriating funds to provide for the State of Idaho's contribution to the cleanup effort; and

WHEREAS, the Idaho State Legislature recognizes and acknowledges that citizens, businesses and local governmental entities of the Coeur d'Alene Basin are directly impacted by cleanup activities in the region under the Records of Decision; and

WHEREAS, the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) mandates a substantial role of the state, and those members of the public impacted by CERCLA activities, and the State of

Idaho is committed to the continuance of these efforts using best management practices for positive long-term outcomes; and

WHEREAS, documented progress continues to be made with respect to improving environmental quality and public health in the region under the existing remedies; and

WHEREAS, the Environmental Protection Agency is proposing to amend the existing Records of Decision; and

WHEREAS, any amendments to the existing Records of Decision will have direct and significant impact on the citizens, businesses and local communities in the area and the Environmental Protection Agency may seek additional financial commitments from the State of Idaho; and

WHEREAS, the Idaho State Legislature desires to ensure cleanup efforts in the Coeur d'Alene Basin under any proposed amendments to prior Records of Decision proceed only after the State of Idaho has an adequate opportunity to review and analyze the impacts of the proposed amendments on the State of Idaho, its businesses, its local communities and its citizens.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that citizens, business owners and local governmental entities within the Coeur d'Alene Basin and the State of Idaho should have ample opportunity to review and provide substantive comments on any proposed amendments to the existing Records of Decision.

BE IT FURTHER RESOLVED by the Second Regular Session of the Sixtieth Idaho Legislature that the Idaho Legislature have an opportunity to consider any amendments to the existing Records of Decision prior to the State of Idaho entering into any commitments for additional funding over and above historic appropriation levels for the Bunker Hill Superfund Site.

[SCR 127](#) 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 25, 2010

The JUDICIARY AND RULES Committee reports that [S 1436](#), [S 1437](#), [S 1438](#), [S 1439](#), [S 1440](#), [S 1441](#), [S 1442](#), and [S 1443](#) have been correctly printed.

DARRINGTON, Chairman

[S 1436](#), [S 1437](#), [S 1438](#), [S 1439](#), [S 1440](#), [S 1441](#), [S 1442](#), and [S 1443](#) were referred to the Finance Committee.

March 24, 2010

The JUDICIARY AND RULES Committee reports that [S 1327](#), [S 1345](#), as amended, [S 1357](#), [S 1365](#), as amended, [S 1375](#), as amended, [S 1409](#), [S 1410](#), [SCR 113](#), [SCR 115](#), [SCR 119](#), and [SCR 120](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1327](#), [S 1345](#), as amended, [S 1357](#), [S 1365](#), as amended, [S 1375](#), as amended, [S 1409](#), [S 1410](#), [SCR 113](#), [SCR 115](#), [SCR 119](#), and [SCR 120](#) and ordered them transmitted to the House for the signature of the Speaker.

Senators LeFavour and Stegner were recorded present at this order of business.

March 24, 2010

The HEALTH AND WELFARE Committee reports out [H 653](#) with the recommendation that it do pass.

LODGE, Chairman

[H 653](#) was filed for second reading.

March 24, 2010

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 645](#), as amended, and [H 691](#) with the recommendation that they do pass.

HILL, Chairman

[H 645](#), as amended, and [H 691](#) were filed for second reading.

March 24, 2010

The EDUCATION Committee reports out [H 640](#), as amended, with the recommendation that it do pass.

GOEDDE, Chairman

[H 640](#), as amended, was filed for second reading.

March 24, 2010

The EDUCATION Committee reports out [H 637](#) with the recommendation that it do pass, and with the recommendation that it be placed on the Consent Calendar.

GOEDDE, Chairman

[H 637](#) was filed for second reading.

March 25, 2010

The FINANCE Committee reports out [H 697](#) and [H 698](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 697](#) and [H 698](#) were filed for second reading.

March 25, 2010

The FINANCE Committee reports out [S 1428](#), [S 1429](#), [S 1430](#), [S 1431](#), [S 1432](#), [S 1433](#), [S 1434](#), and [S 1435](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1428](#), [S 1429](#), [S 1430](#), [S 1431](#), [S 1432](#), [S 1433](#), [S 1434](#), and [S 1435](#) 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 24, 2010

Dear Mr. President:

I transmit herewith [H 701](#), [H 702](#), and [H 703](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 701](#), [H 702](#), and [H 703](#) were filed for first reading.

March 24, 2010

Dear Mr. President:

I return herewith Enrolled [S 1248](#), [S 1250](#), [S 1251](#), [S 1312](#), [S 1323](#), [S 1324](#), [S 1325](#), [S 1366](#), as amended, [S 1370](#), [S 1402](#), [S 1404](#), [S 1405](#), and [S 1406](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1248](#), [S 1250](#), [S 1251](#), [S 1312](#), [S 1323](#), [S 1324](#), [S 1325](#), [S 1366](#), as amended, [S 1370](#), [S 1402](#), [S 1404](#), [S 1405](#), and [S 1406](#) 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 that [SCR 125](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator McKenzie, seconded by Acting Senator Stennett, [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 Darrington, seconded by Acting Senator Stennett, [SCR 126](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that [HCR 44](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator McKenzie, seconded by Senator Fulcher, [HCR 44](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that the State Affairs Committee report 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 Acting Senator Stennett, seconded by Senator Fulcher, 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.

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Andrea Wassner was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Kelly, seconded by Senator Davis, the Gubernatorial appointment of Andrea Wassner 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.

The Senate advanced to the Eleventh Order of Business.

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

S 1444

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE STATE BOARD OF EDUCATION FOR COLLEGE AND UNIVERSITIES FOR FISCAL YEAR 2010; AND DECLARING AN EMERGENCY.

[S 1444](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 701](#), [H 702](#), and [H 703](#), 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 687](#), by Ways and Means Committee, was read the second time at length and filed for third reading.

[S 1428](#), [S 1429](#), [S 1430](#), [S 1431](#), [S 1432](#), [S 1433](#), [S 1434](#), and [S 1435](#), by Finance Committee, were read the second time at length and filed for third reading.

[H 426](#), by Business Committee, was read the second time at length and filed for third reading, Consent Calendar.

[H 433](#), as amended, [H 566](#), [H 652](#), and [H 673](#), by State Affairs Committee, were read the second time at length and filed for third reading.

[H 674](#), by Ways and Means Committee, was read the second time at length and filed for third reading.

[H 680](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 694](#), [H 695](#), and [H 696](#), by Appropriations Committee, were read the second time at length and filed for third reading.

[S 1354](#), as amended in the House, and [S 1376](#), as amended in the House, 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 1422](#) 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [S 1422](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 607](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 607](#) passed, title was approved, and the bill ordered returned to the House.

[H 630](#) 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stennett (Stennett), Winder. Total - 29.

NAYS—Corder, Kelly, LeFavour, Stegner, Werk. Total - 5.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 630](#) passed, title was approved, and the bill ordered returned to the House.

[H 601](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Kelly and Goedde arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 601](#) passed, title was approved, and the bill ordered returned to the House.

[H 611](#) 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 611](#) 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 Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

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

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 33.

NAYS—Werk. Total - 1.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 462](#) passed, title was approved, and the bill ordered returned to the House.

[H 504](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 504](#) passed, title was approved, and the bill ordered returned to the House.

[H 548](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 548](#), as amended, 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 Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Cameron, Darrington, Fulcher, Geddes, Hill, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Schroeder, Smyser, Stegner, Stennett (Stennett), Werk. Total - 22.

NAYS—Broadsword, Coiner, Corder, Davis, Goedde, Hammond, Heinrich, Jorgenson, Kerby (Keough), Mortimer, Siddoway, Winder. Total - 12.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 581](#) passed, title was approved, and the bill ordered returned to the House.

[H 644](#) 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—Bair, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 29.

NAYS—Bilyeu, Davis, Kelly, LeFavour, Werk. Total - 5.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 644](#) 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 McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—LeFavour. Total - 1.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 605](#) passed, title was approved, and the bill ordered returned to the House.

On motion by Senator Davis, seconded by Senator Kelly, by voice vote the Senate recessed at 12:06 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 Little presiding.

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

Prior to recess the Senate was at the Thirteenth Order of Business, Third Reading of Bills.

Senator McGee was recorded present at this order of business.

[H 647](#) 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 647](#) passed, title was approved, and the bill ordered returned to the House.

[H 460](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 460](#) passed, title was approved, and the bill ordered returned to the House.

[H 624](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 624](#) 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. 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 664](#) 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 Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie,

Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 659](#) passed, title was approved, and the bill ordered returned to the House.

[H 660](#) 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 660](#) passed, title was approved, and the bill ordered returned to the House.

[H 661](#) 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 661](#) passed, title was approved, and the bill ordered returned to the House.

[H 668](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Smyser, Stegner, Stennett (Stennett), Winder. Total - 29.

NAYS—Kelly, Werk. Total - 2.

Absent and excused—Andreason, Bair, Malepeai, Siddoway.
Total - 4.

Total - 35.

Whereupon the President declared [H 668](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, [H 669](#) retained its place on the Third Reading Calendar.

[H 670](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 670](#) passed, title was approved, and the bill ordered returned to the House.

[H 671](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 671](#) 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. 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 492](#) passed, title was approved, and the bill ordered returned to the House.

[H 575](#) 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 575](#) passed, title was approved, and the bill ordered returned to the House.

[H 617](#) 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 617](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, [H 407](#), as amended, retained its place on the Third Reading Calendar.

[H 636](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 636](#) passed, title was approved, and the bill ordered returned to the House.

[H 662](#) 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 662](#) passed, title was approved, and the bill ordered returned to the House.

[H 677](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 677](#) passed, title was approved, and the bill ordered returned to the House.

[H 678](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 678](#) passed, title was approved, and the bill ordered returned to the House.

[H 679](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator

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

Roll call resulted as follows:

AYES—Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Winder. Total - 28.

NAYS—Bock, Kelly, LeFavour, Stennett (Stennett), Werk. Total - 5.

Absent and excused—Andreason, Malepeai. Total - 2.

Total - 35.

Whereupon the President declared [H 679](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, [H 669](#) was placed before the Senate for consideration at this time.

[H 669](#), having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Hammond, Heinrich, Hill, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 31.

NAYS—Goedde, Jorgenson. Total - 2.

Absent and excused—Andreason, Malepeai. Total - 2.

Total - 35.

Whereupon the President declared [H 669](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, [H 407](#), as amended, was placed before the Senate for final consideration at this time.

[H 407](#), as amended, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Davis, Fulcher, Geddes, Hill, Kelly, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Schroeder, Siddoway, Stegner, Stennett (Stennett), Werk, Winder. Total - 25.

NAYS—Darrington, Goedde, Hammond, Heinrich, Jorgenson, Kerby (Keough), Pearce, Smyser. Total - 8.

Absent and excused—Andreason, Malepeai. Total - 2.

Total - 35.

Whereupon the President declared [H 407](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 656](#) 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?"

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

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 656](#) passed, title was approved, and the bill ordered returned to the House.

[H 683](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 683](#) 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 687](#) 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.

[H 687](#) 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Andreason, Malepeai. Total - 2.

Total - 35.

Whereupon the President declared [H 687](#) 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 Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 685](#) passed, title was approved, and the bill ordered returned to the House.

[H 689](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 689](#) passed, title was approved, and the bill ordered returned to the House.

[H 690](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Kerby arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Andreason, Malepeai. Total - 2.

Total - 35.

Whereupon the President declared [H 690](#) passed, title was approved, and the bill ordered returned to the House.

[H 503](#) 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 503](#) passed, title was approved, and the bill ordered returned to the House.

[H 646](#), 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 646](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 586](#), 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 586](#), as amended, 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 McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 609](#) 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 1428](#) 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.

[S 1428](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [S 1428](#) 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 1429](#) 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.

[S 1429](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde,

Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared [S 1429](#) 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 1430](#) 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.

[S 1430](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared [S 1430](#) 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 1431](#) 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.

[S 1431](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared [S 1431](#) 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 1432](#) 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.

[S 1432](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared [S 1432](#) 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 1433](#) 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.

[S 1433](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared [S 1433](#) 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 1434](#) 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.

[S 1434](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [S 1434](#) 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 1435](#) 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.

[S 1435](#) 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—Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Winder. Total - 27.

NAYS—Bilyeu, Bock, Kelly, LeFavour, Stennett (Stennett), Werk. Total - 6.

Absent and excused—Andreason, Malepeai. Total - 2.

Total - 35.

Whereupon the President declared [S 1435](#) 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 426](#) 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.

[H 426](#) 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 426](#) 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 1354](#), 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.

[S 1354](#), as amended in the House, 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [S 1354](#), as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [S 1376](#), 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.

[S 1376](#), as amended in the House, 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [S 1376](#), as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 433](#), 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.

[H 433](#), as amended, 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—Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Schroeder, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 29.

NAYS—Bair, Bilyeu, Pearce, Siddoway. Total - 4.

Absent and excused—Andreason, Malepeai. Total - 2.

Total - 35.

Whereupon the President declared [H 433](#), 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 566](#) 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.

[H 566](#) 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 566](#) 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 652](#) 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.

[H 652](#) 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 652](#) 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 673](#) 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.

[H 673](#) 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 673](#) 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 674](#) 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.

[H 674](#) 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 674](#) 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 680](#) 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.

[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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 680](#) 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 694](#) 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.

[H 694](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough),

LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 694](#) 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 695](#) 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.

[H 695](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 695](#) 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 696](#) 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.

[H 696](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 31.

NAYS—Bock, Werk. Total - 2.

Absent and excused—Andreason, Malepeai. Total - 2.

Total - 35.

Whereupon the President declared [H 696](#) passed, title was approved, and the bill ordered returned to the House.

[H 657](#) 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—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 657](#) 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

March 25, 2010

The EDUCATION Committee reports out [H 688](#) with the recommendation that it do pass.

GOEDDE, Chairman

[H 688](#) was filed for second reading.

March 25, 2010

The AGRICULTURAL AFFAIRS Committee reports out [H 675](#) with the recommendation that it do pass.

CORDER, Chairman

[H 675](#) was filed for second reading.

March 25, 2010

The FINANCE Committee reports out [S 1436](#), [S 1437](#), [S 1438](#), [S 1439](#), [S 1440](#), [S 1441](#), [S 1442](#), and [S 1443](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1436](#), [S 1437](#), [S 1438](#), [S 1439](#), [S 1440](#), [S 1441](#), [S 1442](#), and [S 1443](#) were filed for second reading.

March 25, 2010

The FINANCE Committee reports out [H 701](#), [H 702](#), and [H 703](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 701](#), [H 702](#), and [H 703](#) were filed for second reading.

March 25, 2010

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 615](#) and [H 665](#), as amended, with the recommendation that they do pass.

HILL, Chairman

[H 615](#) and [H 665](#), 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 25, 2010

Dear Mr. President:

I transmit herewith [H 704](#), [H 705](#), [H 709](#), [H 710](#), [H 711](#), [H 712](#), [H 713](#), [H 631](#), as amended, [H 667](#), as amended, [H 676](#), as amended, [H 692](#), as amended, and [H 708](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 704](#), [H 705](#), [H 709](#), [H 710](#), [H 711](#), [H 712](#), [H 713](#), [H 631](#), as amended, [H 667](#), as amended, [H 676](#), as amended, [H 692](#), as amended, and [H 708](#) were filed for first reading.

March 25, 2010

Dear Mr. President:

I transmit herewith Enrolled [HCR 36](#), [HCR 37](#), [HCR 47](#), [HCR 49](#), [HCR 55](#), [HCR 63](#), [HCR 58](#), [H 604](#), as amended, [H 428](#), [H 429](#), [H 461](#), [H 537](#), as amended, and [H 502](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HCR 36](#), [HCR 37](#), [HCR 47](#), [HCR 49](#), [HCR 55](#), [HCR 63](#), [HCR 58](#), [H 604](#), as amended, [H 428](#), [H 429](#), [H 461](#), [H 537](#), as amended, and [H 502](#) and ordered them returned to the House.

March 25, 2010

Dear Mr. President:

I return herewith Enrolled [S 1305](#), as amended, [S 1330](#), as amended, [S 1359](#), and [S 1378](#), as amended, which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1305](#), as amended, [S 1330](#), as amended, [S 1359](#), and [S 1378](#), as amended, were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 25, 2010

Dear Mr. President:

I return herewith [S 1335](#), as amended in the House, which has passed the House.

ALEXANDER, Chief Clerk

[S 1335](#), as amended in the House, was referred to the Health and Welfare 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

[H 704](#) and [H 705](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 709](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 710](#), [H 711](#), [H 712](#), and [H 713](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 631](#), as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 667](#), as amended, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 676](#), as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 692](#), as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 708](#), by Ways and Means 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 653](#), by Ways and Means Committee, was read the second time at length and filed for third reading.

[H 645](#), as amended, and [H 691](#), by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

[H 640](#), as amended, and [H 637](#), by Education Committee, were read the second time at length and filed for third reading.

[H 697](#) and [H 698](#), by Appropriations Committee, were read the second time at length and filed for third reading.

[H 688](#) and [H 675](#), by Ways and Means Committee, were read the second time at length and filed for third reading.

[S 1436](#), [S 1437](#), [S 1438](#), [S 1439](#), [S 1440](#), [S 1441](#), [S 1442](#), and [S 1443](#), by Finance Committee, were read the second time at length and filed for third reading.

[H 701](#), [H 702](#), and [H 703](#), by Appropriations Committee, were read the second time at length and filed for third reading.

[H 615](#) and [H 665](#), as amended, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, [S 1440](#) and [S 1439](#) were placed at the head of the Third Reading Calendar; followed by 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 Kelly, by voice vote, the Senate adjourned at 7:05 p.m. until the hour of 9:30 a.m., Friday, March 26, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

SEVENTY-FIFTH LEGISLATIVE DAY FRIDAY, MARCH 26, 2010

Senate Chamber

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

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

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Rachael 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 March 25, 2010, 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 Cameron and Lodge were recorded present at this order of business.

March 26, 2010

The JUDICIARY AND RULES Committee reports that [S 1444](#) and [SCR 127](#) have been correctly printed.

DARRINGTON, Chairman

[S 1444](#) was referred to the Finance Committee.

[SCR 127](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 25, 2010

The JUDICIARY AND RULES Committee reports that [S 1354](#), as amended in the House, and [S 1376](#), as amended in the House, have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1354](#), as amended in the House, and [S 1376](#), as amended in the House, and ordered them transmitted to the House for the signature of the Speaker.

March 25, 2010

The JUDICIARY AND RULES Committee reports that Enrolled [S 1248](#), [S 1250](#), [S 1251](#), [S 1312](#), [S 1323](#), [S 1324](#), [S 1325](#), [S 1366](#), as amended, [S 1370](#), [S 1402](#), [S 1404](#), [S 1405](#), and [S 1406](#) were delivered to the Office of the Governor at 2:20 p.m., March 25, 2010.

DARRINGTON, Chairman

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

March 26, 2010

The STATE AFFAIRS Committee reports out [H 684](#) and [HCR 48](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[H 684](#) was filed for second reading.

[HCR 48](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 26, 2010

The FINANCE Committee reports out [H 704](#), [H 705](#), [H 710](#), [H 711](#), [H 712](#), and [H 713](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 704](#), [H 705](#), [H 710](#), [H 711](#), [H 712](#), and [H 713](#) 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 25, 2010

The Honorable Brad Little
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 1286](#), [S 1328](#), [S 1339](#), [S 1342](#), [S 1371](#), and
[S 1379](#)

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor of Idaho

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

March 25, 2010

The Honorable Brad Little
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 1313](#), [S 1314](#), [S 1321](#), and [S 1355](#)

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor of Idaho

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 25, 2010

Dear Mr. President:

I return herewith [S 1412](#), [S 1413](#), [S 1415](#), [S 1416](#), and [S 1418](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1412](#), [S 1413](#), [S 1415](#), [S 1416](#), and [S 1418](#) were referred to the Judiciary and Rules Committee for enrolling.

March 26, 2010

Dear Mr. President:

I transmit herewith [H 714](#), [H 715](#), [H 716](#), [H 717](#), [H 721](#), [H 722](#), [H 723](#), [H 724](#), [H 725](#), [H 726](#), and [H 727](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 714](#), [H 715](#), [H 716](#), [H 717](#), [H 721](#), [H 722](#), [H 723](#), [H 724](#), [H 725](#), [H 726](#), and [H 727](#) 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

S 1445

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING AND TRANSFERRING FUNDS FROM THE ECONOMIC RECOVERY RESERVE FUND TO THE GENERAL FUND IN FISCAL YEAR 2010; APPROPRIATING AND TRANSFERRING FUNDS FROM THE BUDGET STABILIZATION FUND TO THE GENERAL FUND IN FISCAL YEAR 2010; APPROPRIATING AND TRANSFERRING FUNDS FROM THE CONSUMER PROTECTION FUND TO THE GENERAL FUND IN FISCAL YEAR 2010; APPROPRIATING AND TRANSFERRING FUNDS FROM THE CLEANWATER REVOLVING (SCC) FUND TO THE GENERAL FUND IN FISCAL YEAR 2010; APPROPRIATING AND TRANSFERRING FUNDS FROM THE RESOURCE CONSERVATION AND RANGELAND DEVELOPMENT FUND TO THE GENERAL FUND IN FISCAL YEAR 2010; APPROPRIATING AND TRANSFERRING FUNDS FROM THE BUDGET STABILIZATION FUND TO THE GENERAL FUND IN FISCAL YEAR 2011; APPROPRIATING AND TRANSFERRING FUNDS FROM THE ECONOMIC

RECOVERY RESERVE FUND TO THE GENERAL FUND IN FISCAL YEAR 2011; DECLARING LEGISLATIVE INTENT TO PROVIDE THE GOVERNOR ACCESS TO RESERVE AND DEDICATED FUNDS TO BALANCE THE FISCAL YEAR 2010 BUDGET; APPROPRIATING AND TRANSFERRING FUNDS FROM THE BUDGET STABILIZATION FUND TO THE GENERAL FUND FOR FISCAL YEAR 2010 IF REVENUES DO NOT MEET TARGETS; APPROPRIATING AND TRANSFERRING FUNDS FROM THE ECONOMIC RECOVERY RESERVE FUND TO THE GENERAL FUND FOR FISCAL YEAR 2010 IF REVENUES DO NOT MEET TARGETS; APPROPRIATING AND TRANSFERRING FUNDS FROM THE PERMANENT BUILDING FUND TO THE GENERAL FUND FOR FISCAL YEAR 2010 IF REVENUES DO NOT MEET TARGETS; AND DECLARING AN EMERGENCY.

[S 1445](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 714](#), [H 715](#), [H 716](#), [H 717](#), [H 721](#), [H 722](#), [H 723](#), [H 724](#), [H 725](#), and [H 726](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 727](#), by Appropriations Committee, was introduced, read the first time at length, and referred to the Education Committee.

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

Third Reading of Bills

[S 1440](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 32.

NAYS—None.

Absent and excused—Andreason, Hill, Malepeai. Total - 3.

Total - 35.

Whereupon the President declared [S 1440](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [S 1441](#) was placed before the Senate for final consideration at this time.

[S 1441](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee,

McKague, McKenzie, Mortimer, Pearce, Schroeder, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 28.

NAYS—None.

Absent and excused—Andreason, Bair, Brackett, Davis, Geddes, Malepeai, Siddoway. Total - 7.

Total - 35.

Whereupon the President declared [S 1441](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1439](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 30.

NAYS—None.

Absent and excused—Bair, Brackett, Geddes, Malepeai, Siddoway. Total - 5.

Total - 35.

Whereupon the President declared [S 1439](#) 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

March 26, 2010

The STATE AFFAIRS Committee reports out [H 631](#), as amended, [H 692](#), as amended, and [HCR 64](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[H 631](#), as amended, and [H 692](#), as amended, were filed for second reading.

[HCR 64](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 26, 2010

The HEALTH AND WELFARE Committee reports out [H 681](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

LODGE, Chairman

There being no objection, [H 681](#) was referred to the Fourteenth Order of Business, General Calendar.

March 26, 2010

The HEALTH AND WELFARE Committee reports out [H 667](#), as amended, with the recommendation that it do pass.

LODGE, Chairman

[H 667](#), as amended, was filed for second reading.

March 26, 2010

The HEALTH AND WELFARE Committee reports out [H 676](#), as amended, with the recommendation that it do pass.

LODGE, Chairman

[H 676](#), as amended, was filed for second reading.

March 26, 2010

The HEALTH AND WELFARE Committee reports that it has had under consideration the House amendments to [S 1335](#), as amended in the House, and recommends that the Senate concur in the House amendments.

LODGE, Chairman

[S 1335](#), as amended in the House, and the Health and Welfare Committee report were 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 Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Stegner, granted by unanimous consent, [S 1436](#) retained its place on the Third Reading Calendar.

The President announced that Senator LeFavour requested and received an excused absence for the remainder of this legislative day.

[S 1437](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), Lodge, McGee, McKenzie, Mortimer, Pearce, Schroeder, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 28.

NAYS—None.

Absent and excused—Bair, Brackett, Geddes, LeFavour, Malepeai, McKague, Siddoway. Total - 7.

Total - 35.

Whereupon the President declared [S 1437](#) 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 Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Call of the Senate was requested by Senator Darrington.

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 LeFavour and Malepeai, absent and formally excused by the Chair; and President Pro Tempore Geddes and Senators Brackett and Davis, absent.

The President directed the Sergeant at Arms to find and present President Pro Tempore Geddes and Senators Brackett and Davis to the Senate.

President Pro Tempore Geddes and Senators Brackett and Davis were recorded present.

On request by Senator Darrington, granted by unanimous consent, the Call was lifted.

The question being, "Shall [S 1438](#) pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—LeFavour, Malepeai. Total - 2.

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, [S 1436](#) was placed before the Senate for consideration at this time.

[S 1436](#), having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Cameron, granted by unanimous consent, the following typographical correction was made to [S 1436](#), pursuant to Senate Rule 9(F):

On page 3, line 6, of the bill delete "June 30, 2010" and insert: "June 30, 2011".

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 29.

NAYS—Bock, Kelly, Werk. Total - 3.

Absent and excused—Geddes, LeFavour, Malepeai. Total - 3.

Total - 35.

Whereupon the President declared [S 1436](#) 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 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson,

Kelly, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—LeFavour, Malepeai. Total - 2.

Total - 35.

Whereupon the President declared [S 1442](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1443](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—LeFavour, Malepeai. Total - 2.

Total - 35.

Whereupon the President declared [S 1443](#) passed, title was approved, and the bill ordered transmitted to the House.

President Little called President Pro Tempore Geddes to the Chair.

[H 653](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—LeFavour, Malepeai. 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 645](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), Lodge, McGee, McKague, McKenzie,

Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—LeFavour, Malepeai. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [H 645](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 691](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Winder. Total - 30.

NAYS—Bock, Werk. Total - 2.

Absent and excused—LeFavour, Malepeai, Stennett (Stennett). Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared [H 691](#) passed, title was approved, and the bill ordered returned to the House.

[H 640](#), 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—LeFavour, Malepeai. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [H 640](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 697](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Winder. Total - 29.

NAYS–Kelly, Werk. Total - 2.

Absent and excused–Andreason, LeFavour, Malepeai, Stennett (Stennett). Total - 4.

Total - 35.

Whereupon the President Pro Tempore declared [H 697](#) passed, title was approved, and the bill ordered returned to the House.

[H 698](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Kerby (Keough), Lodge, McGee, McKenzie, Mortimer, Schroeder, Siddoway, Smyser, Werk, Winder. Total - 28.

NAYS–Hill, McKague, Pearce, Stegner. Total - 4.

Absent and excused–LeFavour, Malepeai, Stennett (Stennett). Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared [H 698](#) 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 Kelly, 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 Little presiding.

Roll call showed all members present except Senators LeFavour and Malepeai, absent and formally excused by the Chair; and Senator Pearce, absent and excused.

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

SJM 106 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 Sixtieth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Tenth Amendment to the United States Constitution states that, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

WHEREAS, the states primarily regulate today's health insurance market and provide aggressive oversight of all aspects of this market and enforce consumer protection as well as ensure a local, responsive presence for consumers? and

WHEREAS, states like Idaho are working hard to create public-private health care partnerships and facilitate local solutions? and

WHEREAS, the Congress of the United States has passed legislation that will impose restrictions on the states' ability to regulate health plans and will require citizens to acquire health care insurance coverage? and

WHEREAS, the creation of a new federal system of regulation for health insurance would be inefficient, unnecessary, not cost-effective and an additional burden on states? and

WHEREAS, the legislation passed by the Congress will impose a legacy of untold debt on our children and grandchildren? and

WHEREAS, it is in the interest of the citizens of the State of Idaho to have an amendment to the Constitution of the United States prohibiting the Congress from making any law that would require citizens to enroll in, participate in or secure health care insurance and that would penalize any citizen who declines to purchase or participate in any health care insurance program.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Idaho Legislature urges Congress to take action forthwith to amend the United States Constitution by adding a Twenty-eighth Amendment as follows:

The Congress shall make no law requiring citizens of the United States to enroll in, participate in or secure health care insurance or to penalize any citizen who declines to purchase or participate in any health care insurance program.

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, the congressional delegation representing the State of Idaho in the Congress of the United States and the presiding officers of both houses of the Legislature of each of our sister states in the Union.

[SJM 106](#) 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 26, 2010

The JUDICIARY AND RULES Committee reports that [S 1445](#) has been correctly printed.

DARRINGTON, Chairman

[S 1445](#) was referred to the Finance Committee.

March 26, 2010

The JUDICIARY AND RULES Committee reports that [S 1412](#), [S 1413](#), [S 1415](#), [S 1416](#), and [S 1418](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1412](#), [S 1413](#), [S 1415](#), [S 1416](#), and [S 1418](#) and ordered them transmitted to the House for the signature of the Speaker.

March 26, 2010

The FINANCE Committee reports out [S 1444](#) with the recommendation that it do pass.

CAMERON, Chairman

[S 1444](#) was filed for second reading.

March 26, 2010

The FINANCE Committee reports out [H 726](#) with the recommendation that it do pass.

CAMERON, Chairman

[H 726](#) was filed for second reading.

March 26, 2010

The FINANCE Committee reports out [H 714](#), [H 715](#), [H 716](#), [H 717](#), [H 721](#), [H 722](#), [H 723](#), [H 724](#), and [H 725](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 714](#), [H 715](#), [H 716](#), [H 717](#), [H 721](#), [H 722](#), [H 723](#), [H 724](#), and [H 725](#) 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

The President announced that the Health and Welfare Committee report and the House amendments to [S 1335](#), 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 1335](#), as amended in the House?"

On request by Senator Lodge, granted by unanimous consent, the Senate adopted the committee report and concurred in the House amendments to [S 1335](#), as amended in the House.

[S 1335](#), 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 advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 684](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 704](#), [H 705](#), [H 710](#), [H 711](#), [H 712](#), and [H 713](#), by Appropriations Committee, were read the second time at length and filed for third reading.

[H 631](#), as amended, and [H 692](#), as amended, by State Affairs Committee, were read the second time at length and filed for third reading.

[H 667](#), as amended, by Ways and Means Committee, was read the second time at length and filed for third reading.

[H 676](#), 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

On request by Senator Davis, granted by unanimous consent, [H 688](#) and [H 675](#) retained their place on the Third Reading Calendar for one legislative day.

[H 701](#) 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?"

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

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stegner, Winder. Total - 27.

NAYS—Bilyeu, Bock, Kelly, LeFavour, Malepeai, Schroeder, Stennett (Stennett), Werk. Total - 8.

Paired and voting included in roll call:

AYE - McGee	NAY - LeFavour
AYE - Goedde	NAY - Malepeai

Total - 35.

Whereupon the President declared [H 701](#) passed, title was approved, and the bill ordered returned to the House.

[H 702](#) 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?"

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

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stegner, Winder. Total - 27.

NAYS—Bilyeu, Bock, Kelly, Schroeder, Stennett (Stennett), Werk. Total - 6.

Absent and excused—LeFavour, Malepeai. Total - 2.

Total - 35.

Whereupon the President declared [H 702](#) passed, title was approved, and the bill ordered returned to the House.

[H 703](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—LeFavour, Malepeai. Total - 2.

Total - 35.

Whereupon the President declared [H 703](#) passed, title was approved, and the bill ordered returned to the House.

[H 615](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Hill, Jorgenson, Kelly, Kerby (Keough), Lodge, McGee, McKague, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stennett (Stennett), Werk, Winder. Total - 28.

NAYS—Coiner, Corder, Heinrich, McKenzie, Stegner. Total - 5.

Absent and excused—LeFavour, Malepeai. Total - 2.

Total - 35.

Whereupon the President declared [H 615](#) passed, title was approved, and the bill ordered returned to the House.

[H 665](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Kerby arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—LeFavour, Malepeai. Total - 2.

Total - 35.

Whereupon the President declared [H 665](#), 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 Kelly, by voice vote, the Senate adjourned at 3:05 p.m. until the hour of 10 a.m., Monday, March 29, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

SEVENTY-EIGHTH LEGISLATIVE DAY MONDAY, MARCH 29, 2010

Senate Chamber

President Little 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 Senator Schroeder, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Katharine Hoehne, 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 26, 2010, 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 Schroeder was recorded present at this order of business.

March 29, 2010

The JUDICIARY AND RULES Committee reports that [SJM 106](#) has been correctly printed.

DARRINGTON, Chairman

[SJM 106](#) 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, 2010

The JUDICIARY AND RULES Committee reports that [S 1335](#), as amended in the House, has been correctly engrossed.

DARRINGTON, Chairman

[S 1335](#), as amended in the House, was filed for first reading.

March 26, 2010

The JUDICIARY AND RULES Committee reports that Enrolled [S 1305](#), as amended, [S 1330](#), as amended, [S 1359](#), and [S 1378](#), as amended, were delivered to the Office of the Governor at 2:25 p.m., March 26, 2010.

DARRINGTON, Chairman

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

March 26, 2010

The EDUCATION Committee reports out [H 682](#) and [H 727](#) with the recommendation that they do pass.

GOEDDE, Chairman

[H 682](#) and [H 727](#) were filed for second reading.

March 26, 2010

The EDUCATION Committee reports out [H 699](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, [H 699](#) was referred to the Fourteenth Order of Business, General Calendar.

March 26, 2010

The FINANCE Committee reports out [S 1445](#) with the recommendation that it do pass.

CAMERON, Chairman

[S 1445](#) was filed for second reading.

March 29, 2010

The HEALTH AND WELFARE Committee reports out [H 708](#) with the recommendation that it do pass.

LODGE, Chairman

[H 708](#) 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 26, 2010

Dear Mr. President:

I transmit herewith [H 729](#) and [H 728](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 729](#) and [H 728](#) were filed for first reading.

March 26, 2010

Dear Mr. President:

I return herewith [S 1403](#), as amended in the House, which has passed the House.

ALEXANDER, Chief Clerk

On request by Senator Smyser, granted by unanimous consent, [S 1403](#), 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 26, 2010

Dear Mr. President:

I return herewith [S 1407](#), as amended in the House, which has passed the House.

ALEXANDER, Chief Clerk

On request by Senator Bair, granted by unanimous consent, [S 1407](#), 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 26, 2010

Dear Mr. President:

I transmit herewith Enrolled [HCR 59](#), [H 459](#), [H 602](#), as amended, [H 398](#), [H 438](#), [H 542](#), [H 574](#), [H 425](#), [H 608](#), as amended, [H 596](#), as amended, [H 496](#), [H 555](#), [H 543](#), [H 603](#), [H 550](#), [H 554](#), [H 593](#), as amended, [H 613](#), and [H 531](#), as amended, for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HCR 59](#), [H 459](#), [H 602](#), as amended, [H 398](#), [H 438](#), [H 542](#), [H 574](#), [H 425](#), [H 608](#), as amended, [H 596](#), as amended, [H 496](#), [H 555](#), [H 543](#), [H 603](#), [H 550](#), [H 554](#), [H 593](#), as amended, [H 613](#), and [H 531](#), as amended, and ordered them returned to the House.

March 26, 2010

Dear Mr. President:

I return herewith [S 1417](#), [S 1320](#), as amended, [S 1340](#), as amended, [S 1382](#), as amended, [S 1383](#), as amended, [S 1384](#), [S 1301](#), [S 1310](#), [S 1399](#), [S 1400](#), [S 1311](#), as amended, [S 1361](#), as amended, [S 1398](#), and [S 1385](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1417](#), [S 1320](#), as amended, [S 1340](#), as amended, [S 1382](#), as amended, [S 1383](#), as amended, [S 1384](#), [S 1301](#), [S 1310](#), [S 1399](#), [S 1400](#), [S 1311](#), as amended, [S 1361](#), as amended, [S 1398](#), and [S 1385](#) were referred to the Judiciary and Rules Committee for enrolling.

March 26, 2010

Dear Mr. President:

I return herewith Enrolled [S 1327](#), [S 1345](#), as amended, [S 1357](#), [S 1365](#), as amended, [S 1375](#), as amended, [S 1409](#), and [S 1410](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1327](#), [S 1345](#), as amended, [S 1357](#), [S 1365](#), as amended, [S 1375](#), as amended, [S 1409](#), and [S 1410](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 26, 2010

Dear Mr. President:

I return herewith Enrolled [SCR 113](#), [SCR 115](#), [SCR 119](#), and [SCR 120](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [SCR 113](#), [SCR 115](#), [SCR 119](#), and [SCR 120](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

March 29, 2010

Dear Mr. President:

I transmit herewith Enrolled [HCR 44](#), [H 607](#), [H 630](#), [H 601](#), [H 611](#), [H 462](#), [H 504](#), [H 548](#), as amended, [H 581](#), [H 644](#), [H 605](#), [H 647](#), [H 460](#), [H 624](#), [H 664](#), [H 659](#), [H 660](#), [H 661](#), [H 668](#), [H 670](#), [H 671](#), [H 492](#), [H 575](#), [H 617](#), [H 636](#), [H 662](#), [H 677](#), [H 678](#), [H 679](#), [H 669](#), [H 407](#), as amended, [H 656](#), [H 683](#), [H 687](#),

[H 685](#), [H 689](#), [H 690](#), [H 503](#), [H 646](#), as amended, [H 586](#), as amended, [H 609](#), [H 426](#), [H 433](#), as amended, [H 566](#), [H 652](#), [H 673](#), [H 674](#), [H 680](#), [H 694](#), [H 695](#), [H 696](#), and [H 657](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HCR 44](#), [H 607](#), [H 630](#), [H 601](#), [H 611](#), [H 462](#), [H 504](#), [H 548](#), as amended, [H 581](#), [H 644](#), [H 605](#), [H 647](#), [H 460](#), [H 624](#), [H 664](#), [H 659](#), [H 660](#), [H 661](#), [H 668](#), [H 670](#), [H 671](#), [H 492](#), [H 575](#), [H 617](#), [H 636](#), [H 662](#), [H 677](#), [H 678](#), [H 679](#), [H 669](#), [H 407](#), as amended, [H 656](#), [H 683](#), [H 687](#), [H 685](#), [H 689](#), [H 690](#), [H 503](#), [H 646](#), as amended, [H 586](#), as amended, [H 609](#), [H 426](#), [H 433](#), as amended, [H 566](#), [H 652](#), [H 673](#), [H 674](#), [H 680](#), [H 694](#), [H 695](#), [H 696](#), and [H 657](#) and ordered them returned to the House.

March 29, 2010

Dear Mr. President:

I return herewith Enrolled [S 1354](#), as amended in the House, [S 1376](#), as amended in the House, [S 1412](#), [S 1413](#), [S 1415](#), [S 1416](#), and [S 1418](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1354](#), as amended in the House, [S 1376](#), as amended in the House, [S 1412](#), [S 1413](#), [S 1415](#), [S 1416](#), and [S 1418](#) 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 that [SCR 127](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Broadsword, 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 [HCR 48](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Werk, [HCR 48](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

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 Fulcher, [HCR 64](#) 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 1403](#), 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 1403](#), as amended in the House?"

On request by Senator Smyser, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to [S 1403](#), as amended in the House.

[S 1403](#), as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The President announced that the House amendments to [S 1407](#), 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 1407](#), as amended in the House?"

On request by Senator Bair, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to [S 1407](#), as amended in the House.

[S 1407](#), as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate consideration of [SJM 106](#) were suspended.

The President announced that [SJM 106](#) was now before the Senate for final consideration. The question being, "Shall the memorial be adopted?"

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

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

On motion by Senator McKenzie, seconded by Senator Davis, [SJM 106](#) was adopted by voice vote, title was approved, and the memorial 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

March 29, 2010

The JUDICIARY AND RULES Committee reports that [S 1403](#), as amended in the House, and [S 1407](#), as amended in the House, have been correctly engrossed.

DARRINGTON, Chairman

[S 1403](#), as amended in the House, and [S 1407](#), as amended in the House, 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

[S 1335](#), as amended in the House, by Health and Welfare Committee, was introduced, read the first time at length, and filed for second reading.

[S 1403](#), as amended in the House, by Government and Taxation Committee, was introduced, read the first time at length, and filed for second reading.

[S 1407](#), as amended in the House, by Finance Committee, was introduced, read the first time at length, and filed for second reading.

[H 729](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

[H 728](#), 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 1444](#), by Finance Committee, was read the second time at length and filed for third reading.

[H 726](#), [H 714](#), [H 715](#), [H 716](#), [H 717](#), [H 721](#), [H 722](#), [H 723](#), [H 724](#), and [H 725](#), by Appropriations Committee, were read the second time at length and filed for third reading.

[H 682](#), by Education Committee, was read the second time at length and filed for third reading.

[H 727](#), by Appropriations Committee, was read the second time at length and filed for third reading.

[S 1445](#), by Finance Committee, was read the second time at length and filed for third reading.

[H 708](#), 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

[H 688](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 688](#) passed, title was approved, and the bill ordered returned to the House.

[H 675](#) 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, Bair, Brackett, Broadsword, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 28.

NAYS—Bock, Kelly, Mortimer, Werk. Total - 4.

Absent and excused—Bilyeu, Cameron, Malepeai. Total - 3.

Total - 35.

Whereupon the President declared [H 675](#) 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 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 684](#) passed, title was approved, and the bill ordered returned to the House.

[H 704](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 704](#) passed, title was approved, and the bill ordered returned to the House.

[H 705](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 705](#) 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 Kelly, by voice vote the Senate recessed at 12:35 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 Little presiding.

Roll call showed all members present except Senator Malepeai, absent and formally excused by the Chair; and Senators Davis, Lodge, and Werk, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

March 29, 2010

The FINANCE Committee reports out [H 728](#) with the recommendation that it do pass.

CAMERON, Chairman

[H 728](#) was filed for second reading.

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

Third Reading of Bills

Senator Davis was recorded present at this order of business.

[H 710](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 32.

NAYS—None.

Absent and excused—Lodge, Malepeai, Werk. Total - 3.

Total - 35.

Whereupon the President declared [H 710](#) passed, title was approved, and the bill ordered returned to the House.

Senators Lodge and Werk were recorded present at this order of business.

[H 711](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 711](#) passed, title was approved, and the bill ordered returned to the House.

[H 712](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 712](#) passed, title was approved, and the bill ordered returned to the House.

[H 713](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Kerby arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 713](#) passed, title was approved, and the bill ordered returned to the House.

[H 631](#), 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 631](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 692](#), as amended, 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, Bair, Brackett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Lodge, McGee, McKague, McKenzie, Siddoway, Smyser, Stegner, Winder. Total - 21.

NAYS—Bilyeu, Bock, Broadsword, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Mortimer, Pearce, Schroeder, Stennett (Stennett), Werk. Total - 13.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 692](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 667](#), as amended, 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, Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 30.

NAYS—Bock, Kelly, LeFavour, Werk. Total - 4.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 667](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 676](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Schroeder, Siddoway, Smyser, Stennett (Stennett), Werk, Winder. Total - 31.

NAYS—Geddes, Mortimer. Total - 2.

Absent and excused—Malepeai, Stegner. Total - 2.

Total - 35.

Whereupon the President declared [H 676](#), 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 1444](#) 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.

[S 1444](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [S 1444](#) 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 726](#) 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.

[H 726](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 726](#) passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Fulcher, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 714](#) 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.

[H 714](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 714](#) 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 715](#) 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.

[H 715](#) 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, Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Winder. Total - 28.

NAYS—Bock, Kelly, LeFavour, Malepeai, Stegner, Stennett (Stennett), Werk. Total - 7.

Paired and voting included in roll call:

AYE - Bair NAY - Malepeai

Total - 35.

Whereupon the President declared [H 715](#) 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 716](#) 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.

[H 716](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 716](#) 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 717](#) 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.

[H 717](#) 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, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Winder. Total - 28.

NAYS—Bilyeu, Bock, Kelly, LeFavour, Stennett (Stennett), Werk. Total - 6.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 717](#) 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 721](#) 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.

[H 721](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 721](#) 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 722](#) 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.

[H 722](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 32.

NAYS—Kelly, Werk. Total - 2.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 722](#) passed, title was approved, and the bill ordered returned to the House.

President Little called Acting Senator Kerby 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 723](#) 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.

[H 723](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the Acting President declared [H 723](#) 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 724](#) 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.

[H 724](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the Acting President declared [H 724](#) passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Fulcher, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 725](#) 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.

[H 725](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the Acting President declared [H 725](#) passed, title was approved, and the bill ordered returned to the House.

[H 637](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis,

Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Malepeai. Total - 1.

Total - 35.

Whereupon the Acting President declared [H 637](#) 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 1445](#) 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.

[S 1445](#) 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Malepeai. Total - 1.

Total - 35.

Whereupon the Acting President declared [S 1445](#) 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 682](#) 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.

[H 682](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Malepeai. Total - 1.

Total - 35.

Whereupon the Acting President declared [H 682](#) passed, title was approved, and the bill ordered returned to the House.

President Little returned 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 708](#) 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.

[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–Andreason, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Hill, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Winder. Total - 25.

NAYS–Bilyeu, Bock, Heinrich, Jorgenson, Kelly, LeFavour, Stegner, Stennett (Stennett), Werk. Total - 9.

Absent and excused–Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 708](#) 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 727](#) 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.

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

[H 727](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 727](#) 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

March 29, 2010

The JUDICIARY AND RULES Committee reports that Enrolled [S 1354](#), as amended in the House, [S 1376](#), as amended in the House, [S 1412](#), [S 1413](#), [S 1415](#), [S 1416](#), and [S 1418](#) were delivered to the Office of the Governor at 3 p.m., March 29, 2010.

DARRINGTON, Chairman

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

March 29, 2010

The TRANSPORTATION Committee reports out [H 729](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCGEE, Chairman

There being no objection, [H 729](#) was referred to the Fourteenth Order of Business, General Calendar.

March 29, 2010

The TRANSPORTATION Committee reports out [H 600](#) with the recommendation that it do pass.

MCGEE, Chairman

[H 600](#) 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, 2010

Dear Mr. President:

I return herewith [SCR 125](#), [SCR 126](#), [S 1428](#), [S 1429](#), [S 1430](#), [S 1431](#), [S 1432](#), [S 1440](#), [S 1441](#), [S 1439](#), [S 1438](#), [S 1436](#), [S 1437](#), [S 1442](#), [S 1443](#), [S 1433](#), [S 1434](#), and [S 1435](#), which have passed the House.

ALEXANDER, Chief Clerk

[SCR 125](#), [SCR 126](#), [S 1428](#), [S 1429](#), [S 1430](#), [S 1431](#), [S 1432](#), [S 1440](#), [S 1441](#), [S 1439](#), [S 1438](#), [S 1436](#), [S 1437](#), [S 1442](#), [S 1443](#), [S 1433](#), [S 1434](#), and [S 1435](#) were referred to the Judiciary and Rules Committee for enrolling.

March 29, 2010

Dear Mr. President:

I return herewith [S 1419](#), [S 1420](#), [S 1423](#), [S 1424](#), [S 1426](#), and [S 1427](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1419](#), [S 1420](#), [S 1423](#), [S 1424](#), [S 1426](#), and [S 1427](#) were referred to the Judiciary and Rules Committee for enrolling.

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 [H 589](#), [H 614](#), [H 681](#), [H 699](#), and [H 729](#), without recommendation, amended as follows:

SENATE AMENDMENT TO H 589

AMENDMENT TO SECTION 3

On page 2 of the printed bill, delete line 42, and insert: "significant parts imported from another state.

(3) It is declared by the legislature that generic and insignificant".

On page 3, delete line 11, and insert:

"(4) Subsections (2) and (3) of this section do not apply to:";

in line 20, delete "4" and insert: "5"; in line 23, delete "5" and insert: "6"; in line 26, delete "6" and insert: "7"; in line 28, delete "legal"; and in line 29, delete "matter" and insert: "civil action".

SENATE AMENDMENT TO H 589

AMENDMENT TO SECTION 3

On page 3 of the printed bill, delete lines 26 through 30.

CORRECTION TO TITLE

On page 1, delete lines 7 through 9, and insert: "PROVIDE REQUIREMENTS FOR MARKETING OF FIREARMS IN IDAHO AND TO PROVIDE APPLICABILITY; AND PROVIDING SEVERABILITY."

SENATE AMENDMENT TO H 614

AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 9 through 41; delete page 2, and insert:

"SECTION 1. That Section 67-5223, Idaho Code, be, and the same is hereby amended to read as follows:

67-5223. INTERIM LEGISLATIVE REVIEW – STATEMENT OF ECONOMIC IMPACT. (1) After notice of proposed rulemaking is filed with the coordinator, the coordinator, after making technical corrections as authorized in section 67-5202, Idaho Code, shall provide the notice, accompanied by the full text of the rule under consideration in legislative format, as well as a statement of the substance of the intended action, to the director of legislative services. If the proposed rulemaking is based upon a requirement of federal law or regulation, a copy of that specific federal law or regulation shall accompany the submission to the director of legislative services. The director of legislative services shall analyze and refer the material under consideration to the germane joint subcommittee created in section 67-454, Idaho Code.

(2) An agency shall prepare and deliver to the germane joint subcommittee a statement of economic impact with respect to a proposed rule if the germane joint subcommittee files a written request with the agency for such a statement. The statement shall contain an evaluation of the costs and benefits of the rule, including any health, safety, or welfare costs and benefits.

(3) An agency shall prepare for inclusion with the filing of the proposed rule change a statement of economic impact on all

proposed rules in which a fee or charge is imposed or increased. The cost/benefit analysis shall include reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs borne by citizens, or the private sector or both. The adequacy of the contents of the statement of economic impact in subsections (1) and (2) of this section is not subject to judicial review and the accuracy of a fiscal impact statement provided pursuant to this subsection shall not affect the validity or the enforceability of the rule.

SECTION 2. That Section 67-5229, Idaho Code, be, and the same is hereby amended to read as follows:

67-5229. INCORPORATION BY REFERENCE. (1) If the incorporation of its text in the agency rules would be unduly cumbersome, expensive, or otherwise inexpedient, an agency may incorporate by reference in its rules and without republication of the incorporated material in full, all or any part of:

- (a) A code, standard or rule adopted by an agency of the United States;
- (b) A code, standard or rule adopted by any nationally recognized organization or association;
- (c) A code or standard adopted by Idaho statute or authorized by Idaho statute for adoption by rule; or
- (d) A final rule of a state agency; provided however, that a state agency shall not adopt a temporary rule incorporating by reference a rule of that agency that is being or has been repealed unless the rule providing for the incorporation has been reviewed and approved by the legislature.

(2) The agency shall, as part of the rulemaking:

(a) Include in the notice of proposed rulemaking a brief written synopsis of why the incorporation is needed; and

(b) Note where copies of the incorporated material may be obtained or electronically accessed an electronic copy can be obtained or provide an electronic link to the incorporated materials that at a minimum will be posted on the agency's website or included in the rule that is published in the administrative code on the website of the office of the administrative rules coordinator; and

(c) If otherwise unavailable, provide one (1) copy of the incorporated material to the Idaho supreme court law library, note where copyrighted or other proprietary materials can be viewed or purchased.

(3) The incorporated material shall be identified with specificity and shall include the date when the code, standard or rule was published, approved or became effective. If the agency subsequently wishes to adopt amendments to previously incorporated material, it shall comply with the rulemaking procedures of this chapter.

(4) Unless prohibited by other provisions of law, the incorporated material is subject to legislative review in accordance with the provisions of section 67-5291, Idaho Code, and shall have the same force and effect as a rule."

CORRECTION TO TITLE

On page 1, delete lines 2 through 7, and insert:

"RELATING TO ADMINISTRATIVE RULES; AMENDING SECTION 67-5223, IDAHO CODE, TO PROVIDE FOR STATEMENTS OF ECONOMIC IMPACT TO BE FILED WITH RULES; AND AMENDING SECTION 67-5229, IDAHO CODE, TO REVISE PROCEDURES FOR INCORPORATION BY REFERENCE IN RULEMAKING AND TO MAKE A TECHNICAL CORRECTION."

SENATE AMENDMENT TO H 681

AMENDMENT TO SECTION 1

On page 2 of the printed bill, delete lines 28 through 30, and insert:

"(2) The county medically indigent program and the catastrophic health care cost program are payers of last resort."

AMENDMENT TO SECTION 2

On page 5, in line 14, delete "contingent".

AMENDMENT TO SECTION 18

On page 15, in line 11, delete "Pursuant to the provisions of this chapter, the obligated"; in line 12, delete "county and the board are payers of last resort"; and in line 15, delete ", in whole or in part".

AMENDMENT TO SECTION 29

On page 23, in line 12, following "payments to" insert: "hospitals or"; in line 16, following "an applicant, a" insert: "hospital or"; in line 22, following "made to" insert: "hospitals or"; in line 26, following "Payment to a" insert: "hospital or"; in line 27, following "full and the" insert: "hospital or".

CORRECTION TO TITLE

On page 1, in line 36, following "PAYMENT" insert: "AND BILLING"; also in line 36, delete "FOR THE BOARD AND"; and in line 37, delete "OBLIGATED COUNTIES".

On page 2, in line 8, following "IDAHO CODE," insert: "TO PROVIDE CERTAIN PAYMENTS, PROCEDURES AND LIMITATIONS REGARDING HOSPITALS,".

SENATE AMENDMENT TO H 699

AMENDMENT TO SECTION 2

On page 1 of the printed bill, delete lines 25 and 26; in line 27, delete "(iv)" and insert: "(iii)"; also in line 27, delete "." and insert: ";"; and following line 27, insert:

"(iv) A publicly funded governmental entity established by the state for the express purpose of providing online courses.";

delete lines 34 and 35, and insert:

"(2) (a) No later than December 1, 2011, each education provider shall develop and maintain a"

On page 2, delete lines 5 and 6; in line 7, delete "(v)" and insert: "(iv)"; in line 9, delete "(vi)" and insert: "(v)"; in line 11, delete "(vii)" and insert: "(vi)"; in line 19, delete "financial data" and insert: "expenditures"; in line 21, delete "financial data" and insert: "expenditures"; and in line 27, delete "2010" and insert: "2011, and all data prior to that date shall be available by way of a public records request".

AMENDMENT TO THE BILL

On page 2, following line 27, insert:

"SECTION 3. This act shall be in full force and effect on and after July 1, 2011."

CORRECTION TO TITLE

On page 1, in line 5, following "SITE" insert: "; AND PROVIDING AN EFFECTIVE DATE".

SENATE AMENDMENT TO H 729

AMENDMENT TO SECTION 3

On page 4 of the printed bill, delete lines 37 through 41, and insert:

"(2) A first violation of the provisions of this section where no property damage or injury to any person occurs shall be an infraction punishable by a fixed penalty of fifty dollars (\$50.00), plus court costs. A second and any subsequent violation of the provisions of this section where no property damage or

injury to any person occurs shall be an infraction punishable by a fixed penalty of one hundred dollars (\$100), plus court costs. A violation of the provisions of this section where property damage or injury to any person occurs shall be a misdemeanor punishable by a fine of not more than three hundred dollars (\$300) and imprisonment of up to ninety (90) days in jail, or both such fine and imprisonment."

The Committee also has [S 1348](#), [S 1350](#), and [S 1271](#) under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Werk, the report was adopted by voice vote.

[H 589](#), as amended in the Senate, [H 614](#), as amended in the Senate, [H 681](#), as amended in the Senate, [H 699](#), as amended in the Senate, and [H 729](#), 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, [S 1348](#) and [S 1350](#) were recommitted to the Transportation Committee; and [S 1271](#) was recommitted to the State Affairs Committee.

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

Reports of Standing Committees

March 29, 2010

The JUDICIARY AND RULES Committee reports that Senate amendments to [H 589](#), [H 614](#), [H 681](#), [H 699](#), and [H 729](#) 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 Eleventh Order of Business.

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

[H 589](#), as amended in the Senate, [H 614](#), as amended in the Senate, and [H 681](#), as amended in the Senate, by State Affairs Committee, were read the first time at length and filed for second reading.

[H 699](#), as amended in the Senate, by Education Committee, was read the first time at length and filed for second reading.

[H 729](#), as amended in the Senate, by Ways and Means 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 [H 589](#), 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.

[H 589](#), as amended in the Senate, 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—Andreason, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Winder. Total - 27.

NAYS—Bilyeu, Bock, Kelly, LeFavour, Stegner, Stennett (Stennett), Werk. Total - 7.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 589](#), 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 614](#), 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.

[H 614](#), as amended in the Senate, 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 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—McKague. Total - 1.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 614](#), 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 681](#), 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.

[H 681](#), as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 681](#), 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 699](#), 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.

[H 699](#), as amended in the Senate, 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 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, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Lodge, McKague, Mortimer, Pearce, Siddoway, Smyser, Winder. Total - 16.

NAYS—Bair, Bilyeu, Bock, Brackett, Broadsword, Coiner, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, McGee, McKenzie, Schroeder, Stegner, Stennett (Stennett), Werk. Total - 18.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared that [H 699](#), as amended in the Senate, had failed to pass the Senate and ordered the bill returned to the House.

Having voted on the prevailing side by which [H 699](#), as amended in the Senate, failed to pass the Senate, Senator Hill served notice that he may on this or the next legislative day move for reconsideration of the vote. [H 699](#), as amended in the Senate, was ordered held at the Desk.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 729](#), 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.

[H 729](#), as amended in the Senate, 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Geddes, Goedde,

Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 30.

NAYS—Fulcher, McKenzie, Mortimer, Pearce. Total - 4.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 729](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Having voted on the prevailing side and proper notice having been served, Senator Hill moved, seconded by Senator Davis, that the vote by which [H 699](#), as amended in the Senate, failed to pass the Senate be now reconsidered. The question being, "Shall the motion prevail?"

Roll call resulted as follows:

AYES—Andreason, Broadsword, Corder, Davis, Fulcher, Geddes, Goedde, Hammond, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, Mortimer, Pearce, Siddoway, Smyser, Winder. Total - 19.

NAYS—Bair, Bilyeu, Bock, Brackett, Cameron, Coiner, Darrington, Heinrich, Kelly, LeFavour, McKenzie, Schroeder, Stegner, Stennett (Stennett), Werk. Total - 15.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared the motion did prevail.

[H 699](#), as amended in the Senate, was placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and re-opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Corder, Davis, Fulcher, Geddes, Goedde, Hammond, Hill, Jorgenson, Kerby (Keough), Lodge, McKague, Mortimer, Pearce, Siddoway, Smyser, Winder. Total - 17.

NAYS—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Darrington, Heinrich, Kelly, LeFavour, McGee, McKenzie, Schroeder, Stegner, Stennett (Stennett), Werk. Total - 17.

Absent and excused—Malepeai. Total - 1.

Total - 35.

The roll call having resulted in a tie vote, the President voted AYE and declared [H 699](#), 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 728](#) 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.

[H 728](#) 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 Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 31.

NAYS—Kelly, LeFavour, Schroeder. Total - 3.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 728](#) 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 1335](#), 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.

[S 1335](#), 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 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, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [S 1335](#), as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [S 1403](#), 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.

[S 1403](#), 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 Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis,

Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [S 1403](#), as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [S 1407](#), 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.

[S 1407](#), 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 Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [S 1407](#), 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 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 600](#) 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.

[H 600](#) 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 Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague,

McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 600](#) 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 request by Senator Davis, granted by unanimous consent, the President appointed a committee consisting of Senator Hammond, Chairman, and Senators Heinrich and Werk to notify the House of Representatives that the Senate had completed its business and was ready to adjourn *Sine Die*. The committee was excused.

On request by Senator Davis, granted by unanimous consent, the President appointed a committee consisting of Senator Kelly, Chairman, and Senators Corder and Mortimer to notify the Governor that the Senate had completed its business and was ready to adjourn *Sine Die*. The committee was excused.

The committee appointed to wait upon the House of Representatives returned and reported that it had delivered the Senate's message. The committee conveyed the Speaker's response to the President and the members of the Senate.

The President thanked and discharged the committee.

The committee appointed to wait upon the Governor returned and reported that it had delivered the Senate's message. The committee conveyed the Governor's response to the President and the members of the Senate.

The President thanked and discharged the committee.

On request by Senator Davis, granted by unanimous consent, the President ordered the Sergeant at Arms to retrieve the Idaho State flag that had been raised over the Senate Chamber during the Second Regular Session of the Sixtieth Legislature of the State of Idaho. The flag was presented to Senator Cameron, Chairman of the Senate Finance Committee and Co-chairman of the Joint Finance and Appropriations Committee, in honor of his exemplary service to the Senate.

On motion by Senator Davis, seconded by Acting Senator Stennett, by voice vote the Second Regular Session of the Sixtieth Legislature of the Idaho Senate adjourned *Sine Die*, at 8:55 p.m., Monday, March 29, 2010, in honor of retiring Minority Leaders Senator Clint Stennett and Senator Kate Kelly.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

[Note: The following is action recorded after Senate *Sine Die*:]

March 29, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I hereby advise you that I am transmitting today to the Office of the Secretary of State, the following Senate Bill, which will be allowed to become law without my signature:

[S 1353](#)

as prescribed by the *Constitution*.

As Governor, the health and safety of every Idahoan is of paramount importance to me. I appreciate the efforts of health care providers and the great responsibility they have in our society. We entrust these individuals to diagnose, treat, medicate, and otherwise care for our loved ones every day. For this they hold a special place in our culture and deserve our respect and appreciation. That is why I applaud the hard work, effort, and discussion that went into [S 1353](#) (the "Health Conscience" Bill) to protect the rights and personal beliefs of health care providers.

That being said, proponents see this legislation as a prescription for individual freedom; yet it is unclear how far this legislation actually will go to protect health care providers in their employee/employer relationships or with patients, especially as courts across the country begin balancing patients' rights against the rights of health care professionals to refuse to provide certain services. Despite this uncertainty, it is still worthwhile to explicitly provide protections for health care professionals.

Forcing health care professionals to provide services they find morally objectionable is unacceptable; however, negatively impacting patients' rights – especially when it comes to end-of-life decisions - is equally problematic. While I am comforted that [S 1353](#) provides for emergency care in life-threatening situations regardless of a provider's moral objection until another health care provider is found, we know this will be a small percentage of cases. Greater care must be taken to ensure decisions within living wills and powers of attorney concerning end-of-life treatment are honored without additional burdens on the patient or family.

There is no doubt that situations will arise outside of life-threatening emergencies that also will require further review to avoid jeopardizing patients' health and well-being. I hope that health care providers will remember the provision of the Hippocratic Oath or other applicable pledge that admonishes them to "follow that method of treatment which according to [their] ability and judgment, [they] consider for the benefit of the patient and abstain from whatever is harmful or mischievous."

I encourage the Legislature to revisit these issues and the definition of health care service to ensure patients receive the care they may need with dignity and respect, and without imposing on the morals of a provider.

I have a personal "Three C" test when considering public policy. Ironically, the third "C" is whether I am heeding my Conscience. While this legislation may not be a panacea, I am willing to follow my conscience, allowing it to become law and seeing if it will protect the rights of providers without reducing patient care. If it does not, the Legislature and stakeholders should work on finding a balance.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor of Idaho

March 31, 2010

Enrolled [S 1344](#), as amended, [S 1346](#), as amended, [S 1390](#), [S 1401](#), as amended, [S 1408](#), [S 1422](#), [S 1425](#), [S 1444](#), and [S 1445](#), were signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1344](#), as amended, [S 1346](#), as amended, [S 1390](#), [S 1401](#), as amended, [S 1408](#), [S 1422](#), [S 1425](#), [S 1444](#), and [S 1445](#) were transmitted to the Office of the Governor.

March 31, 2010

Enrolled [SCR 118](#), [SCR 127](#), [SJM 104](#), [SJM 105](#), and [SJM 106](#), have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [SCR 118](#), [SCR 127](#), [SJM 104](#), [SJM 105](#), and [SJM 106](#) were transmitted to the Office of the Secretary of State.

April 1, 2010

Enrolled [S 1344](#), as amended, [S 1346](#), as amended, [S 1390](#), [S 1401](#), as amended, [S 1408](#), [S 1422](#), [S 1425](#), [S 1444](#), and [S 1445](#) were delivered to the Office of the Governor at 11:45 a.m., April 1, 2010.

March 30, 2010

[S 1301](#), [S 1310](#), [S 1311](#), as amended, [S 1320](#), as amended, [S 1340](#), as amended, [S 1361](#), as amended, [S 1382](#), as amended, [S 1383](#), as amended, [S 1384](#), [S 1385](#), [S 1398](#), [S 1399](#), [S 1400](#), and [S 1417](#) were correctly enrolled.

Enrolled [S 1301](#), [S 1310](#), [S 1311](#), as amended, [S 1320](#), as amended, [S 1340](#), as amended, [S 1361](#), as amended, [S 1382](#), as amended, [S 1383](#), as amended, [S 1384](#), [S 1385](#), [S 1398](#), [S 1399](#), [S 1400](#), and [S 1417](#) were signed by the President and transmitted to the House for the signature of the Speaker.

March 30, 2010

Enrolled [S 1301](#), [S 1310](#), [S 1311](#), as amended, [S 1320](#), as amended, [S 1340](#), as amended, [S 1361](#), as amended, [S 1382](#), as amended, [S 1383](#), as amended, [S 1384](#), [S 1385](#), [S 1398](#), [S 1399](#), [S 1400](#), and [S 1417](#), were signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1301](#), [S 1310](#), [S 1311](#), as amended, [S 1320](#), as amended, [S 1340](#), as amended, [S 1361](#), as amended, [S 1382](#), as amended, [S 1383](#), as amended, [S 1384](#), [S 1385](#), [S 1398](#), [S 1399](#), [S 1400](#), and [S 1417](#) were transmitted to the Office of the Governor.

April 1, 2010

Enrolled [S 1301](#), [S 1310](#), [S 1311](#), as amended, [S 1320](#), as amended, [S 1340](#), as amended, [S 1361](#), as amended, [S 1382](#), as amended, [S 1383](#), as amended, [S 1384](#), [S 1385](#), [S 1398](#), [S 1399](#), [S 1400](#), and [S 1417](#) were delivered to the Office of the Governor at 11:45 a.m., April 1, 2010.

March 30, 2010

[S 1428](#), [S 1429](#), [S 1430](#), [S 1431](#), [S 1432](#), [S 1433](#), [S 1434](#), [S 1435](#), [S 1436](#), [S 1437](#), [S 1438](#), [S 1439](#), [S 1440](#), [S 1441](#), [S 1442](#), [S 1443](#), [SCR 125](#), and [SCR 126](#) were correctly enrolled.

Enrolled [S 1428](#), [S 1429](#), [S 1430](#), [S 1431](#), [S 1432](#), [S 1433](#), [S 1434](#), [S 1435](#), [S 1436](#), [S 1437](#), [S 1438](#), [S 1439](#), [S 1440](#), [S 1441](#), [S 1442](#), [S 1443](#), [SCR 125](#), and [SCR 126](#) were signed by the President and transmitted to the House for the signature of the Speaker.

March 30, 2010

Enrolled [S 1428](#), [S 1429](#), [S 1430](#), [S 1431](#), [S 1432](#), [S 1433](#), [S 1434](#), [S 1435](#), [S 1436](#), [S 1437](#), [S 1438](#), [S 1439](#), [S 1440](#), [S 1441](#), [S 1442](#), and [S 1443](#), were signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1428](#), [S 1429](#), [S 1430](#), [S 1431](#), [S 1432](#), [S 1433](#), [S 1434](#), [S 1435](#), [S 1436](#), [S 1437](#), [S 1438](#), [S 1439](#), [S 1440](#), [S 1441](#), [S 1442](#), and [S 1443](#) were transmitted to the Office of the Governor.

March 30, 2010

Enrolled [SCR 125](#) and [SCR 126](#) were signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [SCR 125](#) and [SCR 126](#) were transmitted to the Office of the Secretary of State.

April 1, 2010

Enrolled [S 1428](#), [S 1429](#), [S 1430](#), [S 1431](#), [S 1432](#), [S 1433](#), [S 1434](#), [S 1435](#), [S 1436](#), [S 1437](#), [S 1438](#), [S 1439](#), [S 1440](#), [S 1441](#), [S 1442](#), and [S 1443](#) were delivered to the Office of the Governor at 11:45 a.m., April 1, 2010.

March 30, 2010

[S 1335](#), as amended in the House, [S 1403](#), as amended in the House, [S 1407](#), as amended in the House, [S 1419](#), [S 1420](#), [S 1423](#), [S 1424](#), [S 1426](#), and [S 1427](#) were correctly enrolled.

Enrolled [S 1335](#), as amended in the House, [S 1403](#), as amended in the House, [S 1407](#), as amended in the House, [S 1419](#), [S 1420](#), [S 1423](#), [S 1424](#), [S 1426](#), and [S 1427](#) were transmitted to the House for the signature of the Speaker.

March 30, 2010

Enrolled [S 1327](#), [S 1345](#), as amended, [S 1357](#), [S 1365](#), as amended, [S 1375](#), as amended, [S 1409](#), and [S 1410](#) were delivered to the Office of the Governor at 11 a.m., March 30, 2010.

March 30, 2010

Enrolled [SCR 113](#), [SCR 115](#), [SCR 119](#), and [SCR 120](#) were delivered to the Office of the Secretary of State at 11:05 a.m., March 30, 2010.

March 30, 2010

Enrolled [H 640](#), as amended, [H 645](#), as amended, [H 653](#), [H 697](#), [H 698](#), [H 701](#), [H 702](#), [H 703](#), [H 615](#), [H 665](#), as amended, [H 545](#), as amended in the Senate, and [H 493](#), as amended in the Senate, were transmitted from the House for the signature of the President.

ALEXANDER, Chief Clerk

Enrolled [H 640](#), as amended, [H 645](#), as amended, [H 653](#), [H 697](#), [H 698](#), [H 701](#), [H 702](#), [H 703](#), [H 615](#), [H 665](#), as amended,

[H 545](#), as amended in the Senate, and [H 493](#), as amended in the Senate, were signed by the President and returned to the House.

March 30, 2010

Dear Mr. President:

Enrolled [H 704](#), [H 705](#), [HCR 64](#), [H 534](#), as amended in the Senate, [H 576](#), as amended in the Senate, [H 509](#), as amended in the Senate, [H 598](#), as amended in the Senate, [H 614](#), as amended in the Senate, [H 589](#), as amended in the Senate, [H 681](#), as amended in the Senate, and [H 699](#), as amended in the Senate, were transmitted from the House for the signature of the President.

ALEXANDER, Chief Clerk

Enrolled [H 704](#), [H 705](#), [HCR 64](#), [H 534](#), as amended in the Senate, [H 576](#), as amended in the Senate, [H 509](#), as amended in the Senate, [H 598](#), as amended in the Senate, [H 614](#), as amended in the Senate, [H 589](#), as amended in the Senate, [H 681](#), as amended in the Senate, and [H 699](#), as amended in the Senate, were signed by the President and returned to the House.

March 30, 2010

Enrolled [H 691](#) was transmitted from the House for the signature of the President.

ALEXANDER, Chief Clerk

Enrolled [H 691](#) was signed by the President and returned to the House.

March 30, 2010

Enrolled [HCR 48](#), [H 688](#), [H 675](#), [H 684](#), [H 710](#), [H 711](#), [H 712](#), [H 713](#), [H 631](#), as amended, [H 692](#), as amended, [H 667](#), as amended, [H 676](#), as amended, [H 722](#), [H 721](#), [H 717](#), [H 716](#), [H 715](#), [H 714](#), [H 726](#), [H 723](#), [H 724](#), [H 725](#), [H 637](#), [H 682](#), [H 708](#), [H 727](#), [H 728](#), and [H 600](#) were transmitted from the House for the signature of the President.

ALEXANDER, Chief Clerk

Enrolled [HCR 48](#), [H 688](#), [H 675](#), [H 684](#), [H 710](#), [H 711](#), [H 712](#), [H 713](#), [H 631](#), as amended, [H 692](#), as amended, [H 667](#), as amended, [H 676](#), as amended, [H 722](#), [H 721](#), [H 717](#), [H 716](#), [H 715](#), [H 714](#), [H 726](#), [H 723](#), [H 724](#), [H 725](#), [H 637](#), [H 682](#), [H 708](#), [H 727](#), [H 728](#), and [H 600](#) were signed by the President and returned to the House.

March 31, 2010

Dear Mr. President:

Enrolled [S 1335](#), as amended in the House, [S 1403](#), as amended in the House, [S 1407](#), as amended in the House, [S 1419](#), [S 1420](#), [S 1423](#), [S 1424](#), [S 1426](#), and [S 1427](#), were signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1335](#), as amended in the House, [S 1403](#), as amended in the House, [S 1407](#), as amended in the House, [S 1419](#), [S 1420](#), [S 1423](#), [S 1424](#), [S 1426](#), and [S 1427](#) were referred for transmittal to the Office of the Governor.

Enrolled [SCR 118](#), [SCR 125](#), [SCR 126](#), [SCR 127](#), [SJM 104](#), [SJM 105](#), and [SJM 106](#) were delivered to the Office of the Secretary of State at 11:55 a.m., April 1, 2010.

April 1, 2010

Enrolled [S 1335](#), as amended in the House, [S 1403](#), as amended in the House, [S 1407](#), as amended in the House, [S 1419](#), [S 1420](#), [S 1423](#), [S 1424](#), [S 1426](#), and [S 1427](#) were delivered to the Office of the Governor at 11:45 a.m., April 1, 2010.

March 31, 2010

The Honorable Brad Little
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 1248](#), [S 1250](#), [S 1251](#), [S 1305](#), as amended, [S 1312](#), [S 1323](#), [S 1324](#), [S 1325](#), [S 1354](#), as amended in the House, [S 1359](#), [S 1366](#), as amended, [S 1370](#), [S 1376](#), as amended in the House, [S 1378](#), as amended, [S 1402](#), [S 1404](#), [S 1405](#), [S 1406](#), [S 1412](#), [S 1413](#), [S 1415](#), [S 1416](#), and [S 1418](#)

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor of Idaho

April 6, 2010

The Honorable Brad Little
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 1330](#), as amended, and [S 1382](#), as amended

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor of Idaho

April 8, 2010

The Honorable Brad Little
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 1375](#), as amended, [S 1327](#), [S 1345](#), as amended, [S 1365](#), as amended, [S 1409](#), [S 1410](#), and [S 1357](#)

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor of Idaho

April 11, 2010

CERTIFICATE

The Honorable Brad Little
President of the Senate
Idaho Legislature

State of Idaho)
)
Senate Chamber, Boise, Idaho)

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:

We, BRAD LITTLE, President of the Senate, and JEANNINE WOOD, Secretary of the Senate, do hereby certify and attest as follows:

[S 1400](#), [S 1417](#), [S 1428](#), [S 1429](#), [S 1430](#), and [S 1431](#)

That the daily Senate Journal of the proceedings of March 29, 2010, the Seventy-eighth Legislative Day, has been read and approved:

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor of Idaho

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.

April 12, 2010

IN WITNESS WHEREOF, we have hereunto set our hand this 12th day of April, 2010.

The Honorable Brad Little
President of the Senate
Idaho Legislature

BRAD LITTLE, President

Dear Mr. President:

Attest: JEANNINE WOOD, Secretary

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 1432](#), [S 1433](#), [S 1434](#), [S 1435](#), [S 1436](#),
[S 1437](#), [S 1438](#), [S 1439](#), [S 1440](#), [S 1441](#),
[S 1442](#), [S 1443](#), [S 1422](#), [S 1444](#), [S 1426](#),
[S 1361](#), as amended, [S 1311](#), as amended,
[S 1398](#), [S 1408](#), [S 1445](#), [S 1427](#), [S 1425](#),
[S 1335](#), as amended in the House, [S 1403](#),
as amended in the House, [S 1419](#), [S 1420](#),
[S 1423](#), [S 1424](#), [S 1344](#), as amended, [S 1346](#),
as amended, [S 1390](#), [S 1401](#), as amended,
[S 1301](#), [S 1310](#), [S 1320](#), as amended, [S 1340](#),
as amended, [S 1383](#), as amended, [S 1384](#),
[S 1385](#), and [S 1399](#)

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor of Idaho

April 12, 2010

The Honorable Brad Little
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 1407](#), as amended in the House

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor of Idaho

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- SECOND REGULAR SESSION -

SIXTIETH IDAHO LEGISLATURE - 2010

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OFFICERS AND ADMINISTRATION OF THE SENATE

Name	Address
LITTLE, BRAD Lieutenant Governor/President of the Senate	Emmett
GEDDES, ROBERT L. President Pro Tempore	Soda Springs
DAVIS, BART M. Majority Leader	Idaho Falls
STEGNER, JOE Assistant Majority Leader	Lewiston
FULCHER, RUSSELL M. Majority Caucus Chair	Meridian
KELLY, KATE Minority Leader	Boise
WERK, ELLIOT Assistant Minority Leader	Boise
MALEPEAI, EDGAR J. Minority Caucus Chair	Pocatello
WOOD, JEANNINE Secretary of the Senate	Meridian
HORTON, RUSTI Assistant Secretary of Senate	Emmett
KEITHLY, JUNE Assistant to Secretary of Senate	Boise
JONES, MARY SUE Administrative/Fiscal Assistant to President Pro Tem	Boise
SMITH, MARIAN Assistant to Majority Leadership	Boise
BOYLE, BEVERLY Majority Leadership Secretary	Boise
KELLY, DIANE Minority Chief of Staff	Boise
ETTER, JENNIFER Journal Clerk	Boise
MCDONALD, SARAH JANE Sergeant at Arms	Boise
CSUTORAS, JERRY Assistant Sergeant at Arms	Boise
RALSTIN, MONTIE Chaplain	Boise

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BAIR, STEVE Resources and Environment - Vice Chair Finance	Blackfoot	28
BILYEU, DIANE Finance Local Government and Taxation Transportation	Pocatello	29
BOCK, LES Agricultural Affairs Health and Welfare Judiciary and Rules	Garden City	16
BRACKETT, BERT Finance Resources and Environment	Rogerson	23
BROADSWORD, JOYCE M. Health and Welfare - Vice Chair Finance Transportation	Sagle	2
CAMERON, DEAN L. Finance - Chair Commerce and Human Resources Resources and Environment	Rupert	26
COINER, CHARLES H. Commerce and Human Resources - Vice Chair Health and Welfare Resources and Environment	Twin Falls	24
CORDER, TIM Agricultural Affairs - Chair Local Government and Taxation Transportation	Mountain Home	22
DARRINGTON, DENTON Judiciary and Rules - Chair Health and Welfare State Affairs	Declo	27

Name	Address	District
DAVIS, BART M. Majority Leader Judiciary and Rules State Affairs	Idaho Falls	33
FULCHER, RUSSELL M. Majority Caucus Chair Education State Affairs	Meridian	21
GEDDES, ROBERT L. President Pro Tempore State Affairs	Soda Springs	31
GOEDDE, JOHN W. Education - Chair Commerce and Human Resources	Coeur d'Alene	4
HAMMOND, JAMES C. Transportation - Vice Chair Finance Health and Welfare	Coeur d'Alene	5
HEINRICH, LELAND G. Local Government and Taxation - Vice Chair Agricultural Affairs Transportation	Cascade	8
HILL, BRENT	Rexburg	34
JORGENSON, MIKE	Hayden	3
KELLY, KATE	Boise	18
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Finance		
Health and Welfare		
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Health and Welfare - Chair		
Commerce and Human Resources		
Judiciary and Rules		
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Minority Caucus Chair		
Agricultural Affairs		
Commerce and Human Resources		
Education		
MCGEE, JOHN	Caldwell	10
Transportation - Chair		
Agricultural Affairs		
Health and Welfare		
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State Affairs - Chair		
Local Government and Taxation		
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Education - Vice Chair		
Finance		
Judiciary and Rules		
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State Affairs - Vice Chair		
Education		
Resources and Environment		
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Resources and Environment - Chair		
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Education		
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Agricultural Affairs - Vice Chair		
Education		
Transportation		

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Agricultural Affairs (9)

Corder, Chairman
Winder, Vice Chairman

Schroeder
Hill
McGee
Heinrich
Smyser

Malepeai
Bock

Davis
Lodge
Hill
McKague
Mortimer

Kelly
Bock

Judiciary and Rules (9)

Darrington, Chairman
Jorgenson, Vice Chairman

Commerce and Human Resources (9)

Andreason, Chairman
Coiner, Vice Chairman

Stegner
Cameron
Goedde
Lodge
Smyser

Malepeai
LeFavour

Stegner
McKenzie
Corder
McKague
Jorgenson

Werk
Bilyeu

Local Government and Taxation (9)

Hill, Chairman
Heinrich, Vice Chairman

Resources and Environment (9)

Schroeder, Chairman
Bair, Vice Chairman

Education (9)

Goedde, Chairman
Mortimer, Vice Chairman

Schroeder
Andreason
Pearce
Fulcher
Winder

Malepeai
Kelly

Cameron
Pearce
Coiner
Siddoway
Brackett

Stennett
Werk

Finance (10)

Cameron, Chairman
Keough, Vice Chairman

Broadsword
Bair
Hammond
Siddoway
Brackett
Mortimer

Bilyeu
LeFavour

Darrington
Geddes
Davis
Stegner
Fulcher

Stennett
Kelly

State Affairs (9)

McKenzie, Chairman
Pearce, Vice Chairman

Health and Welfare (9)

Lodge, Chairman
Broadsword, Vice Chairman

Darrington
McGee
Coiner
Hammond
Smyser

LeFavour
Bock

Keough
Corder
Heinrich
Broadsword
Winder

Werk
Bilyeu

Transportation (9)

McGee, Chairman
Hammond, Vice Chairman

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BENCKEN, LOIS.....	Majority Pool Secretary
BOYLE, BEVERLY.....	Majority Leadership Secretary
BUDELL, JUANITA.....	Resources and Environment Committee Secretary
BUJARSKI, JO ANN.....	*Majority Pool/Agricultural Affairs Committee Secretary
CALL, ANGELA.....	Page
CARKIN, JONATHAN.....	Minority Staff Assistant
CARTWRIGHT, LOGAN.....	Page
CSUTORAS, JERRY.....	Assistant Sergeant at Arms
DEIS, CAROL.....	Commerce and Human Resources Committee Secretary
DOMBROWSKI, JOY.....	Health and Welfare Committee Secretary
ETTER, JENNIFER.....	Journal Clerk
HARVEY, MARY.....	Majority Pool Secretary
HINDS, LEIGH.....	Judiciary and Rules Committee Secretary
HOEHNE, KATHARINE.....	Page
HORTON, RUSTI.....	*** Assistant Secretary of the Senate
INGRAM, ANN.....	Editor/Secretary to Majority Caucus Chair
JACKS, EMILY.....	Page
JONES, MARY SUE.....	** Administrative and Fiscal Assistant to the President Pro Tempore
KEEFE, ALLICIA.....	Majority Pool Secretary
KEITHLY, JUNE.....	Assistant to Secretary of the Senate
KELLER, AKIRA.....	Page
KELLY, DIANE.....	*** Minority Chief of Staff
KINKLE, KELSEY.....	Page
KUKLA, LIZZIE.....	Transportation Committee Secretary
LANTZY, EVAN.....	Page
MCDONALD, ROBERT.....	Doorkeeper
MCDONALD, SARAH JANE.....	Sergeant at Arms
MELTON, TWYLA.....	Local Government and Taxation Committee Secretary
MOYER, PEGGY.....	Finance Committee Secretary
NOVAK, JENNIFER.....	Majority Pool Secretary
OLSON, PETER.....	Page
OSBORN, BETTY.....	Agricultural Affairs Committee Secretary
PETERSON, BRIAN.....	Minority Staff Assistant

<u>Name</u>	<u>Position</u>
RALSTIN, MONTIE, PASTOR.....	Chaplain
RAVSTEN, CORIN.....	Page
RIDDLE, DEBORAH.....	State Affairs Committee Secretary
RUSSELL, JEDEDIAH.....	Page
SCHRADER, DORENNA.....	Education Committee Secretary
SMITH, MARIAN.....	Assistant to Majority Leadership
WOOD, JEANNINE.....	** Secretary of the Senate
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Attache sworn in January 11, 2010

* Attache sworn in February 18/21, 2010

** Permanent Full-Time Employees

*** Permanent Part-Time Employees

SECTION IV

TOPICAL INDEX
[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 actions of House bills transmitted to the Senate, this topical index does not refer to every House bill 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. Session law numbers for legislation passing both Senate and House, and becoming law, are included for all Senate bills within the Numerical Index Section V.

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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. Session Law chapter numbers for bills which became law are also noted. House amendments to Senate bills can be found in the House Journal.

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1247	Commerce and Human Resources	LAW	PERSONNEL SYSTEM - VACATION TIME - Amends existing law relating to the State Personnel System and vacation time to revise a provision relating to the transfer of accrued vacation time. Session Law Chapter No. 72	18	94	187
1248	Commerce and Human Resources	LAW	REAL ESTATE LICENSE LAW - Amends existing law relating to Idaho real estate license law to provide for an exemption review process to determine suitability for licensure for certain revoked licenses. Session Law Chapter No. 212	18	76	229
1249	Commerce and Human Resources	S Com/HuRes	REAL ESTATE LICENSE LAW - Amends existing law relating to Idaho real estate license law to revise requirements relating to errors and omissions insurance; to provide that a licensed salesperson who obtains a broker license shall retain the renewal period and expiration date of his salesperson license; and to require that a licensee make a certain disclosure within a specified amount of time.	18	-	20
1250	Commerce and Human Resources	LAW	REAL ESTATE LICENSE LAW - Amends existing law relating to Idaho real estate license law to remove reference to a reciprocal Idaho real estate license; to remove obsolete language relating to salespersons acting as branch managers; to revise requirements relating to course completion lists submitted to the council or commission by a course provider; to remove reference to a national association of real estate license law officials; and to remove reference to a subagent..... Session Law Chapter No. 213	18	76	229
1251	Commerce and Human Resources	LAW	SUBDIVIDED LANDS DISPOSITION ACT - Amends and adds to existing law to revise the Subdivided Lands Disposition Act. Session Law Chapter No. 214	18	77	229
1252	Commerce and Human Resources	LAW	DIVISION OF HUMAN RESOURCES - Amends existing law relating to the Division of Human Resources to revise provisions relating to a rule..... Amended in the Senate.....	19 82	- 97	187
1253	Judiciary and Rules	LAW	APPEAL - Amends existing law to revise provisions relating to an appeal from an order granting or refusing to grant an order of adoption; from certain other court orders or decrees; and from a court order or decree granting or refusing to grant a termination. Session Law Chapter No. 26	20	39	114

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1256	Judiciary and Rules	LAW	EXECUTIONS - Amends existing law relating to executions to revise provisions relating to the right of the court to stay execution and to remove reference to certain Idaho Code sections..... Session Law Chapter No. 34	20	51	118
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1259	Bilyeu	S Transp	MOTOR VEHICLES - RULES OF THE ROAD - Adds to and amends existing law relating to motor vehicle rules of the road to define a term; and to provide an infraction for use of a wireless communication device in a school zone.	22	-	23
1260	Bilyeu	S Educ	EDUCATION - RESIDENT STUDENTS - Amends existing law relating to education to revise the definition of "resident student."	22	-	23
1261	Kelly	S St Aff	LOBBYING - Amends and adds to existing law to prohibit lobbying and registration as lobbyists by executive officials or legislators for a period of one year from termination of office; and to provide penalties for violating the prohibition of lobbying and registration as lobbyists by executive officials or legislators for a period of one year from termination of office.....	23	-	26
1262	Kelly	S St Aff	COOLING-OFF PERIOD - Amends and adds to existing law to provide a cooling-off period of one year under certain conditions for public officials when they leave public office; and to provide a civil penalty for violating the cooling-off period by former public officials.....	23	-	26
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1264	Bock	S Transp	MOTOR VEHICLES - CELL PHONE USE - Amends and adds to existing law relating to motor vehicles and cellular telephones to prohibit the use of cellular telephones while operating a motor vehicle, to provide exceptions and to provide a penalty.....	23	-	26

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1267	Judiciary and Rules	LAW	LICENSE FEES - LAWYERS - Amends existing law relating to license fees for lawyers to revise and to provide license fee provisions..... Session Law Chapter No. 40	23	57	129
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1269	Schroeder	S Educ	HIGHER EDUCATION - INSTITUTIONS - Adds to existing law relating to institutions of higher education to provide for a negotiation agreement; to define terms; to provide for negotiations; to provide for the appointment of mediators and for compensation; to provide for appointment of fact-finders and a report; and to provide for reserved powers, duties and responsibilities.	27	-	29
1270	Winder	S St Aff	ABORTION AND CONTRACEPTIVES - Adds to existing law relating to abortion and contraceptives to define terms, to provide freedom of conscience for health care professionals, to provide immunity from liability, to provide an exception and to prohibit discrimination.	27	-	29
1271	McGee	S St Aff	EMPLOYMENT - Adds to existing law relating to employment to provide provisions prohibiting the use of certain false documentation to gain employment, to provide penalties, to prohibit the destruction, alteration, falsification or theft of certain public documents to assist a person to become an employee and to prohibit the manufacture of false identification to assist a person to become an employee.....	27	-	224
1272	Broadsword	S Health/Wel	INSURANCE COVERAGE - MEDICATION - Amends existing law relating to insurance to require certain insurers and organizations to provide coverage for chemotherapy treatment as a major medical claim.	27	-	29
1273	Kelly, Werk, Malepeai, Bilyeu, LeFavour, Bock, Stennett	S St Aff	RENEWAL ENERGY SITING PERMITS - Adds to existing law to provide an expedited permitting process from the state and local governments for renewable energy projects.....	27	-	29

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1274	Kelly, Werk, Malepeai, Bilyeu, Bock, Stennett	S St Aff	JOBS COUNCIL - Adds to existing law to create a Jobs Council in the Office of the Governor and to provide duties.	27	-	29
1275	Kelly, Werk, Malepeai, Bilyeu, LeFavour, Bock, Stennett	S Com/HuRes	HOMEGROWN BUSINESS AND JOBS ACT - Amends existing law to provide that the Department of Commerce, in concert with the Department of Labor, provide Idaho business with twenty or fewer employees with market intelligence that historically has been available only to large corporations.....	27	-	29
1276	Werk and Kelly	S Transp	HIGHWAY DISTRICTS - Repeals and amends existing law to require that there be one highway district per county.	27	-	29
1277	Werk, Kelly, Malepeai, Bilyeu, LeFavour, Bock, Stennett	S Loc Gov	INCOME TAX - Adds to existing law to provide for the expiration of income tax credits or deductions or sales tax exemptions unless extended by statute.	28	-	29
1278	Werk, Malepeai, Stennett	S Educ	EDUCATION - TECHNOLOGY TRANSFER - Amends existing law to provide for the State Board of Education to allow colleges and universities under its control to enhance technology transfer to the market by Idaho-based companies and to establish foundations to enhance technology transfer to the market by Idaho-based companies.....	28	-	29
1279	Werk and Malepeai	S Com/HuRes	PUBLIC WORKS CONTRACTS - Repeals and adds to existing law to rewrite the law for awarding of public works contracts and to revise residence preference status.	28	-	29
1280	Schroeder	S Educ	EDUCATION - Amends existing law relating to education to provide a school age for English language learners; to allow school districts to provide prekindergarten courses for English language learners; to require the Board of Trustees of each school district to identify English language learners within the district; and to authorize use of discretionary state moneys to fund prekindergarten programs for such learners.	28	-	29
1281	Resources and Environment	S Res/Env	FISH AND GAME - Amends existing law relating to wildlife to revise violation provisions relating to the waste, destruction and mutilation of wildlife.	29	-	30
1282	Resources and Environment	LAW	FISH AND GAME - Amends existing law relating to fish and game to revise the definition of trophy big game animal..... Session Law Chapter No. 53	29	86	166
1283	Resources and Environment	LAW	FISH AND GAME - Amends existing law relating to fish and game to revise provisions relating to hunter and archery education. Session Law Chapter No. 52	29	86	166
1284	Resources and Environment	LAW	FISH AND GAME - Amends existing law relating to fish and game to revise provisions relating to the maximum amount of fines and forfeitures that may be distributed to local shooting ranges. Session Law Chapter No. 51	29	86	166

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1285	Resources and Environment	LAW	FISH AND GAME - Amends existing law relating to fish and game to provide that resident and nonresident youth small game licenses may be issued to qualified persons who are nine years of age to allow the application for a controlled hunt turkey permit and to provide certain conditions. Session Law Chapter No. 50	29	86	166
1286	Resources and Environment	LAW	FISH AND GAME - RACCOONS - Amends existing law relating to fish and game to provide that raccoons shall be classified as predatory wildlife. Session Law Chapter No. 82	29	86	207
1287	Judiciary and Rules	LAW	HOMEOWNER'S ASSOCIATION LIENS - Amends existing law relating to homeowner's association liens to provide that a copy of a recorded lien shall be served on the owner or reputed owner no later than five business days following the recording of such lien. Session Law Chapter No. 41	31	57	129
1288	Judiciary and Rules	S Jud	CHILD CUSTODY - Amends existing law relating to child custody to provide that determinations in certain cases relating to active duty service members shall not be made prior to the expiration of a specified time period.	31	-	32
1289	Judiciary and Rules	S Jud	ALCOHOL AND MOTOR VEHICLES - Amends existing law relating to alcohol and motor vehicles to revise provisions relating to excessive alcohol concentration.....	32	-	32
1290	Judiciary and Rules	S Jud	INJURY TO CHILDREN - Amends existing law relating to injury to children to revise a maximum sentence.....	32	-	32
1291	Resources and Environment	S Res/Env	FISH AND GAME - Amends existing law relating to fish and game to provide for the release of certain captured wildlife.....	32	-	32
1292	Finance	LAW	APPROPRIATIONS - DEPARTMENT OF LANDS - Appropriates \$196,700 additional dedicated funds for fiscal year 2010. Session Law Chapter No. 8	33	51	84
1293	Finance	LAW	APPROPRIATIONS - DEPARTMENT OF ENVIRONMENTAL QUALITY - Appropriates additional \$9,446,500 from dedicated and federal funds to the Department of Environmental Quality for fiscal year 2010..... Session Law Chapter No. 9	33	52	84
1294	Finance	LAW	APPROPRIATIONS - STATE TAX COMMISSION - Transfers \$22,000 in dedicated funds from capital outlay to operating expenditures for fiscal year 2010. Session Law Chapter No. 13	33	53	99
1295	Local Government and Taxation	H Rev/Tax	TAX COMMISSION - SALES AND USE TAX - Adds to existing law to allow the State Tax Commission authority to investigate joining the Streamlined Sales and Use Tax Agreement.	33	109	109
1296	Transportation	LAW	COMMERCIAL MOTOR VEHICLES - Amends existing law relating to commercial motor vehicles to revise provisions relating to certain circumstances for forfeiture of bond; and to revise provisions relating to certain disqualifications and penalties. Session Law Chapter No. 49	33	60	166

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1297	Transportation	LAW	TRANSPORTATION - VEHICLE TITLES - Amends existing law relating to vehicle and vessel titles to revise provisions relating to the delivery of certificate of title upon sale or disposition and to revise provisions relating to certain dealer's reassignment of existing certificate of title. Session Law Chapter No. 36	34	60	118
1298	Transportation	S Transp	MOTOR VEHICLE REGISTRATION - Amends existing law relating to motor vehicle registration to revise provisions regarding a certain permit and combination of vehicles.....	34	-	35
1299	State Affairs	LAW	CODIFIER CORRECTIONS - Amends existing law to clean up various code sections and subsections by renumbering those that were redesignated by the compiler of the Idaho Code as a result of multiple amendments to code sections prior to the 2010 legislative session; and to correct typographical errors. Session Law Chapter No. 79	34	70	187
1300	Resources and Environment	S Res/Env	PARKS AND RECREATION - Adds to, amends and repeals existing law relating to parks and recreation to provide for the transfer of powers and duties from the Park and Recreation Board to the Department of Parks and Recreation; to provide for the Park and Recreation Advisory Board; and to provide that recommendations of the Park and Recreation Advisory Board shall not be binding on the Parks and Recreation Department.....	35	-	36
1301	Health and Welfare	LAW	PUBLIC HEALTH DISTRICTS - PHARMACEUTICALS - Amends existing law relating to pharmaceuticals to provide for the labeling and delivery of certain prepackaged items by licensed practical or professional nurses when such items have be prescribed by certain licensed professional health care providers. Session Law Chapter No. 346	35	60	230
1302	Finance	LAW	APPROPRIATIONS - OFFICE OF ENERGY RESOURCES - Appropriates \$25,099,600 additional dedicated and federal funds for fiscal year 2010. Session Law Chapter No. 17	37	59	104
1303	State Affairs	S St Aff	EMPLOYMENT - UNAUTHORIZED ALIENS - Adds to existing law relating to employment and the prohibition of employing unauthorized aliens.....	37	-	38
1304	Education	S Educ	PUBLIC CHARTER SCHOOLS - Amends existing law relating to public charter schools to provide that if the authorized chartering entity has reason to believe that a public charter school has made or caused to be made any false, fraudulent or forged statement or representation in procuring or attempting to procure a charter, the authorized chartering entity shall provide such public charter school written notice of such defect and provide a reasonable opportunity to cure such defect.	40	-	41

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1305	Education	LAW	EXCISION AND ANNEXATION OF TERRITORY - Amends existing law relating to Boards of Trustees and annexation of territory to provide requirements relating to legal descriptions of certain real property..... Amended in the Senate.....	40 101	- 119	229
1306	Education	LAW	EDUCATION - PERSONAL PROPERTY - Amends existing law to provide that if the Board of Trustees finds it is in the school district's best interests to trade personal property to a person or entity for like kind personal property, the board may vote to elect to do so. Session Law Chapter No. 42	40	76	129
1307	Finance	LAW	APPROPRIATIONS - Appropriates an additional \$50,000 for the Board of Engineers and Land Surveyors. Session Law Chapter No. 18	40	60	104
1308	Judiciary and Rules	LAW	DISPOSITION OF REMAINS - Amends existing law relating to disposition of remains to provide that in the absence of a prearranged funeral plan or certain provisions in such plan, that disposition of the remains of a decedent may vest in the person designated by the decedent in a DD Form 93, if the decedent died while serving in military service in any branch of the United States Armed Forces, United States Reserve Forces or National Guard. Session Law Chapter No. 43	40	75	129
1309	Judiciary and Rules	S Jud	DE FACTO CUSTODIANS - Adds to and amends existing law relating to de facto custodians to provide for de facto custodians; to provide that de facto custodians may initiate proceedings for the appointment of a guardian; and to revise provisions relating to the recognition of de facto custodians relating to standing in certain proceedings.	40	-	41
1310	Health and Welfare	LAW	HEALTH AND WELFARE - Amends existing law relating to personal assistance services to revise legislative intent; to revise definitions; to provide for the establishment of annual uniform reimbursement rates for certain agencies, to provide for a certain supplemental component for certain agencies and to provide for the establishment of annual uniform reimbursement rates for certain providers according to a methodology..... Session Law Chapter No. 347	41	75	230
1311	Transportation	LAW	MOTOR VEHICLE REGISTRATION - Amends existing law relating to motor vehicle registration to revise provisions regarding a certain permit and combination of vehicles..... Amended in the Senate.....	45 134	- 146	230
1312	Judiciary and Rules	LAW	CHILD PROTECTIVE ACT - Amends existing law relating to the Child Protective Act to provide that the Department of Health and Welfare need not make reasonable efforts to prevent the placement of a child into foster care where a parent has committed an injury to a child that results in a serious or great bodily injury..... Session Law Chapter No. 216	47	108	229

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1313	Health and Welfare	LAW	PHYSICIANS AND SURGEONS - Amends existing law relating to physicians and surgeons to revise provisions relating to the board's powers. Session Law Chapter No. 88	47	75	207
1314	Health and Welfare	LAW	PHYSICIANS AND SURGEONS - Amends existing law relating to physicians and surgeons to revise definitions; to remove licensure requirements for physician assistants; to provide requirements relating to physician assistants, supervising physicians and alternate supervising physicians and to establish the Physician Assistant Advisory Committee. Session Law Chapter No. 89	47	76	207
1315	Health and Welfare	LAW	HEALTH AND WELFARE - Amends and adds to existing law relating to vital statistics to provide that an applicant has the right to petition a court for an order establishing certain facts for amending a vital record under certain circumstances; to provide that an order entered following certain procedure shall be acceptable evidence for establishing a delayed certificate of birth or death; and to provide procedure for a court order for delayed registration or amendment of vital record. Session Law Chapter No. 78	47	76	187
1316	Agricultural Affairs	LAW	ANIMALS - Amends existing law relating to animals to provide that specified law shall not be construed as interfering with or allowing interference with the humane slaughter of equines, and to clarify provisions relating to normal and accepted practices of animal identification and husbandry. Session Law Chapter No. 55	49	94	166
1317	Agricultural Affairs	H St Aff	ANIMAL CRUELTY - Adds to, amends and repeals existing law relating to cruelty to animals to revise violation and penalty provisions relating to cruelty, torture and animal fights; to provide that abandonment shall constitute a misdemeanor; to provide penalty provisions; to provide for the remittance of collected fines; and to provide for those that give false information in reporting alleged violations.	49	105	105
1318	Local Government and Taxation	S Transp	MOTOR VEHICLES - REGISTRATION FEES - Amends existing law relating to single countywide highway districts to provide additional requirements for a vehicle registration fee resolution and to provide for review of a vehicle registration fee resolution.	49	-	52
1319	Local Government and Taxation	H Rev/Tax	AMBULANCE DISTRICTS - TAX LEVY - Amends existing law to clarify a special tax levy for certain ambulance districts.	50	90	90
1320	Health and Welfare	LAW	IDAHO LEGEND DRUG DONATION ACT - Amends existing law relating to the Idaho Legend Drug Donation Act to revise definitions; to revise provisions relating to the Idaho Legend Drug Donation Act; and to revise provisions relating to the Board of Pharmacy's duties and powers. Amended in the Senate	50 82	- 97	230

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1321	Health and Welfare	LAW	PUBLIC ASSISTANCE - Adds to existing law relating to public assistance to provide requirements regarding a request for notice of transfer or encumbrance; to provide for a request for notice of transfer or encumbrance of real property and to provide for rulemaking. Session Law Chapter No. 90	50	85	207
1322	Health and Welfare	H Health/Wel	UNIFORM PROBATE CODE - Amends existing law relating to the Uniform Probate Code to revise a presumption on a devise or bequest to certain persons and to provide for restrictions on inter vivos gifts to certain individuals.	50	94	94
1323	Commerce and Human Resources	LAW	REAL ESTATE LICENSE LAW - Amends existing law relating to Idaho real estate license law to revise requirements relating to errors and omissions insurance; to provide that a licensed salesperson who obtains a broker license shall retain the renewal period and expiration date of his salesperson license; to revise continuing education requirements; and to require that a licensee make a certain disclosure within a specified amount of time. Session Law Chapter No. 217	50	82	229
1324	Commerce and Human Resources	LAW	SUBCONTRACTOR LICENSING - Amends existing law to revise provisions relating to certain licensure requirements for subcontractors named on certain bids. Session Law Chapter No. 218	50	90	229
1325	Commerce and Human Resources	LAW	INTERNATIONAL FIRE CODE - Amends existing law relating to the International Fire Code to provide an exemption, to provide that counties may expand the exemption and to provide for notice and hearing. Session Law Chapter No. 219	50	94	229
1326	Commerce and Human Resources	S Com/HuRes	ANNUITY CONTRACTS - Amends existing law relating to annuity contracts to provide that an annuity sold to certain persons may not impose a surrender charge or other withdrawal penalty after a specified time.	50	-	52
1327	Commerce and Human Resources	LAW	ANNUITY CONTRACTS - Adds to existing law relating to annuity contracts to define terms, to provide disclosure requirements for annuity sales to consumers, to provide exceptions, to provide reporting requirements, to provide the Director of the Department of Insurance with rulemaking authority and to specify that a private right of action is not created or implied. Session Law Chapter No. 238	50	90	229
1328	Resources and Environment	LAW	FISH AND GAME - Amends existing law relating to fish and game to provide for the release of certain captured wildlife..... Session Law Chapter No. 83	55	86	207
1329	Judiciary and Rules	LAW	SAFE BOATING ACT - Amends existing law relating to Idaho Safe Boating Act to revise notice and reporting requirements relating to collisions, accidents and casualties. Session Law Chapter No. 71	55	94	187

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1330	Judiciary and Rules	LAW	ARCHAIC STATUTORY LANGUAGE - Amends and adds to existing law relating to archaic statutory language to revise terminology; to remove redundant language; to remove obsolete language; and to provide legislative intent on respectful language. Amended in the Senate	55 101	- 112	229
1331	Agricultural Affairs	H St Aff	LIVESTOCK CARE STANDARDS BOARD - Adds to existing law relating to animals to provide for the Idaho Livestock Care Standards Board.	56	105	105
1332	Agricultural Affairs	LAW	PESTICIDES AND CHEMIGATION - Amends existing law to revise certain exemptions relating to pesticides and chemigation. Session Law Chapter No. 48	56	94	166
1333	Agricultural Affairs	S Agric Aff	ANIMALS - CATS - Adds to existing law relating to animals to provide for the regulation of the humane capture, sterilization and release of free-roaming cats by counties and municipalities.	56	-	58
1334	Commerce and Human Resources	S Com/HuRes	INSURANCE COVERAGE - Adds to existing law to provide required coverage for prosthetic devices for certain conditions by health benefit plans.	59	-	61
1335	Health and Welfare	LAW	IMMUNIZATION REGISTRY - Amends existing law relating to immunization to remove language regarding a voluntary immunization registry, to remove a certain authorization requirement for inclusion in the registry, to provide for exclusion from the registry upon a certain statement that may not be part of a general authorization or release, to clarify the purposes for which the registry shall be maintained and for which the registry information shall be disclosed, to clarify that certain information shall be included in the registry and to clarify that disclosure of registry information shall be limited to certain persons. Amended in the House (See House Journal)	59	108 226	230
1336	Transportation	H Transp	MOTOR VEHICLES - Amends existing law relating to motor vehicles and rules of the road to revise provisions prohibiting certain materials on highways, to require provisions relating to securing and covering certain loads and to provide for exceptions.	59	138	138
1337	Transportation	H Transp	MOTOR CARRIER SAFETY INSPECTIONS - Amends existing law relating to motor carrier safety inspections to provide that certain intrastate motor carriers shall be subject to certain safety inspections and to revise provisions relating to exemptions from certain safety inspections.	59	141	142
1338	Education	LAW	EDUCATION - MILITARY CHILDREN - Adds to existing law relating to education to provide educational opportunity for military children, to provide findings and purpose, to provide rulemaking authority and to provide for a responsible individual. Session Law Chapter No. 54	59	87	166

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1339	Health and Welfare	LAW	HOSPITAL LICENSES AND INSPECTIONS - Amends and adds to existing law relating to hospital licenses and inspection to provide for deemed status of a hospice agency and its hospice home; and to require no Idaho license or certification. Session Law Chapter No. 84	62	90	207
1340	Judiciary and Rules	LAW	CIVIL ACTIONS - Amends existing law relating to civil actions to provide that certain personal injury actions shall survive the death of an injured party; and to provide for the continuation of certain causes of action relating to personal injury or property damage upon the death of the injured person, to limit damages and to provide for commencement or continuation of such actions by the decedent's personal representative or heirs..... Amended in the Senate	62 115	- 126	230
1341	Judiciary and Rules	S 10th Ord	INJURY TO CHILDREN - Amends existing law relating to injury to children to revise a maximum sentence..... Amended in the House (See House Journal)	62	108	187
1342	Resources and Environment	LAW	FISH AND GAME - Amends existing law relating to fish and game to authorize the Department of Fish and Game to require specified licensees to maintain certain records; to provide that licensees purchasing raw black bear skins, raw cougar skins or parts of black bears or cougars may be required to maintain certain records; and to provide that the department may require licensees to submit certain forms or records to the department relating to the purchase of black bears and cougars..... Session Law Chapter No. 85	62	105	207
1343	Resources and Environment	H W/M	IDAHO WORKING LANDS - Adds to existing law relating to Idaho Working Lands to provide for the Working Lands Fund, to provide for the Working Lands Fund Committee, to provide for the purposes for which grants may be awarded and to require project sponsors to match funds granted for each project.	62	124	124
1344	Agricultural Affairs	LAW	INVASIVE SPECIES - Amends and adds to existing law relating to invasive species to require certain presentations for inspection; to revise hold order provisions and to provide that hold orders shall contain certain information; to specify provisions for enforcement by peace officers; and to provide for hold orders upon impoundment..... Amended in the Senate	65 145	- 169	230
1345	Agricultural Affairs	LAW	LIVESTOCK - Adds to existing law relating to livestock to provide for a limitation of liability for certain livestock activities, to provide for application and to provide exceptions. Amended in the Senate	65 125	- 142	229

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1346	Agricultural Affairs	LAW	BEEF CATTLE FEEDING OPERATIONS - Amends existing law relating to beef cattle animal feeding operations to provide that the Idaho Department of Agriculture shall have authority to administer water quality laws in regard to certain beef cattle animal feeding operations, and to provide that information relating to nutrient management plans shall be confidential..... Amended in the Senate	66 145	- 169	230
1347	Commerce and Human Resources	H Gen Ord	MINIMUM WAGE - Amends existing law relating to minimum wage to provide that Idaho minimum wage law exemptions shall conform to and track with federal minimum wage law exemptions; and to provide an exemption from application of minimum wage law to certain establishments, camps and educational conference centers.	66	97	97
1348	Transportation	S St Aff	RULES OF THE ROAD - BICYCLES - Amends existing law relating to rules of the road to provide provisions relating to a driver passing a bicycle or other human-powered vehicle or pedestrian to allow the bicycle or other human-powered vehicle or pedestrian at least three feet of separation between the vehicle and the bicycle or other human-powered vehicle or pedestrian and to provide that a pedestrian or the operator of a bicycle or other human-powered vehicle shall turn off or step off the roadway to allow following vehicles to pass.	66	-	224
1349	Transportation	H W/M	BICYCLES - RIGHTS-OF-WAY - BRAKES - Adds to and amends existing law relating to bicycles and to require operating brakes on bicycles.	66	124	124
1350	Transportation	S St Aff	PEDESTRIANS - BICYCLISTS - HARASSMENT PROHIBITED - Adds to existing law relating to rules of the road to provide that no driver of a motor vehicle or passenger of a motor vehicle shall threaten, sound a horn, shout or otherwise direct sound toward any pedestrian or person operating a bicycle or human-powered vehicle upon a roadway or throw an object at or in the direction of any such person, or engage in conduct that creates a risk of death or serious physical injury to such person, to provide for a misdemeanor, and to provide for a civil penalty.....	66	-	224
1351	Transportation	S FAILED	MOTOR VEHICLES - PEDESTRIANS - BICYCLES. Adds to existing law relating to motor vehicles, pedestrians and bicycles to establish the Idaho Safe Routes to School Fund, to provide for infractions and a civil penalty and to provide for expenditures from the fund.....	66	124	124
1352	Transportation	H Gen Ord	MOTOR VEHICLES - TEXTING - Amends existing law to provide that texting while driving a motor vehicle shall constitute inattentive driving. Amended in the Senate	67 115	- 130	130
1353	State Affairs	LAW	FREEDOM OF CONSCIENCE - HEALTH CARE PROFESSIONALS - Adds to existing law relating to abortion and end of life care to provide freedom of conscience for health care professionals. Session Law Chapter No. 127	67	103	227

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1354	State Affairs	LAW	DEVELOPMENT OF THERMAL ENERGY SYSTEMS - SCHOOL DISTRICTS - Adds to and amends existing law to authorize school districts to build and acquire certain renewable energy systems. Amended in the House (See House Journal)	67	112 202	229
1355	Resources and Environment	LAW	FOREST PRODUCTS - ASSESSMENTS - Amends existing law relating to forest products to provide that certain assessments shall be levied against and paid by both the timber owner and the timber purchaser; and to provide that the timber purchaser shall withhold assessed money owed by the timber owner and pay the same to the board..... Session Law Chapter No. 91	69	121	207
1356	Resources and Environment	S Res/Env	OUTFITTERS AND GUIDES - Amends existing law relating to outfitters and guides to provide an exception to applicability of specified law relating to colleges and universities, including employees and students, providing outdoor experiences involving only employees and students of the college or university.....	69	-	73
1357	Transportation	LAW	MOTOR VEHICLE SERVICE CONTRACTS - Adds to and amends existing law relating to motor vehicle service contracts to provide provisions and requirements relating to service contract liability policies..... Session Law Chapter No. 243	71	121	229
1358	Transportation	S Transp	RECREATIONAL ACTIVITIES - FEES - Amends existing law relating to recreational activities and registration fees to revise a registration fee; and to provide that three dollars from a registration fee shall be deposited into the Off-Highway Vehicle Law Enforcement Fund.....	72	-	73
1359	Transportation	LAW	DEALER ADVISORY BOARD - Amends existing law relating to dealers and salesmen licensing to increase the number of voting members on the Dealer Advisory Board and to provide for one nonvoting member on the Dealer Advisory Board..... Session Law Chapter No. 221	72	119	229
1360	Transportation	H Transp	SAFE BOATING ACT - Amends existing law relating to the Safe Boating Act to provide that it shall not be a violation to operate a motorboat equipped with devices provided by the manufacturer as stock equipment that are not used to exceed certain noise levels and to provide an exception from responsibility for motorboat dealers relating to certain noise restrictions.....	72	121	121
1361	Transportation	LAW	DEALERS AND SALESMEN LICENSING - Amends existing law relating to dealers and salesmen licensing to remove reference to a comprehensive open book examination and to provide education requirements relating to an approved preclicensing class or program..... Amended in the Senate.....	72 125	- 142	230
1362	Health and Welfare	S Health/Wel	TOBACCO - Amends existing law relating to the prevention of minors' access to tobacco and the permitting of tobacco product retailers to provide for rules and to provide for a fee.....	72	-	73

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1364	Education	S Educ	PUBLIC CHARTER SCHOOLS - Amends existing law relating to public charter schools to provide for an exception to the number of new public charter schools that may begin educational instruction in any one school year and to provide for certain qualifications for such additional new public charter schools.....	72	-	119
1365	Education	LAW	RURAL PHYSICIAN INCENTIVE FUND - Amends existing law relating to the Rural Physician Incentive Fund to provide for certain moneys payable into the fund; and to provide for a preference..... Amended in the Senate.....	72 115	- 126	229
1366	Education	LAW	RECORDS EXEMPT FROM DISCLOSURE - Amends existing law relating to records exempt from disclosure to exempt certain financial records obtained or created by the Director of the State Board of Education or a representative of the board..... Amended in the Senate.....	72 101	- 119	229
1367	Education	LAW	EDUCATION - Amends existing law relating to education to provide resident student status to certain veterans and certain of their dependents..... Session Law Chapter No. 77	72	97	187
1368	Education	S Educ	EDUCATION - Amends and adds to existing law relating to education to provide for an online teaching endorsement, to provide for rules, to provide definitions; and to redesignate a section relating to virtual education.....	72	-	73
1369	Health and Welfare	S Health/Wel	NATUROPATHIC PHYSICIANS - Repeals and adds to existing law relating to naturopathic physicians; repealing the Naturopathic Physicians Licensing Act and creating the Idaho Naturopathic Medicine Practice Act.....	72	-	73
1370	Judiciary and Rules	LAW	EXEMPTIONS FROM ATTACHMENT - Amends existing law to provide additional exemptions and value of certain personal property from attachment..... Session Law Chapter No. 223	74	109	229
1371	Judiciary and Rules	LAW	PRODUCER LICENSING - Adds to and amends existing law relating to producer licensing to revise requirements and authority relating to the licensing of bail agents; to provide notice requirements; to clarify the Department of Insurance's responsibility relating to a surety performance bond; to provide a procedure to stay a certain obligation, to grant the administrative district judge authority to order the sheriffs and clerks of certain counties not to accept the posting of new bail bonds from certain surety insurance companies; and to provide a process and requirements for addressing a potential suspension of a bail agent's license..... Session Law Chapter No. 86	74	109	207
1372	Judiciary and Rules	S Jud	ASSAULT AND BATTERY - Amends existing law to provide punishment for assault or battery on employees of the Department of Labor.....	74	-	77

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1374	Judiciary and Rules	S Health/Wel	HEALTH AND WELFARE - DAYCARE LICENSING - Amends existing law relating to basic daycare licensing to revise policy.	80	-	83
1375	State Affairs	LAW	FIREARMS, EXPLOSIVES AND OTHER DEADLY WEAPONS - Amends existing law relating to firearms, explosives and other deadly weapons to provide that a late renewal penalty for a license to carry a concealed weapon shall not apply to certain licensees serving in the Armed Forces of the United States. Amended in the Senate	88 125	- 142	229
1376	State Affairs	LAW	REAPPORTIONMENT COMMISSION - Amends existing law to revise the compensation of members of the Reapportionment Commission. Amended in the House (See House Journal)	88	119 202	229
1377	State Affairs	S St Aff	PUBLIC UTILITIES COMMISSION - Amends and repeals existing law relating to public utilities regulation to revise Public Utilities Commission authority regarding rates and to revise procedures before the Commission.	88	-	92
1378	State Affairs	LAW	POLICE - PUBLIC RECORDS EXEMPTION - Amends and adds to existing law relating to public writings to provide a public records exemption relating to the Idaho residential street address and telephone number of an eligible law enforcement officer. Amended in the Senate	88 116	- 126	229
1379	State Affairs	LAW	KITCHEN AND TABLE WINE ACT - Amends existing law relating to the county option Kitchen and Table Wine Act to provide that licensed wineries shall not be required to possess a retail beer license as a prerequisite to a separate retail wine license or wine by the drink license for sales at locations other than the winery's original licensed premises. Session Law Chapter No. 87	89	112	207
1380	State Affairs	S Com/HuRes	PUBLIC HOUSING PROTECTION ACT - Adds to existing law relating to the Public Housing Protection Act.	89	-	92
1381	Judiciary and Rules	H Rev/Tax	REVENUE AND TAXATION - Adds to existing law relating to revenue and taxation to provide for annual review of certain exemptions and for the expiration of certain exemptions.....	89	112	112
1382	Judiciary and Rules	LAW	DE FACTO CUSTODIANS - Adds to and amends existing law relating to de facto custodians to provide for de facto custodians; to provide that de facto custodians may initiate proceedings for the appointment of a guardian; and to revise provisions relating to the recognition of de facto custodians relating to standing in certain proceedings. Amended in the Senate	89 133	- 146	229

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Senate Bill	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
1383	Judiciary and Rules	LAW	JUDGMENT AND SENTENCE - SUSPENSION - Amends existing law relating to the suspension of judgment and sentence to extend the period of time the court retains jurisdiction over a prisoner and to provide that the State Board of Correction shall be responsible for determining the appropriate placement, education, programming and treatment of prisoners during the period of retained jurisdiction. Amended in the Senate	93 133	- 146	230
1384	Judiciary and Rules	LAW	STATE PENITENTIARY - Amends existing law relating to the state penitentiary to revise provisions relating to the justifiable killing or wounding of a prisoner in a state penitentiary or in certain private prison facilities; to revise provisions relating to the duties of the state Director of Correction in private prison facilities; to provide that certain contracts between the State Board of Correction and a private prison contractor shall contain certain terms; and to revise provisions relating to the powers and responsibilities of the Director of the Idaho Department of Correction when acting as the chief contract monitor of the private prison contract..... Session Law Chapter No. 351	93	134	230
1385	Judiciary and Rules	LAW	RAPE - Amends existing law to revise the circumstances that constitute rape and male rape. Session Law Chapter No. 352	100	142	230
1386	State Affairs	S St Aff	RIGHT TO WORK - Adds to existing law relating to right to work to provide that, in regard to contracts for certain public works, the state or any political subdivision shall not require certain payment to certain employees and to provide that, in regard to contracts for certain public works, the state or any political subdivision shall not require that a contractor, subcontractor, material supplier or carrier engaged in public works become a party to certain agreements.	104	-	106
1387	State Affairs	S St Aff	LABOR ORGANIZATIONS - Adds to and amends existing law relating to labor organizations; to prohibit certain activities relating to labor organizations; to provide for violations and penalties; and to provide for challenges by interested parties.	104	-	106
1388	Finance	LAW	APPROPRIATIONS - PUBLIC UTILITIES COMMISSION - Appropriates \$5,142,600 to the Public Utilities Commission for fiscal year 2011; and limits the number of full-time equivalent positions to 49..... Session Law Chapter No. 47	107	122	166
1389	Judiciary and Rules	H Transp	MOTOR VEHICLES - RULES OF THE ROAD - Amends and adds to existing law relating to vehicles and rules of the road to define "low-speed vehicle"; to define "medium-speed electric vehicle"; to provide for the restricted use of low-speed vehicles; and to provide for the restricted use of medium-speed electric vehicles. Amended in the Senate	107 160	- 172	173

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Senate Bill	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
1390	Judiciary and Rules	LAW	AUTOMATED EXTERNAL DEFIBRILLATOR - Amends existing law relating to immunity for use of automated external defibrillators to delete provisions relating to immunity from civil damages for certain persons or entities who acquire or maintain a defibrillator. Session Law Chapter No. 344	107	142	230
1391	Judiciary and Rules	S Health/Wel	EMERGENCY MEDICAL SERVICES SYSTEM AUTHORITIES - Adds to, amends and repeals existing law related to emergency medical services system authorities.	107	-	110
1392	Finance	LAW	APPROPRIATIONS - DEPARTMENT OF INSURANCE - Appropriates \$7,150,500 to the Department of Insurance for fiscal year 2011; and limits the number of authorized full-time equivalent positions to 72..... Session Law Chapter No. 70	111	126	187
1393	Finance	LAW	APPROPRIATIONS - INDUSTRIAL COMMISSION - Appropriates \$17,002,400 to the Idaho Industrial Commission for fiscal year 2011; and limits the number of authorized full-time equivalent positions to 138..... Session Law Chapter No. 76	111	126	187
1394	Finance	LAW	APPROPRIATIONS - LAVA HOT SPRINGS FOUNDATION - Appropriates \$2,161,000 to the Lava Hot Springs Foundation for fiscal year 2011; and limits the number of full-time equivalent positions to 13.8. Session Law Chapter No. 75	111	126	187
1395	Finance	LAW	APPROPRIATIONS - ENDOWMENT FUND INVESTMENT BOARD - Appropriates \$600,000 to the Endowment Fund Investment Board for fiscal year 2011; limits the number of full-time equivalent positions to 4; provides a continuous appropriation for consulting fees, bank custodial fees, and portfolio related costs; and provides legislative intent regarding the transfer of moneys from the various earnings reserve funds to the income funds..... Session Law Chapter No. 74	111	127	187
1396	Finance	LAW	APPROPRIATIONS - ENERGY RESOURCES OFFICE - Appropriates \$2,847,000 to the Office of Energy Resources for fiscal year 2011; limits the number of full-time equivalent positions to 18; and reappropriates certain moneys from fiscal year 2010. Session Law Chapter No. 73	111	127	187
1397	Judiciary and Rules	H Transp	MOTOR VEHICLE DRIVER'S LICENSES - Amends existing law relating to driver's licenses to provide that a physician who has reason to believe that an individual is incompetent to drive a motor vehicle may submit a report and to provide that if a physician submits a report in good faith, no professional disciplinary procedure, no monetary liability and no cause of action may arise against the physician for submission of the report. Amended in the Senate	115 160	- 173	173
1398	Judiciary and Rules	LAW	MOTOR VEHICLES - CRIMES - PUNISHMENT - Amends existing law relating to motor vehicles and crimes and punishment to revise certain penalty provisions. Session Law Chapter No. 331	115	142	230

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Senate Bill	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
1399	Judiciary and Rules	LAW	PHYSICIANS AND SURGEONS - Adds to existing law relating to physicians and surgeons to provide no physician-patient relationship for certain informal consultations. Session Law Chapter No. 353	115	134	230
1400	State Affairs	LAW	DISTRICT BOARDS OF HEALTH - APPOINTEES - Amends existing law to provide that if a board member of a Public Health District is an appointee for a Board of County Commissioners, and if that board member is an elected County Commissioner and leaves office prior to the expiration of the term on the District Board of Health, the Board of County Commissioners may declare the position vacant and may appoint another currently elected County Commissioner to fill the unexpired portion of the term of that board member. Session Law Chapter No. 287	120	158	229
1401	State Affairs	LAW	CONSTRUCTION OF PUBLIC PROJECTS - Amends existing law to revise prequalification requirements for construction of public projects when the Department of Administration and the respective state agency deem it in the best interest of the state and to revise prequalification provisions. Amended in the Senate.	121 171	- 181	230
1402	Finance	LAW	APPROPRIATIONS - LEGISLATIVE COUNCIL - Reduces the appropriation to the Legislative Council by \$411,400 for fiscal year 2010; limits General Fund transfers to the Legislative Fund to \$5,905,100 for fiscal year 2010; appropriates an additional \$40,000 to the Legislative Council for fiscal year 2010; appropriates \$7,001,600 to the Legislative Council for fiscal year 2011; provides for reappropriation for dedicated funds and a transfer between dedicated funds; and limits General Fund transfers to the Legislative Fund to \$5,905,100 for fiscal year 2011. Session Law Chapter No. 226	123	142	229
1403	Judiciary and Rules	LAW	FIRE PROTECTION BOARD - Amends existing law relating to the Fire Protection Board to delete certain residence requirements relating to Fire Protection District Commissioners and to revise provisions relating to when the oath of office of Fire Protection Commissioners shall be taken. Amended in the House (See House Journal)	124	172 226	230
1404	Finance	LAW	APPROPRIATIONS - ATTORNEY GENERAL - Reduces the appropriation to the Attorney General by \$1,213,000 for fiscal year 2010; appropriates \$17,545,200 to the Attorney General for fiscal year 2011; limits the authorized full-time equivalent positions to 207.15; and exempts the Attorney General from certain appropriation transfer limitations for fiscal year 2011. Session Law Chapter No. 227	129	147	229

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Senate Bill	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
1405	Finance	LAW	<p>APPROPRIATIONS - MILITARY DIVISION - Reduces the appropriation to the Military Division by \$373,600 for fiscal year 2010; appropriates \$56,328,400 to the Military Division for fiscal year 2011; limits the number of full-time equivalent positions to 235.8; and grants a continuing appropriation for the Bureau of Homeland Security's Miscellaneous Revenue Fund.</p> <p>Session Law Chapter No. 228</p>	129	147	229
1406	Finance	LAW	<p>APPROPRIATIONS - STATE APPELLATE PUBLIC DEFENDER - Reduces the appropriation to the Office of the State Appellate Public Defender by \$159,300 for fiscal year 2010; appropriates \$1,954,800 to the Office of the State Appellate Public Defender for fiscal year 2011; and limits authorized full-time equivalent positions to 22.</p> <p>Session Law Chapter No. 229</p>	129	147	229
1407	Finance	LAW	<p>COMPREHENSIVE AQUIFER PLANNING AND MANAGEMENT EFFORT - Amends existing law relating to the comprehensive aquifer planning and management effort to provide for the creation of the Secondary Aquifer Planning, Management and Implementation Fund in the state treasury and to provide for continuous appropriation of moneys in the secondary fund to the Water Resource Board for the payment of specified costs, expenditures and water projects.</p> <p>Amended in the House (See House Journal)</p>	132	172 226	230
1408	State Affairs	LAW	<p>ABSENTEE BALLOTS - Amends existing law to revise procedures for application for absentee ballots; and to revise procedures for issuance of absentee ballots.</p> <p>Session Law Chapter No. 332</p>	132	171	230
1409	Finance	LAW	<p>APPROPRIATIONS - OFFICE OF STATE BOARD OF EDUCATION - Reducing the appropriation to the State Board of Education by \$198,700 for fiscal year 2010; appropriating an additional \$38,600 to the Office of the State Board of Education for fiscal year 2010; appropriates \$3,450,600 to the State Board of Education for fiscal year 2011; and limits the number of authorized full-time equivalent positions to 21.25.</p> <p>Session Law Chapter No. 241</p>	140	165	229
1410	Finance	LAW	<p>APPROPRIATIONS - COMMISSION FOR PARDONS AND PAROLE - Reduces the appropriation to the Commission for Pardons and Parole by \$155,000 for fiscal year 2010; appropriates \$2,099,100 for fiscal year 2011; authorizes 32 full-time equivalent positions; exempts the commission from certain appropriation transfer limitations for fiscal year 2010; and exempts the commission from certain appropriation transfer limitations for fiscal year 2011.</p> <p>Session Law Chapter No. 242</p>	140	168	229

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Senate Bill	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
1411	State Affairs	H W/M	EXTRA LARGE POULTRY AND SWINE CONFINED ANIMAL FEEDING OPERATIONS - CONTROL AND SITING - Adds to and repeals existing law to establish the Poultry Environmental Control Act, the Swine Environmental Control Act and the Local Option Extra Large Swine Operations and Extra Large Poultry Operations Siting Act..... Amended in the Senate	140 160	- 181	181
1412	Finance	LAW	APPROPRIATIONS - DEPARTMENT OF AGRICULTURE - Reduces \$512,100 from the fiscal year 2010 appropriation to the Department of Agriculture; appropriates an additional \$38,400 to the Department of Agriculture for fiscal year 2010; appropriates \$34,672,100 to the Department of Agriculture for fiscal year 2011; limits the number of authorized full-time equivalent positions to 194.68; and directs the transfer of funds to the Invasive Species Fund..... Session Law Chapter No. 230	144	171	229
1413	Finance	LAW	APPROPRIATIONS - AG. RESEARCH AND EXTENSION SERVICE - Reduces the appropriation to the Agricultural Research and Extension Service by \$1,935,900 for fiscal year 2010; and appropriates \$22,609,000 to the Agricultural Research and Extension Service for fiscal year 2011..... Session Law Chapter No. 231	144	172	229
1414	Judiciary and Rules	S Jud	GRANDPARENT VISITATION - Repeals and adds to existing law relating to grandparent visitation to provide for petitions for visitation by grandparents and great-grandparents, to provide a rebuttable presumption, to provide a standard of proof, and to provide for consideration of the best interests of the child.	144	-	150
1415	Finance	LAW	APPROPRIATIONS - STATE BOARD OF EDUCATION, COMMUNITY COLLEGES - Reduces the appropriation for Community Colleges by \$1,973,100 for fiscal year 2010; and appropriates \$25,027,800 for Community Colleges for fiscal year 2011..... Session Law Chapter No. 232	152	172	229
1416	Finance	LAW	APPROPRIATIONS - SUPERINTENDENT OF PUBLIC INSTRUCTION - Reduces the appropriation to the Superintendent of Public Instruction by \$502,300 for fiscal year 2010; appropriates \$33,631,100 and 130 full-time equivalent positions to the Superintendent of Public Instruction for fiscal year 2011; and provides legislative intent with regard to the longitudinal data system..... Session Law Chapter No. 233	152	172	229
1417	Finance	LAW	APPROPRIATIONS - EDUCATIONAL PUBLIC BROADCASTING - Reduces the appropriation to the Idaho Educational Public Broadcasting System by \$141,000 for fiscal year 2010; appropriates \$2,413,900 to the Idaho Educational Public Broadcasting System for fiscal year 2011; and limits the number of full-time equivalent positions to 33..... Session Law Chapter No. 288	152	179	230

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Senate Bill	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
1418	Finance	LAW	<p>APPROPRIATIONS - PUBLIC SCHOOLS - Amends existing law to revise the fiscal year 2010 appropriation to Public Schools; appropriates \$1,582,328,500 to Public Schools for fiscal year 2011; provides expenditures for certain programs; amends existing law to reduce base and minimum salaries; provides that the funds from the School District Building Account be used as discretionary funds; amends existing law to restrict movement on the multiplier table for experience and education; amends existing law to revise specific transportation costs as nonreimbursable; provides that certain provisions of Idaho Code are met for all school districts; and provides carryover of certain unexpended funds.</p> <p>Session Law Chapter No. 234</p>	152	174	229
1419	Finance	LAW	<p>APPROPRIATIONS - COLLEGE AND UNIVERSITIES - Reduces the appropriation for college and universities by \$29,206,600 for fiscal year 2010; appropriates \$377,686,300 for college and universities for fiscal year 2011; reappropriates certain unexpended and unencumbered balances for fiscal year 2011; establishes amounts to be expended for systemwide programs for fiscal year 2011; and expresses intent with regard to allocation and expenditure of American Recovery and Reinvestment Act moneys for fiscal year 2011.</p> <p>Session Law Chapter No. 338</p>	157	185	230
1420	Finance	LAW	<p>APPROPRIATIONS - DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION - Repeals Section 5, Chapter 248, Laws of 2009; reduces the appropriation for the Division of Professional-Technical Education by \$3,250,800 for fiscal year 2010; appropriates \$57,908,900 for the Division of Professional-Technical Education for fiscal year 2011; reappropriates certain unexpended and unencumbered balances for fiscal year 2011; and provides legislative intent regarding federal funds and state maintenance of effort.</p> <p>Session Law Chapter No. 339</p>	157	185	230
1421	State Affairs	S Educ	<p>PUBLIC CHARTER SCHOOLS - Amends existing law relating to public charter schools to provide for legal sufficiency reviews relating to petitions to establish new public charter schools, to provide for notice and training and to clarify that petition submissions shall occur following legal sufficiency reviews.</p>	157	-	166
1422	State Affairs	LAW	<p>EDUCATION - Amends existing law relating to education to provide that in certain fiscal years the board of trustees of any school district with a previously approved plant facilities levy may submit to the qualified electors of the school district the question of converting a previously approved plant facilities levy to a supplemental levy, subject to certain conditions and requirements, and to provide for a question to be submitted.</p> <p>Session Law Chapter No. 326</p>	157	193	230

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Senate Bill	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
1423	Finance	LAW	APPROPRIATIONS - DIVISION OF FINANCIAL MANAGEMENT - Reduces the appropriation to the Division of Financial Management for fiscal year 2010 by \$117,800; appropriates \$1,403,500 to the Division of Financial Management for fiscal year 2011; and limits the number of authorized full-time equivalent positions to 18..... Session Law Chapter No. 340	167	185	230
1424	Finance	LAW	APPROPRIATIONS - EXECUTIVE OFFICE OF THE GOVERNOR - Reduces the fiscal year 2010 appropriation to the Executive Office of the Governor by \$136,300; appropriates \$1,884,800 to the Executive Office of the Governor for fiscal year 2011; and limits the authorized full-time equivalent positions to 26..... Session Law Chapter No. 341	167	185	230
1425	State Affairs	LAW	STATE OFFICES - Amends existing law to revise provisions regarding vacancies in state offices and appointments to those offices and Senate confirmation. Session Law Chapter No. 335	167	179	230
1426	Finance	LAW	APPROPRIATIONS - IDAHO TRANSPORTATION DEPARTMENT - Appropriates \$483,657,200 to the Idaho Transportation Department; limits the number of full-time equivalent positions to 1,826.50; expresses intent with regard to certain transfers being continuously appropriated; reappropriates certain balances for Contract Construction and Right-of-Way Acquisition; reappropriates certain balances for Airport Development Grants; authorizes the transfer of moneys to the Tourism and Promotion Fund; and reappropriates certain balances of Title XII and Title XIV American Recovery and Reinvestment Act of 2009 funds..... Session Law Chapter No. 328	167	185	230
1427	Finance	LAW	HIGHWAY PROJECTS - GARVEE BONDING AUTHORITY - Provides bonding authority in a principal amount to finance \$12,000,000 of highway transportation projects and to provide intent language regarding the use of bond proceeds. Session Law Chapter No. 334	167	185	230
1428	Finance	LAW	APPROPRIATIONS - DIVISION OF VOCATIONAL REHABILITATION - Reduces the appropriation to the Division of Vocational Rehabilitation by \$904,400 for fiscal year 2010; appropriates \$23,172,500 to the Division of Vocational Rehabilitation for fiscal year 2011; and limits the number of full-time equivalent positions to 151..... Session Law Chapter No. 289	178	200	230
1429	Finance	LAW	APPROPRIATIONS - IDAHO COMMISSION FOR LIBRARIES - Reduces the appropriation to the Idaho Commission for Libraries by \$291,700 for fiscal year 2010; appropriates \$4,352,000 to the Idaho Commission for Libraries for fiscal year 2011; limits the number of full-time equivalent positions to 41.5; provides legislative intent on restoring one-time savings; and allows flexibility in dealing with reduced appropriations for fiscal year 2011..... Session Law Chapter No. 290	178	200	230

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Senate Bill	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
1430	Finance	LAW	APPROPRIATIONS - COMMISSION ON HISPANIC AFFAIRS - Reduces the appropriation to the Commission on Hispanic Affairs by \$9,800 for fiscal year 2010; appropriates \$291,400 to the Commission on Hispanic Affairs for fiscal year 2011; and limits the number of full-time equivalent positions to 3..... Session Law Chapter No. 291	178	201	229
1431	Finance	LAW	APPROPRIATIONS - PUBLIC HEALTH TRUST FUND - Reduces the appropriation for the Public Health Trust Fund and the transfer from the General Fund by \$703,500 for fiscal year 2010; and appropriates and transfers \$8,319,500 from the General Fund to the Public Health Trust Fund for fiscal year 2011..... Session Law Chapter No. 292	178	201	229
1432	Finance	LAW	APPROPRIATIONS - COMMISSION ON AGING - Reduces the appropriation for the Commission on Aging by \$386,500 for fiscal year 2010; appropriates \$13,397,500 for the Commission on Aging for fiscal year 2011; and limits the number of full-time equivalent positions to 15.35..... Session Law Chapter No. 314	178	201	230
1433	Finance	LAW	APPROPRIATIONS - DEPARTMENT OF HEALTH AND WELFARE - INDEPENDENT COUNCILS - Reduces the appropriation for the Department of Health and Welfare for the Independent Councils by \$18,400 for fiscal year 2010; provides additional appropriations of \$350,000 for the Department of Health and Welfare for the Domestic Violence Council for fiscal year 2010; appropriates \$4,324,000 to the Department of Health and Welfare for the Independent Councils for fiscal year 2011; provides that the State Controller shall make transfers from the General Fund; limits the number of full-time equivalent positions for the Independent Councils; provides legislative intent for the education stipend for Department of Health and Welfare employees; allows transfers between personnel costs and operating expenditures; and provides legislative intent for program integrity..... Session Law Chapter No. 315	178	201	230
1434	Finance	LAW	APPROPRIATIONS - DEPARTMENT OF HEALTH AND WELFARE - PSYCHIATRIC HOSPITALIZATION - Reduces the appropriation to the Department of Health and Welfare by \$1,224,900 for psychiatric hospitalization in fiscal year 2010; appropriates \$28,368,800 to the Department of Health and Welfare for psychiatric hospitalization for fiscal year 2011; limits the number of full-time equivalent positions to 371.61; provides that the State Controller shall make transfers from the General Fund; directs that funds for trustee and benefit payments shall not be transferred; provides legislative intent for the education stipend for Department of Health and Welfare employees; allows transfers between personnel costs and operating expenditures; and provides legislative intent on program integrity. Session Law Chapter No. 316	178	202	230

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Senate Bill	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
1435	Finance	LAW	<p>APPROPRIATIONS - DEPARTMENT OF HEALTH AND WELFARE - SUBSTANCE ABUSE TREATMENT AND PREVENTION - Reduces the appropriation to the Department of Health and Welfare by \$946,000 for substance abuse treatment and prevention for fiscal year 2010; appropriates additional moneys to the Department of Health and Welfare by \$150,000 for substance abuse treatment and prevention for fiscal year 2010; appropriates \$26,135,500 to the Department of Health and Welfare for substance abuse treatment and prevention for fiscal year 2011; limits the number of full-time equivalent positions; provides that the State Controller shall make transfers from the General Fund; directs that funds for trustee and benefit payments shall not be transferred; provides legislative intent for the education stipend for Department of Health and Welfare employees; allows transfers between personnel costs and operating expenditures; provides legislative intent for program integrity; directs expenditures for GAIN provider training; and directs expenditures for a statewide media campaign for underage drinking.....</p> <p>Session Law Chapter No. 317</p>	178	202	230
1436	Finance	LAW	<p>APPROPRIATIONS - MILLENNIUM FUND - Reduces the appropriation to the American Lung Association by \$11,000 for fiscal year 2010; appropriates to the Commission on Hispanic Affairs \$11,000 for fiscal year 2010; appropriates \$2,325,000 from the Idaho Millennium Income Fund and directs the State Controller to transfer moneys for the purposes and programs specified for fiscal year 2011; appropriates \$1,041,900 from the Idaho Millennium Income Fund to the State Treasurer for the purposes and programs specified for fiscal year 2011; directs the State Controller to transfer \$220,800 from the Idaho Millennium Income Fund to the Idaho Millennium Fund; and provides that certain unexpended and unencumbered moneys shall be reverted to the Idaho Millennium Income Fund.</p> <p>Session Law Chapter No. 318</p>	183	209	230
1437	Finance	LAW	<p>APPROPRIATIONS - COMMISSION ON THE ARTS - Reducing the appropriation to the Commission on the Arts by \$65,800 for fiscal year 2010; appropriates \$150,000 to the Commission on the Arts for fiscal year 2010; appropriates \$1,748,600 to the Office of the Governor for the Commission on the Arts for fiscal year 2011; and limits the number of full-time equivalent positions to 10.....</p> <p>Session Law Chapter No. 319</p>	184	209	230
1438	Finance	LAW	<p>APPROPRIATIONS - HEALTH EDUCATION PROGRAMS - STATE BOARD OF EDUCATION - Reduces the appropriation for Health Education Programs by \$695,900 for fiscal year 2010; appropriates additional moneys for Health Education Programs by \$657,900 for fiscal year 2010; appropriates \$10,625,100 for Health Education Programs for fiscal year 2011; limits the number of full-time equivalent positions to 20.50; provides for reappropriation of dedicated funds; exempts Health Education Programs from certain appropriation transfer limitations; and provides legislative intent on health education student seats.....</p> <p>Session Law Chapter No. 320</p>	184	209	230

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Senate Bill	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
1439	Finance	LAW	APPROPRIATIONS - STATE LIQUOR DIVISION - Appropriates \$15,692,300 to the State Liquor Division for fiscal year 2011; limits the number of full-time equivalent positions to 203; reappropriates certain fund balances; and amends the Laws of 2009 to revise a certain date..... Session Law Chapter No. 321	184	208	230
1440	Finance	LAW	APPROPRIATIONS - DEPARTMENT OF LABOR - Reduces the appropriation to the Department of Labor by \$200,000 for fiscal year 2010; appropriates \$200,000 to the Department of Labor for fiscal year 2010; provides authorization for \$2,304,400 for the payment of expenses incurred for the administration of the Unemployment Insurance and Employment Services Program for fiscal year 2011; appropriates \$4,025,500 to the Department of Labor for fiscal year 2011; and limits the number of full-time equivalent positions to 25..... Session Law Chapter No. 322	184	208	230
1441	Finance	LAW	APPROPRIATIONS - HUMAN RIGHTS COMMISSION - Reduces the appropriation to the Human Rights Commission by \$54,700 for fiscal year 2010; and appropriates \$7,000 for fiscal year 2010..... Session Law Chapter No. 323	184	208	230
1442	Finance	LAW	APPROPRIATIONS - CATASTROPHIC HEALTH CARE COST FUND - Appropriates \$14,000,000 to the Catastrophic Health Care Fund for fiscal year 2010; and appropriates \$18,271,200 to the Catastrophic Health Care Fund for fiscal year 2011..... Session Law Chapter No. 324	184	209	230
1443	Finance	LAW	APPROPRIATIONS - STATE INDEPENDENT LIVING COUNCIL - Reduces the appropriation to the State Independent Living Council by \$9,900 for fiscal year 2010; directs the State Controller to make a transfer from the General Fund to the State Independent Living Council; and appropriates \$986,800 to the State Independent Living Council for fiscal year 2011..... Session Law Chapter No. 325	184	210	230
1444	Finance	LAW	APPROPRIATIONS - BOARD OF EDUCATION - COLLEGE AND UNIVERSITIES - Appropriating an additional \$729,900 to the College and Universities for fiscal year 2010..... Session Law Chapter No. 327	193	218	230
1445	Finance	LAW	APPROPRIATIONS - FISCAL YEAR 2010 YEAR-END TRANSFERS - FISCAL YEAR 2011 TRANSFERS - Authorizes the transfer of Economic Recovery Reserve Fund moneys, Budget Stabilization Fund moneys, and other dedicated fund moneys to the General Fund in fiscal year 2010; authorizes the transfer of Budget Stabilization Fund moneys and Economic Recovery Reserve Fund moneys to the General Fund in fiscal year 2011; authorizes the transfer of Budget Stabilization Fund moneys, Economic Recovery Reserve Fund moneys, and Permanent Building Fund moneys to the General Fund in fiscal year 2010 under certain conditions..... Session Law Chapter No. 333	207	221	230

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SECTION VI

SENATE JOINT RESOLUTIONS

Senate Joint Resolution	Introduced by	Final Action	Subject Matter	Intro- duction Page	Senate Vote Page	Final Disp. Page
102	State Affairs	H St Aff	DISPOSITION OF PUBLIC LANDS - Proposing an amendment to Section 8, Article IX, of the Constitution of the state of Idaho relating to the location and disposition of public lands; to provide that the Legislature shall provide by law for the sale or other disposition of state lands at public auction or through such other means a prudent investor would use while considering the purposes and terms of the trust and while exercising reasonable care, skill and caution; and to remove a restriction prohibiting the sale of more than three hundred and twenty acres of land to any one individual, company or corporation.....	166	181	181
103	State Affairs	H St Aff	UNIVERSITY LAND - Proposing an amendment to the Constitution of the State of Idaho relating to the sale of university lands to provide that no university lands shall be sold for less than the appraised price, rather than for less than ten dollars per acre; and to delete a restriction prohibiting the sale of more than one hundred and sixty acres of university lands, to any one person, company or corporation.....	166	181	181

SECTION VII

SENATE JOINT MEMORIALS

Senate Joint Memorial	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
103	Education	ADOPTED	INDIVIDUALS WITH DISABILITIES EDUCATION ACT - Stating findings of the Legislature and urging the President of the United States, Congress and the United States Secretary of Education to fully fund forty percent of the costs of the Individuals with Disabilities Education Act.	54	78	123
104	Agricultural Affairs	ADOPTED	HORSES - Stating findings of the Legislature and urging Congress to oppose federal legislation that interferes with a state's ability to direct the transport or processing of horses and encouraging Congress to discontinue language in the yearly appropriations bills that has effectively ended processing of horses in the United States.	68	88	229
105	State Affairs	ADOPTED	EQUAL ACCESS TO JUSTICE ACT - Stating the findings of the Legislature urging the President to undertake an immediate and thorough review of federal expenditures under the Equal Access to Justice Act and other fee shifting statutes and to reinstate reporting requirements.....	91	99	229
106	State Affairs	ADOPTED	HEALTH INSURANCE - MANDATE - Stating findings of the Legislature urging Congress to take action forthwith to amend the United States Constitution by adding a Twenty-eighth Amendment to provide that Congress shall make no law requiring citizens of the United States to enroll in, participate in or secure health care insurance or to penalize any citizen who declines to purchase or participate in any health care insurance program.....	211	215	229

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SECTION VIII

SENATE RESOLUTIONS

Senate Resolution	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
101	Schroeder	S Jud	SENATE RULE 42 - Stating findings of the Legislature and amending Rule 42 of the Rules of the Senate relating to consideration of gubernatorial appointments.	12	-	12
102	McGee	ADOPTED	COLLEGE OF IDAHO DAY - Stating findings of the Senate and honoring and commending The College of Idaho for contributions to the state and declaring The College of Idaho Day.	21	22	22

SECTION IX

SENATE PROCLAMATIONS

Senate Proclamation	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
102	Agricultural Affairs	ADOPTED	MISS IDAHO - Stating findings of the Legislature and commending Kara Jackson for tirelessly promoting the importance of Idaho agriculture, for serving as an outstanding role model to Idaho students and for her continued efforts as an ambassador for Idaho and agriculture.	63	78	96
103	State Affairs	ADOPTED	ROSE CLAIRE HART WETHERELL - Stating findings of the Legislature and honoring and commending Rose Claire Hart Wetherell for her years of service to the Legislature of the State of Idaho and for her humanitarian and philanthropic endeavors.	139	144	144

SECTION X

SENATE CONCURRENT RESOLUTIONS

Senate Concurrent Resolution	Introduced by	Final Action	Subject Matter	Intro- duction Page	Senate Vote Page	Final Disp. Page
113	McGee	ADOPTED	IDAHO CHILDREN AND NATURE NETWORK - Stating findings of the Legislature and commending the Idaho Children and Nature Network.	26	57	228
114	Schroeder	S Health/Wel	RULES - REJECTED - Stating findings of the Legislature and rejecting a certain rule of the Public Health Districts relating to rules of Idaho Public Health District No. 1.	26	-	29
115	State Affairs	ADOPTED	CAPITOL BUILDING - Stating findings of the Legislature and expressing gratitude and recognizing all persons and entities that worked on and were associated with the renovation of the Capitol Building of the state of Idaho.	63	78	228
116	Resources and Environment	S Res/Env	RULES - REJECTED - Stating findings of the Legislature and rejecting a certain final rule of the Idaho Department of Fish and Game relating to Rules Governing Classification and Protection of Wildlife.	68	-	73
117	Health and Welfare	S Health/Wel	RULES - REJECTED - Stating findings of the Legislature and rejecting a certain rule of the Department of Health and Welfare relating to rules governing certified family homes.	71	-	73
118	Resources and Environment	ADOPTED	WOLVES - Stating the findings of the Legislature and strongly encouraging and urging the Idaho Department of Fish and Game and the Governor's Office of Species Conservation to take the lead in arranging meetings with similar agencies in other states to establish, through dialogue, cooperative and collaborative efforts in addressing issues relating to wolf management and control.	71	96	229
119	Judiciary and Rules	ADOPTED	RULES - REJECTED - Stating findings of the Legislature and rejecting a certain rule of the Division of Building Safety relating to rules of building safety.	79	88	228
120	State Affairs	ADOPTED	RULES - REJECTED - Stating findings of the Legislature and rejecting a certain rule of the Division of Building Safety relating to rules governing plumbing safety licensing.	87	96	228
121	Judiciary and Rules	ADOPTED	TRANSPORTATION DEPARTMENT - Stating findings of the Legislature and rejecting a certain rule of the Transportation Department relating to Rules Governing License Plate Provisions.	88	99	123
122	Resources and Environment	ADOPTED	RULES - Stating findings of the Legislature and rejecting a certain rule of the Department of Fish and Game relating to rules governing fish.	90	99	123
123	Judiciary and Rules	H Agric Aff	VETERINARY MEDICINE BOARD - Stating findings of the Legislature and rejecting a certain rule of the Veterinary Medicine Board relating to rules of the state of Idaho Board of Veterinary Medicine.	91	99	99
124	Judiciary and Rules	H Agric Aff	RULES - REJECTED - Stating findings of the Legislature and rejecting certain rules of the Department of Agriculture relating to rules of the Department of Agriculture governing retail raw milk.	91	99	99

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Senate Concurrent Resolution	Introduced by	Final Action	Subject Matter	Intro- duction Page	Senate Vote Page	Final Disp. Page
125	State Affairs	ADOPTED	FEE RULES - Stating findings of the Legislature and approving administrative rules that impose a fee or charge, with stated exceptions, and rejecting certain agency rules that are not approved.	175	193	229
126	State Affairs	ADOPTED	ADMINISTRATIVE RULES - TEMPORARY - Stating findings of the Legislature and approving and extending temporary rules reviewed by the Legislature.	175	193	229
127	Finance	ADOPTED	BUNKER HILL SUPERFUND SITE - ENVIRONMENTAL PROTECTION AGENCY - Stating the findings of the Legislature and resolving that the citizenry and the State of Idaho have ample opportunity to provide substantive review and comment on any Records of Decision or amendment proposed by the United States Environmental Protection Agency for the Bunker Hill Superfund Site.	191	215	229

SENATE INDEX

SECTION XI

ENROLLED 2010 SENATE BILLS

WITH EFFECTIVE DATE AND SESSION LAW CHAPTER NUMBER CITED

Senate Bill No.	Session Laws Chapter No.	Introduced by	Signed by Governor	Effective Date(s)
1247	72	Commerce and Human Resources	03/24/2010	01/01/10
1248	212	Commerce and Human Resources	03/31/2010	07/01/2010
1250	213	Commerce and Human Resources	03/31/2010	07/01/2010
1251	214	Commerce and Human Resources	03/31/2010	07/01/2010
1252, aa	80	Commerce and Human Resources	03/24/2010	07/01/2010
1253	26	Judiciary and Rules	03/04/2010	07/01/2010
1254	27	Judiciary and Rules	03/04/2010	07/01/2010
1255	28	Judiciary and Rules	03/04/2010	07/01/2010
1256	34	Judiciary and Rules	03/04/2010	07/01/2010
1257	35	Judiciary and Rules	03/04/2010	07/01/2010
1265	38	Resources and Environment	03/09/2010	07/01/2010
1266	39	Resources and Environment	03/09/2010	07/01/2010
1267	40	Judiciary and Rules	03/09/2010	11/01/10
1268	1	Finance	02/11/2010	02/11/10
1282	53	Resources and Environment	03/18/2010	07/01/2010
1283	52	Resources and Environment	03/18/2010	07/01/2010
1284	51	Resources and Environment	03/18/2010	07/01/2010
1285	50	Resources and Environment	03/18/2010	07/01/2010
1286	82	Resources and Environment	03/25/2010	07/01/2010
1287	41	Judiciary and Rules	03/09/2010	07/01/2010
1292	8	Finance	02/18/2010	02/18/10
1293	9	Finance	02/18/2010	02/18/10
1294	13	Finance	02/24/2010	02/24/10
1296	49	Transportation	03/18/2010	07/01/2010
1297	36	Transportation	03/04/2010	07/01/2010
1299	79	State Affairs	03/24/2010	07/01/10; 07/01/14 Sunset Clause - Sections 20 & 21
1301	346	Health and Welfare	04/12/2010	07/01/2010
1302	17	Finance	02/24/2010	02/24/10
1305, aa	215	Education	03/31/2010	01/01/11
1306	42	Education	03/09/2010	01/01/11
1307	18	Finance	02/26/2010	02/26/10
1308	43	Judiciary and Rules	03/09/2010	07/01/2010
1310	347	Health and Welfare	04/12/2010	07/01/2010

Senate Bill No.	Session Laws Chapter No.	Introduced by	Signed by Governor	Effective Date(s)
1311, aa	330	Transportation	04/12/2010	07/01/2010
1312	216	Judiciary and Rules	03/31/2010	07/01/2010
1313	88	Health and Welfare	03/25/2010	07/01/2010
1314	89	Health and Welfare	03/25/2010	07/01/2010
1315	78	Health and Welfare	03/24/2010	07/01/2010
1316	55	Agricultural Affairs	03/18/2010	07/01/2010
1320, aa	348	Health and Welfare	04/12/2010	04/12/10
1321	90	Health and Welfare	03/25/2010	07/01/2010
1323	217	Commerce and Human Resources	03/31/2010	07/01/2010
1324	218	Commerce and Human Resources	03/31/2010	07/01/2010
1325	219	Commerce and Human Resources	03/31/2010	07/01/2010
1327	238	Commerce and Human Resources	04/08/2010	07/01/2010
1328	83	Resources and Environment	03/25/2010	07/01/2010
1329	71	Judiciary and Rules	03/24/2010	07/01/2010
1330, aa	235	Judiciary and Rules	04/06/2010	07/01/2010
1332	48	Agricultural Affairs	03/18/2010	07/01/2010
1335, aaH	336	Health and Welfare	04/12/2010	07/01/2010
1338	54	Education	03/18/2010	07/01/2010
1339	84	Health and Welfare	03/25/2010	07/01/2010
1340, aa	349	Judiciary and Rules	04/12/2010	07/01/2010
1342	85	Resources and Environment	03/25/2010	07/01/2010
1344, aa	342	Agricultural Affairs	04/12/2010	07/01/2010
1345, aa	239	Agricultural Affairs	04/08/2010	07/01/2010
1346, aa	343	Agricultural Affairs	04/12/2010	07/01/2010
1353	127	State Affairs	law w/o signature	07/01/2010
1354, aaH	220	State Affairs	03/31/2010	07/01/2010
1355	91	Resources and Environment	03/25/2010	07/01/2010
1357	243	Transportation	04/08/2010	07/01/2010
1359	221	Transportation	03/31/2010	07/01/2010
1361, aa	329	Transportation	04/12/2010	01/01/11
1365, aa	240	Education	04/08/2010	07/01/2010
1366, aa	222	Education	03/31/2010	07/01/2010
1367	77	Education	03/24/2010	07/01/2010
1370	223	Judiciary and Rules	03/31/2010	03/31/10
1371	86	Judiciary and Rules	03/25/2010	07/01/2010
1375, aa	237	State Affairs	04/08/2010	07/01/2010
1376, aaH	224	State Affairs	03/31/2010	07/01/2010

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Senate Bill No.	Session Laws Chapter No.	Introduced by	Signed by Governor	Effective Date(s)
1378, aa	225	State Affairs	03/31/2010	01/01/11
1379	87	State Affairs	03/25/2010	07/01/2010
1382, aa	236	Judiciary and Rules	04/06/2010	07/01/2010
1383, aa	350	Judiciary and Rules	04/12/2010	07/01/2010
1384	351	Judiciary and Rules	04/12/2010	04/12/10
1385	352	Judiciary and Rules	04/12/2010	07/01/2010
1388	47	Finance	03/18/2010	07/01/2010
1390	344	Judiciary and Rules	04/12/2010	07/01/2010
1392	70	Finance	03/24/2010	07/01/2010
1393	76	Finance	03/24/2010	07/01/2010
1394	75	Finance	03/24/2010	07/01/2010
1395	74	Finance	03/24/2010	07/01/2010
1396	73	Finance	03/24/2010	07/01/2010
1398	331	Judiciary and Rules	04/12/2010	07/01/2010
1399	353	Judiciary and Rules	04/12/2010	07/01/2010
1400	287	State Affairs	04/11/2010	04/11/10
1401, aa	345	State Affairs	04/12/2010	04/12/10
1402	226	Finance	03/31/2010	03/31/10 Sections 1, 2 & 3; 07/01/10 All other sections
1403, aaH	337	Judiciary and Rules	04/12/2010	07/01/2010
1404	227	Finance	03/31/2010	03/31/10 Section 1; 07/01/10 All other sections
1405	228	Finance	03/31/2010	03/31/10 Section 1; 07/01/10 All other sections
1406	229	Finance	03/31/2010	03/31/10 Section 1; 07/01/10 All other sections
1407, aaH	356	Finance	04/12/2010	04/12/10
1408	332	State Affairs	04/12/2010	07/01/2010
1409	241	Finance	04/08/2010	04/08/10 Sections 1 & 2; 07/01/10 All other sections
1410	242	Finance	04/08/2010	04/08/10 Sections 1 & 4; 07/01/10 All other sections
1412	230	Finance	03/31/2010	03/31/10 Sections 1 & 2; 07/01/10 All other sections
1413	231	Finance	03/31/2010	03/31/10 Section 1; 07/01/10 All other sections
1415	232	Finance	03/31/2010	03/31/10 Section 1; 07/01/10 All other sections
1416	233	Finance	03/31/2010	03/31/10 Section 1; 07/01/10 All other sections

Senate Bill No.	Session Laws Chapter No.	Introduced by	Signed by Governor	Effective Date(s)
1417	288	Finance	04/11/2010	04/11/10 Section 1; 07/01/10 All other sections
1418	234	Finance	03/31/2010	03/31/10 Sections 1, 2, 3, 4, 34 & 35; 07/01/10 All other sections
1419	338	Finance	04/12/2010	04/12/10 Section 1; 07/01/10 All other sections
1420	339	Finance	04/12/2010	04/12/10 Sections 1 & 2; 07/01/10 All other sections
1422	326	State Affairs	04/12/2010	01/01/10 Section 1; 01/01/11 Section 2; 07/01/10 Sections 3, 4 & 5
1423	340	Finance	04/12/2010	04/12/10 Section 1; 07/01/10 All other sections
1424	341	Finance	04/12/2010	04/12/10 Section 1; 07/01/10 All other sections
1425	335	State Affairs	04/12/2010	04/12/10
1426	328	Finance	04/12/2010	07/01/2010
1427	334	Finance	04/12/2010	07/01/2010
1428	289	Finance	04/11/2010	04/11/10 Section 1; 07/01/10 All other sections
1429	290	Finance	04/11/2010	04/11/10 Section 1; 07/01/10 All other sections
1430	291	Finance	04/11/2010	04/11/10 Section 1; 07/01/10 All other sections
1431	292	Finance	04/11/2010	04/11/10 Section 1; 07/01/10 All other sections
1432	314	Finance	04/12/2010	04/12/10 Section 1; 07/01/10 All other sections
1433	315	Finance	04/12/2010	04/12/10 Sections 1 & 2; 07/01/10 All other sections
1434	316	Finance	04/12/2010	04/12/10 Section 1; 07/01/10 All other sections
1435	317	Finance	04/12/2010	04/12/10 Sections 1 & 2; 07/01/10 All other sections
1436	318	Finance	04/12/2010	04/12/10 Sections 1 & 2; 07/01/10 All other sections
1437	319	Finance	04/12/2010	04/12/10 Sections 1 & 2; 07/01/10 All other sections
1438	320	Finance	04/12/2010	04/12/10 Sections 1 & 2; 07/01/10 All other sections
1439	321	Finance	04/12/2010	07/01/2010
1440	322	Finance	04/12/2010	04/12/10 Sections 1 & 2; 07/01/10 All other sections
1441	323	Finance	04/12/2010	04/12/10

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Senate Bill No.	Session Laws Chapter No.	Introduced by	Signed by Governor	Effective Date(s)
1442	324	Finance	04/12/2010	04/12/10 Section 1; 07/01/10 All other sections
1443	325	Finance	04/12/2010	04/12/10 Sections 1 & 2; 07/01/10 All other sections
1444	327	Finance	04/12/2010	04/12/10
1445	333	Finance	04/12/2010	04/12/10 Sections 1, 2, 3, 4, 5, 8, 9, 10 & 11; 07/01/10 All other sections

SECTION XII

NUMERICAL INDEX OF HOUSE BILLS RECEIVED BY THE SENATE

House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
379	State Affairs	LAW	ELECTION CAMPAIGN FUND - Amends and repeals existing law relating to the Election Campaign Fund.	34	53	62
380	Revenue and Taxation	LAW	TAX COMMISSION - Amends existing law relating to income taxes to specify filing dates for certain information returns and to authorize the State Tax Commission to provide a different date no earlier than the date required by the Internal Revenue Code for filing equivalent federal returns in a nonelectronic format.....	32	70	80
381	Revenue and Taxation	LAW	TAX COMMISSION - Amends existing law to clarify the definition of "net operating loss" and to provide that net operating losses of a corporation will survive a merger subject to certain conditions.....	32	70	80
382	Revenue and Taxation	LAW	STATE TAX COMMISSION - INCOME TAXES - Adds to and amends existing law relating to state income taxes to provide definitions of the terms "pass-through entity" and "owner of interest in a pass-through entity"; to revise the manner in which the income of pass-through entities income is reported and paid; and to provide a system of backup withholding for individuals who are owners of pass-through entities or beneficiaries of a trust or estate who do not elect to have their income taxes paid on the entity's return..... Amended in the Senate.....	32 82	- 97	114
384	Revenue and Taxation	LAW	TAX COMMISSION - MOTOR FUEL - Amends existing law to revise the definition of "motor fuel" to include ethanol; to correct a code reference relating to the distribution of revenues from the tax on motor fuels; and to correct a code reference relating to the distribution of revenues from the tax on special fuels.	32	74	84
385	Revenue and Taxation	LAW	TAX COMMISSION - UNCLAIMED PROPERTY - Amends existing law relating to unclaimed property to allow the administrator a period of five years prior to turning property over to the Public School Endowment Fund; to require holders reporting ten or more properties to report in a format required by the administrator; to allow the administrator discretion to sell abandoned property within three years; and to allow the administrator to waive penalties and interest in certain cases.....	32	75	84
386	Revenue and Taxation	LAW	STATE TAX COMMISSION - INCOME TAX - Amends existing law to revise how withdrawals from the state college savings account are added to taxable income; to revise the income tax credit for research activity; and to provide that the additional income tax credit for capital investment shall be calculated on the amount of qualified investment made during the project period wherever located within this state. Amended in the House (See House Journal)	67	- 122	132
388	Revenue and Taxation	LAW	INCOME TAX - Amends existing law to incorporate the definition of "revenue-producing enterprise" from the statute that provides an income tax deduction for capital gains.	32	60	69

House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
390	State Affairs	LAW	LIQUOR DIVISION - Amends existing law relating to the State Liquor Division to revise provisions relating to rules and regulations; to revise provisions relating to containers; and to revise provisions relating to the possession of liquor not subject to regulation by the division.	50	85	96
391	State Affairs	LAW	IDAHO HEALTH FREEDOM ACT - Amends and adds to existing law relating to health and safety to establish the Idaho Health Freedom Act; and to provide for enforcement and to revise the duties of the Attorney General. Amended in the House (See House Journal)	59	- 127	137
397	Transportation and Defense	LAW	DRIVER'S TRAINING INSTRUCTION PERMITS - Amends existing law relating to driver's training instruction permits to revise provisions relating to proof of identity; to revise provisions relating to expiration of certain training instruction permits; and to revise requirements relating to certain supervised instruction permits.	38	77	84
398	Transportation and Defense	LAW	MOTOR VEHICLES - AIR CONDITIONING - Amends existing law relating to vehicle equipment to permit the use of certain refrigerants approved by the United States Environmental Protection Agency as an alternative motor vehicle air conditioning substitute for chlorofluorocarbon-12.	84	188	214
400	Education	LAW	BOARD OF EDUCATION - Amends existing law relating to the State Board of Education to revise provisions relating to certain powers and duties of the State Board. Amended in the Senate.	37 125	- 143	182
405	State Affairs	S St Aff	DEPARTMENT OF ADMINISTRATION - Amends existing law relating to the Department of Administration to remove a provision to meet certain minimum requirements relating to inventory, to remove a provision that the Department of Administration develop and distribute to agencies certain requirements for inventory systems, to remove a requirement of a written report and to remove a provision relating to an inflation factor. Amended in the House (See House Journal)	118	-	118
406	Appropriations	LAW	APPROPRIATIONS - PUBLIC UTILITIES COMMISSION - Appropriates an additional \$232,700 to the Public Utilities Commission for fiscal year 2010 to be used for additional assistance for electricity regulators.	36	51	58
407	Resources and Conservation	LAW	DEPARTMENT OF LANDS - Amends existing law relating to navigational encroachments to revise provisions relating to fees for specified permits. Amended in the House (See House Journal)	168	- 198	214
408	Resources and Conservation	LAW	ENDOWMENT TRUST LANDS - Amends existing law relating to state endowment trust lands to revise provisions relating to the lease of state endowment trust lands including term of lease provisions and to provide that certain types of leases shall not be considered leases for commercial purposes as it relates to specified law.	78	134	144

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House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
409	Resources and Conservation	LAW	GEOLOGICAL SURVEY - Amends existing law relating to the Idaho Geological Survey to provide that designated representatives of the State Board of Land Commissioners may serve as members of the advisory board for the Idaho Geological Survey.....	78	130	140
410	Resources and Conservation	LAW	FOREST PROTECTIVE ASSOCIATIONS - Amends existing law relating to forest protective associations to revise provisions relating to requirements for budget submissions to the State Board of Land Commissioners.	78	130	140
411	Resources and Conservation	LAW	TIMBER STABILIZATION ACT - Repeals existing law relating to the Timber Supply Stabilization Act of 1989.	78	134	144
412	State Affairs	LAW	ADMINISTRATIVE RULES - Amends existing law relating to administrative rules to provide for electronic publication of the Idaho Administrative Code; to provide for electronic copies of the Administrative Code, to revise language relating to the format, costs, and distribution of such code, to revise language relating to certain fees; and to revise language relating to an exemption from certain requirements of Idaho Code.	53	81	93
413	State Affairs	LAW	ADMINISTRATIVE RULES - Amends existing law relating to administrative rules to provide for the electronic publication of the administrative bulletin and to provide that all documents published electronically in the bulletin shall be the official text.	53	81	93
414	State Affairs	LAW	ADMINISTRATIVE RULES - Amends existing law relating to administrative rules to revise provisions relating to public notice requirements for proposed rulemaking and to remove language relating to certain negotiated rates.....	67	122	132
415	Resources and Conservation	LAW	FISH AND GAME - Amends existing law relating to fish and game to revise permit provisions relating to steelhead trout and anadromous salmon.	84	149	167
416	Resources and Conservation	LAW	FISH AND GAME - Amends existing law relating to fish and game to provide that it shall be unlawful to waste edible portions of any game animal and to provide exceptions.	89	148	167
417	Resources and Conservation	LAW	FISH AND GAME - Amends existing law relating to fish and game to provide for three day small game hunting licenses.....	89	149	167
418	Appropriations	LAW	APPROPRIATIONS - Providing for the fiscal year 2010 transfer of \$1,830,000 from the Permanent Building Fund to the Accounting Services Fund/Facilities Services for elected officials' rent and providing reappropriation of \$59,000 from the Permanent Building Fund for Public Works for Capitol restoration and renovation.	38	57	65
421	Judiciary, Rules, and Administration	LAW	ATTORNEY'S FEES - Amends existing law to clarify when attorney's fees, witness fees and expenses may be awarded in certain instances.	56	98	104
422	Judiciary, Rules, and Administration	LAW	GAMING - Repeals existing law relating to officers enforcing the laws against gaming.	56	100	106

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House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
423	Judiciary, Rules, and Administration	S Jud	MOTOR VEHICLES - Amends existing law relating to motor vehicles to revise provisions relating to the suspension of a drivers license upon failure of evidentiary testing in the state of Idaho.....	50	-	50
424	Business	LAW	INSURANCE CONTRACT - Repeals existing law relating to a life insurance policy as separate property of a married woman.....	118	155	170
425	Business	LAW	LAND DESCRIPTION - COORDINATE SYSTEM - Amends and repeals existing law to revise the coordinate system of land description.....	108	189	214
426	Business	LAW	MORTICIANS - Amends existing law relating to the State Board of Morticians to revise board member compensation.	129	202	215
428	Business	LAW	DRINKING WATER AND WASTEWATER PROFESSIONALS BOARD - Amends existing law relating to the State Board of Drinking Water and Wastewater Professionals to revise board member compensation.	129	180	205
429	Business	LAW	LIQUEFIED PETROLEUM GAS SAFETY BOARD - Amends existing law relating to the Liquefied Petroleum Gas Safety Board to revise board member compensation.	129	180	205
430	Business	LAW	INSURANCE ADMINISTRATORS - Repeals and adds to existing law relating to insurance administrators.....	67	100	106
431	Business	LAW	DEPARTMENT OF INSURANCE - Amends existing law relating to insurance records to clarify that title agents may be examined on certain issues, to provide that the director prepare an examination report, to provide that title agent examination reports and any response designated as public by the title agent are nonexempt public records; and to provide that certain annual and quarterly reports are public records available to the public.....	118	155	170
432	Business	LAW	IMMUNIZATION ASSESSMENTS - Adds to existing law relating to immunization assessments to provide for the Idaho Immunization Assessment Board, to provide for a plan of operation, to provide for powers and liability of the board, to provide for assessments, to provide for the Idaho Immunization Dedicated Vaccine Fund, and to provide rulemaking authority.....	56	100	106
433	State Affairs	LAW	ELECTIONS - Amends existing law to revise requirements for declaration of intent for write-in candidates. Amended in the House (See House Journal)	138	- 203	215
435	Revenue and Taxation	S Loc Gov	SALES AND USE TAX - Amends existing law relating to tax exemptions to provide that donations to, sales to and purchases by federally tax exempt homeless shelters and that provide temporary shelter or food to the economically disadvantaged are exempted from the sales and use tax for a time certain.	56	-	56
437	State Affairs	LAW	CAMPAIGN FINANCE REPORTS - Amends existing law to allow the filing of lobbyist and campaign finance reports with the Secretary of State by electronic means.	47	82	93

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House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
438	Transportation and Defense	LAW	HAZARDOUS MATERIALS/HAZARDOUS WASTE TRANSPORTATION ENFORCEMENT - Amends existing law relating to hazardous materials/hazardous waste transportation enforcement to revise endorsement requirements for transporters of hazardous materials and to increase the annual fee for the vehicle registration endorsement for the transportation of hazardous materials.....	53	188	214
439	Appropriations	LAW	APPROPRIATIONS - Appropriates additional one-time spending authority of \$50,000 for the Board of Dentistry in the medical boards under the Department of Self-Governing Agencies.....	47	60	69
440	Appropriations	LAW	APPROPRIATIONS - Appropriates additional federal spending authority of \$786,000 for the Department of Labor.	47	61	69
441	Appropriations	LAW	APPROPRIATIONS - Appropriates additional federal spending authority of \$2,500,000 for the Division of Vocational Rehabilitation.....	47	70	80
443	Judiciary, Rules, and Administration	LAW	CRIMINAL HISTORY RECORDS - Amends existing law relating to criminal history records and crime information to revise provisions relating to fingerprinting and identification.	53	97	104
444	Judiciary, Rules, and Administration	LAW	FIREARMS, EXPLOSIVES AND DEADLY WEAPONS -Amends existing law relating to firearms, explosives and other deadly weapons to revise application requirements for a license to carry concealed weapons. Amended in the House (See House Journal)	67	- 148	166
445	Judiciary, Rules, and Administration	LAW	VEHICLE TITLES - Amends existing law relating to vehicle titles to revise requirements for reporting stolen vehicles.....	53	155	170
446	State Affairs	LAW	STATE TREASURER - Repeals existing law relating to the State Treasurer and certain reports to be filed with the State Treasurer.....	97	135	144
449	Environment, Energy, and Technology	LAW	UNIFORM ENVIRONMENTAL COVENANTS ACT - Amends existing law relating to the Uniform Environmental Covenants Act to provide that certain institutional controls proposed as part of a voluntary remediation work plan and certain deed notations and removal of deed notations shall comply with the Uniform Environmental Covenants Act.	53	147	166
450	Environment, Energy, and Technology	LAW	CLEAN LAKES ACT - Repeals existing law relating to the Clean Lakes Act.	53	134	144
451	Environment, Energy, and Technology	LAW	DEPARTMENT OF ENVIRONMENTAL QUALITY - Amends existing law relating to environmental quality to revise the definition of "public water supply" and to define "public drinking water system."	56	85	96

House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
452	Environment, Energy, and Technology	LAW	PUBLIC HEALTH DISTRICTS - Amends existing law relating to public health districts to provide that certain rules shall be submitted to the State Board of Environmental Quality for review and comment and certain rules shall be submitted to the State Board of Health and Welfare for review and comment.....	53	85	96
453	Environment, Energy, and Technology	LAW	WATER QUALITY - Amends existing law relating to water quality to increase the percentage of the total state revolving loan fund that may be used for certain nonpoint source pollution control projects.....	56	85	96
456	Agricultural Affairs	LAW	SEED INDEMNITY FUND - Amends existing law relating to the Seed Indemnity Fund to require additional conditions that must be met by applicants prior to initial issuance of seed buyer licenses; to provide that there are no indemnity fund assessments on seed crops deposited for service; and to provide that the Director of the Idaho State Department of Agriculture shall not approve or pay any claim based on losses resulting from uninsurable perils.....	81	149	167
457	Appropriations	LAW	FUEL TAX DISTRIBUTION - Delays changes to the Highway Distribution Account and delays changes to the distribution of revenues from the tax on gasoline.	84	162	177
458	Commerce and Human Resources	LAW	PUBLIC EMPLOYEE RETIREMENT SYSTEM - Adds to existing law to provide provisions when a retired member of the Public Employee Retirement System receiving a disability retirement allowance may return to work.	100	149	167
459	Business	LAW	BARBERS - Amends existing law relating to barbers to revise qualifications for licensure as a barber-stylist; to provide for a license to practice as a barber-stylist instructor; to provide that one instructor must be employed to each twenty students; and to revise board member compensation.....	124	188	214
460	Business	LAW	ARCHITECTS - Amends existing law relating to architects to revise a licensure exemption.	124	195	214
461	Business	LAW	OCCUPATIONAL LICENSES BUREAU - Amends existing law relating to the Bureau of Occupational Licenses to revise provisions relating to the bureau chief's authority to cooperate with other agencies and to provide correct terminology.....	129	180	205
462	Business	LAW	INSURANCE - Amends existing law relating to unauthorized insurers and surplus lines to revise requirements relating to surplus line contracts.	132	194	214
463	Resources and Conservation	LAW	FISH AND GAME - Amends existing law relating to fish and game to provide that the commission may promulgate rules to allow nonresident deer or elk tags be used to hunt and kill bear, wolf or mountain lion during open season for deer or elk.....	94	149	167
464	Agricultural Affairs	LAW	VETERINARIANS - Amends existing law relating to veterinarians to delete reference to an unlimited time limit in which certain examinations may be taken and passed by applicants for licensure.	78	148	166

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House Bill No.	Introduced by	Final Action	Subject Matter	Intro-duction Page	Senate Vote Page	Final Disp. Page
465	Agricultural Affairs	LAW	VETERINARIANS - Amends existing law relating to veterinarians to revise provisions relating to remedies and penalties for violation of the Idaho Veterinary Practice Act.....	78	148	166
466	Agricultural Affairs	LAW	VETERINARIANS - Amends existing law relating to veterinarians to revise provisions relating to activities not prohibited by specified provisions of law; and to revise provisions relating to grounds for discipline.	84	154	170
467	Agricultural Affairs	LAW	VETERINARIANS - Amends existing law relating to veterinarians to provide for emergency proceedings for license revocation or other action under certain conditions.....	84	158	177
468	Health and Welfare	LAW	OPTOMETRY - Amends existing law relating to the State Board of Optometry to revise board member compensation.	100	130	140
469	Health and Welfare	LAW	OCCUPATIONAL LICENSES - Amends and repeals existing law relating to the Occupational Therapy Practice Act; to revise board member compensation; and to revise provisions relating to the disposition of receipts and expenses.	102	148	166
470	Health and Welfare	LAW	PHYSICAL THERAPISTS - ENGLISH PROFICIENCY - Amends existing law relating to the practice of physical therapy; to require certain foreign-educated physical therapists provide proof of passing scores on standardized English proficiency examinations as a qualification for licensure.	111	153	170
471	Revenue and Taxation	LAW	INCOME TAX - Amends existing law relating to income tax to provide for constituting certain income distributed to beneficiaries of an estate or trust as Idaho source income.	78	147	166
472	Revenue and Taxation	LAW	UNIFORM PROBATE CODE - Adds to existing law relating to the Uniform Probate Code to provide for construction of certain formula clauses.	78	130	140
474	Business	LAW	BUILDING SAFETY - Amends existing law relating to plumbing systems to revise a definition.	118	154	170
476	Business	LAW	PLUMBING BOARD FUND - Amends existing law relating to the Plumbing Board Fund to revise provisions relating to the payment of certain moneys.	118	154	170
477	Business	LAW	INSURANCE - Amends existing law relating to insurance to provide for a waiver and to revise provisions relating to instances where the insurer shall accept no new mortgage guaranty insurance risks.	97	158	177
478	Business	LAW	BOARD OF ENGINEERS AND LAND SURVEYORS - Amends existing law relating to engineers and surveyors to remove provisions requiring an applicant for certification as an engineer intern or land surveyor intern, to provide certain references and to remove provisions relating to fees for licensure by examination; to revise requirements relating to written examinations; to revise renewal requirements and expiration days for certificates of authorization issued to business entities; and to provide for the duty of responsible charge of a project when a licensee is not available to seal, sign and date final documents.	108	149	167

House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
480	Health and Welfare	LAW	PHARMACISTS - Amends existing law relating to pharmacists to provide requirements for requesting a refill of an existing prescription drug order by facsimile transmittal..... Amended in the House (See House Journal)	118	- 153	170
481	Health and Welfare	LAW	PHARMACISTS - Amends existing law relating to pharmacists to extend the length of time in which veterinarians are required to provide written confirmation of oral drug orders.....	102	130	140
482	Health and Welfare	LAW	PHARMACISTS - Amends existing law relating to pharmacists to allow certain persons to deliver a lawfully obtained legend drug to an authorized person for purposes of disposal.....	102	148	166
483	Health and Welfare	LAW	PHARMACISTS - Amends existing law relating to pharmacists to require certain applicants submit to and pay the cost of a fingerprint-based criminal history check.....	102	131	140
484	Health and Welfare	LAW	BOARD OF NURSING - Amends existing law relating to nurses to remove archaic language and to revise provisions relating to board member terms of office.....	97	135	144
486	Transportation and Defense	LAW	MOTOR VEHICLES - LICENSE PLATES - Amends and adds to existing law relating to special motor vehicle license plates to establish an Idaho mountain biking special license plate program.....	94	162	177
488	Revenue and Taxation	S Loc Gov	TAX REBATE - AIRCRAFT REPAIRS - Adds to existing law to provide for a rebate of sales or use tax paid for certain aircraft repairs.....	94	-	94
490	Revenue and Taxation	LAW	PROPERTY TAXATION - Amends existing law to provide a Board of County Commissioners may declare that all or a portion of the market value of a defined project based on investment in new plant and building facilities meeting certain tax incentive criteria shall be exempt from property taxation.....	94	159	177
491	State Affairs	S St Aff	CONSTITUTIONAL AMENDMENTS - STATEMENTS - Amends existing law to provide that the Secretary of State shall cause to be printed in the voters' pamphlet the arguments for and against constitutional amendments prepared by the Legislative Council and the question to appear on the ballot.....	94	-	94
492	State Affairs	LAW	DEATH CERTIFICATES - Amends existing law to revise fees the State Registrar is entitled to receive and to provide that for each certified copy of a death certificate there shall be charged an additional fee of one dollar to be deposited in the State Treasurer's Local Government Investment Pool; to provide that such moneys shall be used for the training of newly elected coroners and for the continuing education of county coroners, to provide that all newly elected or appointed county coroners attend a coroner's school that is sponsored or endorsed by the Idaho State Association of County Coroners; and to provide continuing education requirements for county coroners.....	108	197	214

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House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
493	Education	LAW	EDUCATION - MASTERY ADVANCEMENT PILOT PROGRAM - Adds to existing law to provide for a Mastery Advancement Pilot Program, to provide for a Mastery Advancement Scholarship, and to provide for rules..... Amended in the Senate	94 146	- 181	228
494	Health and Welfare	LAW	HEALTH CARE PLANNING - Amends and repeals existing law relating to health care planning to revise duties of the commission related to health information technology planning, to permit the commission to use data from other sources, to promote health and patient safety planning, and to revise the duties of the commission related to health quality and patient safety planning.....	97	135	144
495	Health and Welfare	LAW	CHILDHOOD IMMUNIZATION - Adds to existing law relating to childhood immunization to provide for the Childhood Immunization Policy Commission. Amended in the House (See House Journal)	118	- 164	177
496	State Affairs	LAW	ELECTIONS - VOTER IDENTIFICATION - Amends and adds to existing law relating to elections to provide that each elector shall show a photo identification or personal identification affidavit, to provide that all voters shall be required to provide certain personal identification at the polls or at the absent elector polling places; and to provide for an affidavit in lieu of personal identification.	108	189	214
498	Judiciary, Rules, and Administration	LAW	POST-CONVICTION PROCEDURE ACT - Amends existing law relating to the Uniform Post-Conviction Procedure Act to revise provisions relating to a petition for the performance of certain fingerprint or DNA testing and to provide that petitioner may choose certain DNA testing laboratories to perform DNA testing and that such testing shall be at petitioner's expense.....	94	159	177
502	Business	LAW	MODULAR BUILDING ADVISORY BOARD - Amends existing law relating to the Modular Building Advisory Board to provide for an honorarium.	153	180	205
503	Business	LAW	DIVISION OF BUILDING SAFETY - Amends existing law relating to the Division of Building Safety to provide for an examination fee.....	153	200	215
504	Business	LAW	UNIFORM SCHOOL BUILDING SAFETY ACT - Amends existing law relating to the Uniform School Building Safety Act to revise membership of the Idaho Uniform School Building Safety Code Committee; to revise provisions relating to certain powers and duties; and to remove language relating to the Department of Administration.....	153	194	214
508	Commerce and Human Resources	LAW	CRIME VICTIMS COMPENSATION - Adds to existing law relating to crime victims compensation to provide for payments to medical providers.....	108	164	177
509	Commerce and Human Resources	LAW	EMPLOYMENT SECURITY LAW - Adds to existing law relating to the employment security law to provide for youth employment and job training programs. Amended in the Senate	100 161	- 186	229

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House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
510	Commerce and Human Resources	LAW	EMPLOYMENT SECURITY LAW - Adds to and amends existing law to revise appeals procedures before the Department of Labor for the state's employment security law.	111	153	170
513	Revenue and Taxation	LAW	TAXES - Amends existing law relating to taxes to provide that purchases made with coupons issued under the federal Food, Conservation, and Energy Act of 2008 are exempt from specified taxes.	78	148	166
514	Local Government	LAW	DISPOSITION OF RECORDS - Amends existing law to provide that disposition of records shall be under the direction and supervision of the elected official or department head responsible for such records.	102	131	140
516	Local Government	LAW	WARRANTS OF DISTRAINT - Amends existing law to provide that fees allowed for issuing warrants of distraint, collection, levy and return of the same shall be set by ordinance by the Board of County Commissioners.	102	148	167
517	Health and Welfare	LAW	PHARMACISTS - Amends existing law relating to pharmacists to revise the annual registration renewal date to engage in the practice of pharmacy across state lines and to revise the annual license renewal date to engage in the practice of pharmacy.	111	154	170
518	Health and Welfare	LAW	UNIFORM CONTROLLED SUBSTANCES - Amends existing law relating to uniform controlled substances to revise provisions relating to Schedule I controlled substances; and to revise provisions relating to Schedules II, III, IV and V drugs and other substances.	111	153	170
519	Health and Welfare	LAW	UNIFORM CONTROLLED SUBSTANCES - Amends existing law relating to uniform controlled substances to define a term.	111	154	170
521	State Affairs	LAW	FEES - COUNTY RECORDER - Amends existing law to revise fees that may be charged by a county recorder to the party procuring his services and to clarify terms.	111	163	177
522	State Affairs	LAW	OUT-OF-STATE EMERGENCY RESPONDERS - Adds to and amends existing law relating to out-of-state emergency responders to define terms and to provide provisions relating to liability of out-of-state emergency responders who enter this state in response to an emergency; to provide that provisions relating to authorized emergency and police vehicles and liability shall apply to certain drivers of authorized emergency or police vehicles of other states.	108	163	177
523	Judiciary, Rules, and Administration	S Jud	JUVENILE CORRECTIONS ACT - Amends existing code relating to the Juvenile Corrections Act to provide that the court retains jurisdiction over violations of probation or informal disposition filed prior to a former juvenile's twenty-first birthday. Amended in the House (See House Journal)	118	-	118
525	Commerce and Human Resources	LAW	FILM AND TELEVISION PRODUCTION BUSINESS REBATE FUND - Amends existing law to clarify that the Film and Television Production Business Rebate Fund may consist of grants, federal moneys, donations or funds from any other source.	102	149	167

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House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
526	Commerce and Human Resources	LAW	DEPARTMENT OF LANDS - TIMBER SALES - Amends existing law relating to security interests to provide that filing a financing statement is not necessary to perfect a security interest in timber sold by the state of Idaho.	111	158	177
527	Commerce and Human Resources	LAW	INDUSTRIAL COMMISSION - Amends existing law relating to the Industrial Commission to revise provisions relating to required statistical information.	100	159	177
529	Business	LAW	DENTAL SERVICES - Adds to existing law to provide provisions for contracts with providers for dental services, to define "covered services" and to provide application.	118	162	177
531	Resources and Conservation	LAW	FISH AND GAME - Amends existing law relating to fish and game to provide for the confidentiality of certain fish and game records; to prohibit harassment, intimidation and threats relating to the lawful taking and control of fish and wildlife; and to clarify that certain prohibitions shall not apply to constitutionally protected activities..... Amended in the House (See House Journal)	118	- 191	214
533	Resources and Conservation	LAW	INVASIVE SPECIES - Amends existing law relating to invasive species to provide for the assessment of fees on sailboats, to revise fee provisions, to provide for replacement stickers, and to provide for stickers for those engaged in the manufacture and sale of vessels.	118	149	167
534	Health and Welfare	LAW	PHARMACISTS - Adds to existing law relating to pharmacists to define terms and to provide certain limitations on drug product selection for epilepsy and seizure drugs. Amended in the Senate.....	137 171	- 188	229
535	Local Government	S Jud	FEES - Amends existing law to revise when attorney's fees, witness fees and expenses may be awarded. Amended in the House (See House Journal)	118	-	118
537	Health and Welfare	LAW	SOCIAL WORK LICENSING ACT - Amends existing law relating to the Social Work Licensing Act to revise licensing qualifications. Amended in the House (See House Journal)	138	- 180	205
538	Health and Welfare	LAW	FREEDOM OF CHOICE OF DENTURES ACT - Amends existing law relating to the Freedom of Choice of Dentures Act to revise lay board member compensation; and to raise the license renewal fee maximum.	118	154	170
540	Transportation and Defense	LAW	MOTOR VEHICLES - LICENSE PLATES - Amends and adds to existing law relating to special motor vehicle license plates to establish the Selway-Bitterroot Wilderness Special License Plate Program.	103	163	177

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House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
541	Transportation and Defense	S St Aff	MOTOR VEHICLES - DRIVER'S LICENSES - Amends existing law to provide that the state of Idaho shall not extend full faith and credit to certain out-of-state driver's licenses; to provide that a driver's license photograph shall be limited to a two-dimensional photograph, to provide restrictions on certain machine-readable codes, to prohibit the use of certain devices or techniques that can transmit certain information and to provide for consent or voluntary participation. Amended in the House (See House Journal)	174	-	174
542	Transportation and Defense	LAW	MOTOR VEHICLE REGISTRATION AND CERTIFICATION - Amends existing law relating to motor vehicle registration and certification to provide that certain businesses, trusts or other statutorily created entities shall provide a written statement.....	103	188	214
543	State Affairs	LAW	FIREARMS, EXPLOSIVES AND OTHER DEADLY WEAPONS - Adds to and amends existing law relating to firearms, explosives and other deadly weapons to provide for unlawful acts relating to a hoax destructive device and to provide penalties.	121	190	214
544	Education	LAW	HIGHER EDUCATION STABILIZATION FUND - Adds to existing law to create the Higher Education Stabilization Fund, to create the strategic interest account, to provide moneys for the strategic interest account, to create surplus stabilization accounts, to provide moneys for the surplus stabilization accounts and to provide that expenditures from such accounts shall be subject to legislative appropriation.....	100	135	144
545	Education	LAW	EDUCATION - Amends existing law relating to education to revise the definition of "habitual truant" to provide for a certain designee. Amended in the Senate	111 145	- 181	228
548	Commerce and Human Resources	LAW	BRIBERY AND CORRUPTION - Amends existing law relating to bribery and corruption to revise the definition of "benefit." Amended in the House (See House Journal)	141	- 195	214
550	Business	LAW	TRUST DEEDS - Amends existing law relating to trust deeds to specify the effective date of a trustee's deed and to provide a procedure to restore the condition of record title to the real property described in a trustee's deed and the existence and priority of all lienholders to the status quo prior to the recordation of the trustee's deed upon sale when the trustee's sale is invalid for certain reasons.	108	190	214
553	Business	LAW	ELECTRICAL BOARD FUND - Amends existing law relating to the Electrical Board Fund to revise provisions relating to the deposit of certain moneys.	118	154	170
554	Business	LAW	NAME CHANGES - Amends existing law relating to change of names to remove reference to certain personal identifying information in a notice of hearing of a petition proposing a name change.	132	190	214

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House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
555	Resources and Conservation	LAW	ADMINISTRATIVE PROCEDURES - Amends existing law relating to administrative procedures to provide that the time period in which certain motions for reconsideration, petitions for review and petitions for judicial review must be filed, and the time period after which orders become effective, be calculated from the date of service rather than the date of issuance; and to provide for the service of orders and proof of service.....	111	189	214
556	Resources and Conservation	LAW	FLOOD PROTECTIONS - Amends existing law relating to flood protection to revise the definitions of "development" and "floodway"; and to provide that floodplain zoning ordinances shall not regulate activities relating to irrigation and drainage works that are performed or authorized by the owner pursuant to lawful rights and obligations..... Amended in the House (See House Journal)	138	- 164	177
557	Resources and Conservation	LAW	IRRIGATION DISTRICTS - TRUSTS - Amends existing law relating to irrigation districts to provide for the rights and privileges of trusts in relation to the conduct of irrigation district business and to specify certain requirements for trusts and trustees.	111	159	177
558	Resources and Conservation	LAW	PUBLIC EMPLOYEE RETIREMENT SYSTEM - Amends existing law relating to the public employee retirement system to provide that the term "employee" does not include any person in a position that does not exceed eight consecutive months in a calendar year if the employer certifies that the position is seasonal or casual and affected by weather and the growing season. Amended in the House (See House Journal)	118	- 162	177
559	Resources and Conservation	LAW	PRESCRIPTIVE OVERFLOW EASEMENTS - Amends existing law relating to prescriptive overflow easements to provide that provisions relating to prescriptive overflow easements shall not be construed to restrict any use of the underlying property for purposes consistent with ownership even if the use reasonably interferes with the storage of water on the property.....	111	159	177
560	Resources and Conservation	LAW	PROCUREMENT REQUIREMENTS - Amends existing law relating to procurement requirements to provide an exception to certain procurement requirements for the procurement of used personal property by drainage districts.....	111	155	170
561	Resources and Conservation	LAW	NAVIGATIONAL ENCROACHMENT - Amends existing law to provide that a permit is not required for the replacement of an existing navigational encroachment if certain conditions are met.	111	153	170
564	State Affairs	LAW	DRIVING BUSINESSES - Amends existing law relating to driving businesses to require that the board adopt rules providing for continuing education; to require applicants for a private driver training business license to submit to a fingerprint-based criminal history check; to revise requirements for obtaining and renewing a driving instructor license; and to revise provisions relating to the discipline of licensees.	102	163	177

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566	State Affairs	LAW	SECURITY BREACHES - Amends existing law relating to disclosure of personal information to provide for application to city, county and state agencies, to provide that certain entities and individuals shall notify the office of the Idaho Attorney General in the event of certain breaches of security, to clarify that certain reporting requirements shall continue to apply to state agencies and to provide for violations and penalties.	118	203	215
573	Transportation and Defense	S St Aff	WHOLE-BODY IMAGING - Adds to existing law relating to homeland security to provide for limitations on whole-body imaging; to provide for findings and reporting by the Chief of the Bureau of Homeland Security for the state of Idaho.....	168	-	168
574	Transportation and Defense	LAW	VEHICLE RENTALS - Adds to existing law relating to vehicle rentals to provide for the inclusion of certain fees and charges in vehicle rental agreements and to provide for vehicle license cost recovery fees.	129	188	214
575	State Affairs	LAW	PUBLIC UTILITIES COMMISSION - Amends and repeals existing law to delete the Public Utilities Commission's jurisdiction over vessels engaged in the transportation of persons and property in Idaho and wharfingers and warehousemen.....	111	197	214
576	Revenue and Taxation	LAW	SOIL CONSERVATION DISTRICT LAW - Amends existing law to revise provisions relating to the Soil Conservation District law.....	103	-	229
			Amended in the Senate	160	186	
579	Education	LAW	EDUCATION - Adds to existing law relating to education to provide for transferring of certain grades and credits to a student's high school transcript and to provide for nonapplication to senior projects.....	108	154	170
581	Business	LAW	MOBILE HOME PARK LANDLORD-TENANT ACT - Amends existing law relating to the Mobile Home Park Landlord-Tenant Act to provide an exception to the application of an adopted or amended rule.....	153	195	214
583	Business	S Loc Gov	URBAN RENEWAL - SINGLE COUNTYWIDE HIGHWAY DISTRICTS - Amends existing law to delete reference to certain highway district funding responsibilities regarding urban renewal and to provide that all parking space revenues shall only be expended on certain improvements.....	138	-	138
			Amended in the House (See House Journal)			
586	Business	LAW	MOTOR VEHICLES - Amends and adds to existing law relating to the towing and storing of motor vehicles.....	168	-	215
			Amended in the House (See House Journal)		200	
588	State Affairs	LAW	OFFICE HOURS - Amends existing law relating to office hours to revise provisions relating to office hours required to be kept by officers.	111	163	177

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589	State Affairs	LAW	FIREARMS MANUFACTURED IN IDAHO - Adds to existing law to provide prohibitions on regulation of certain firearms, firearm accessories or ammunition by the federal government, to provide exceptions, to provide requirements for marketing of firearms in Idaho and to provide applicability to provide duties of the Constitutional Defense Council..... Amended in the Senate	129 222	- 224	229
590	State Affairs	S Health/Wel	HEALTH AND SAFETY - Adds to existing law relating to health and safety to provide authority for the regulation of residential septic tanks and septic systems.	187	-	187
593	State Affairs	LAW	ATTORNEY'S FEES - Amends existing law to revise provisions regarding the award of attorney's fees in actions involving insurers. Amended in the House (See House Journal)	138	- 190	214
596	Revenue and Taxation	LAW	COLLEGE AND UNIVERSITY IMPROVEMENTS - Amends existing law to provide that certain improvements on state college and state university lands may be included on the new construction roll and such improvements shall be exempt from property taxation. Amended in the House (See House Journal)	138	- 189	214
597	Revenue and Taxation	S Loc Gov	INCOME TAXATION - Amends existing law to revise the special income tax credit available for new employees.	111	-	111
598	State Affairs	LAW	IRRIGATION DISTRICTS - Amends existing law relating to irrigation districts to provide an exception to specified bond requirements..... Amended in the Senate	124 179	164 191	229
599	State Affairs	LAW	SOLID WASTE LANDFILLS - Adds to existing law to provide for a research development and demonstration permit programs for solid waste landfills.....	121	159	177
600	Transportation and Defense	LAW	HIGHWAYS - BRIDGES - CONTRACTS - Amends and adds to existing law to provide for design-build and construction manager/general contractor contracts on state highway projects.	129	226	229
601	Education	LAW	PUBLIC SCHOOLS - PLAN REVIEW - Amends existing law to revise criteria for plan reviews and for inspections for public schools.	129	194	214
602	State Affairs	LAW	IMMUNITY FROM LIABILITY - Amends existing law to provide immunities for volunteer members of search and rescue operations under certain circumstances. Amended in the House (See House Journal)	138	- 188	214
603	State Affairs	LAW	HUMAN RIGHTS COMMISSION - Amends existing law to provide for transfer of the Human Rights Commission to the Department of Labor.	124	190	214
604	State Affairs	LAW	PERSONNEL SYSTEM - Adds to existing law relating to the state personnel system to provide for application of law, to provide exclusions, to provide that the term "severance pay" shall include certain payments and to provide that nothing in this section shall change rights provided pursuant to certain laws relating to active duty service..... Amended in the House (See House Journal)	138	- 179	205

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605	State Affairs	LAW	LOCAL LAND USE PLANNING - Amends existing law relating to local land use planning	141	195	214
607	Ways and Means	LAW	FIRE PROTECTION DISTRICTS - Amends existing law relating to fire protection districts to provide an additional process for initiating proceedings for annexation of territory in an adjoining county, to provide that when certain conditions are certified in a petition, an election on the question of annexation is not required.	129	194	214
608	Ways and Means	LAW	LOCAL LAND USE PLANNING - Amends existing law relating to local land use planning to revise provisions relating to a recommendation for an amendment or modification to the comprehensive plan. Amended in the House (See House Journal)	138	- 189	215
609	Ways and Means	LAW	IDAHO STATE POLICE - PROJECT CHOICE - Amends existing law relating to Project Choice and the Idaho State Police to provide that certain personnel shall continue to participate in and benefit from uses of the Project Choice fee and to provide that beginning July 1, 2010, the use of the Project Choice fee shall be restricted to certain personnel.....	158	200	214
610	Ways and Means	LAW	CHILD PROTECTIVE ACT - Amends and adds to existing law relating to the Child Protective Act.	121	165	177
611	State Affairs	LAW	AUDITS - Adds to existing law relating to audits to provide for minimum audit requirements for designated entities.	129	194	214
612	State Affairs	S St Aff	CIVIL OFFICES - Amends existing law relating to civil offices to provide for vacancies in elective civil offices upon the occurrence of certain specified conditions.	129	-	129
613	State Affairs	LAW	CORRECTIONAL INDUSTRIES - AUDITS - Amends existing law to delete language requiring an annual audit of Correctional Industries.....	141	190	214
614	State Affairs	LAW	ADMINISTRATIVE RULES - Amends existing law to revise procedures for incorporation by reference in rulemaking and to provide for statements of economic impact and cost/benefit analysis to be filed with the Director of Legislative Services in certain instances. Amended in the Senate	129 222	- 224	229
615	Revenue and Taxation	LAW	OPPORTUNITY SCHOLARSHIP - Adds to existing law to allow taxpayers to designate income tax refunds or donations to the Opportunity Scholarship Program Account.....	174	213	228
616	Revenue and Taxation	S Loc Gov	LOCAL IMPROVEMENT DISTRICTS - Amends existing law to provide when a local improvement district is created by resolution of the city council that no bonds, registered warrants or interim warrants in an amount of \$500,000 or more may be issued unless such issuance is approved by a specific percentage of resident owners of taxable property voting on the question.	121	-	121

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617	State Affairs	LAW	HOMELAND SECURITY - Adds to existing law relating to homeland security to provide additional powers, duties and procedures to the Military Division and the Bureau of Homeland Security and to provide for limitations on liability regarding emergency response.	137	197	214
618	State Affairs	S Transp	MOTOR VEHICLE REGISTRATION - Amends existing law relating to motor vehicle registration and penalties to provide for exceptions, to provide for a warning and to provide for measuring of gross weight for certain vehicles.	129	-	129
620	State Affairs	S St Aff	HISTORICAL SOCIETY - Adds to and amends existing law relating to vertebrate paleontological sites and resources to provide for a purpose, to provide for excavation permits, to provide for rules, prohibitions, authority and limitations, to provide for penalties; and to remove certain reference to vertebrate paleontological.....	132	-	132
624	Education	LAW	EDUCATION - Amends existing law relating to education to revise provisions relating to certain students being excused from school for a certain period for religious or other purposes.	137	196	214
625	Appropriations	LAW	APPROPRIATIONS - DEPARTMENT OF FINANCE - Appropriates \$5,564,200 to the Department of Finance for fiscal year 2011; and limits the number of authorized full-time equivalent positions to 54.....	124	159	177
626	Appropriations	LAW	BUILDING SAFETY DIVISION - Appropriates \$11,395,800 to the Division of Building Safety; and limits the number of full-time equivalent positions to 141.....	124	159	177
630	Revenue and Taxation	LAW	INCOME TAX CREDITS - CHARITABLE CONTRIBUTIONS - Amends, adds to and repeals existing law to increase the maximum amount of the income tax credit that individual and corporate taxpayers may receive for a five year period.	137	194	214
631	State Affairs	LAW	FIREARMS - Adds to and amends existing law relating to firearms to provide for a determination as to whether specified federal firearms law applies in certain cases and to provide for petitions for relief from orders and removal of a person's firearms-related disabilities..... Amended in the House (See House Journal)	206	- 217	229
633	State Affairs	S Loc Gov	IDAHO SILVER GEM ACT - Amends and adds to existing law relating to taxes and mining to provide for a certain deduction from corporate income tax; and to provide for the Idaho Silver Gem Act of 2010.	168	-	168
636	Education	LAW	EDUCATION - INTERNET USE POLICY - Adds to existing law relating to education to provide that each local school district shall file an Internet use policy and to provide provisions of such policy.....	141	197	214
637	Education	LAW	EDUCATION AND TEACHERS - Amends existing law relating to education and teachers to revise provisions relating to teacher preparation programs at institutions of higher education and to provide for requirements relating to full certification of certain teachers.....	173	220	229

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House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
640	Education	LAW	EDUCATION - Adds to existing law relating to education to provide definitions for "tribal school" and "tribal education authority."..... Amended in the House (See House Journal)	170	- 210	228
641	Appropriations	LAW	APPROPRIATIONS - FISH AND GAME DEPARTMENT - Appropriates an additional \$500,000 to the Department of Fish and Game for fiscal year 2010; appropriates \$77,947,500 to the Department of Fish and Game for fiscal year 2011; and limits the number of full-time equivalent positions to 567.....	137	164	177
642	Appropriations	LAW	APPROPRIATIONS - OFFICE OF SPECIES CONSERVATION - Adjusts the appropriation to the Office of Species Conservation for fiscal year 2010; appropriates \$22,947,100 to the Office of Species Conservation for fiscal year 2011; and limits the number of full-time equivalent positions to 12.....	137	163	177
644	Revenue and Taxation	LAW	PUBLIC EMPLOYEE RETIREMENT SYSTEM - Amends existing law relating to the Public Employee Retirement System to further define a term.....	153	195	214
645	Revenue and Taxation	LAW	CONSTRUCTION ROLL - PROPERTY TAX - Amends existing law to revise what may be placed on the new construction roll and to provide for corrections in the roll; and to revise how the three percent increase in property tax budgets is calculated..... Amended in the House (See House Journal)	170	- 210	228
646	Revenue and Taxation	LAW	EMPLOYMENT SECURITY LAW - Amends existing law to reduce the amount of benefits paid in a compensable week by the amount equal to compensation received for loss of wages under a worker's compensation law of any state or under a similar law of the United States; and to provide that no charge shall be made to a covered employer's account for benefits paid to a worker who turns down an offer of suitable work because of participation in an approved job training program..... Amended in the House (See House Journal)	171	- 200	215
647	Revenue and Taxation	LAW	SMALL LAWSUIT RESOLUTION ACT - Amends existing law to delete a sunset clause relating to the Small Lawsuit Resolution Act.....	141	195	215
648	Appropriations	LAW	APPROPRIATIONS - Appropriates \$10,955,400 to the Idaho State Lottery; limits the number of full-time equivalent positions to 47; clarifies the scope of the appropriation; and provides legislative intent for continuous appropriation for prizes, retailer commissions, advertising and promotional costs.....	141	163	177
649	Appropriations	LAW	APPROPRIATIONS - Appropriates \$10,465,100 to the Self-Governing Agencies for the Medical Boards and the Regulatory Boards; and limits the number of full-time equivalent positions to 102.3.....	141	164	177
652	State Affairs	LAW	ELECTION CONSOLIDATION - Amends and repeals existing law to make technical corrections to the Election Consolidation Bill of 2009.....	141	203	215

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House Bill No.	Introduced by	Final Action	Subject Matter	Intro- duction Page	Senate Vote Page	Final Disp. Page
653	Ways and Means	LAW	CHILD PROTECTIVE ACT - Amends existing law relating to the Child Protective Act to revise provisions relating to the duties of a guardian ad litem.....	171	210	228
656	Ways and Means	LAW	HOSPITAL ASSESSMENT ACT - Amends, adds to and repeals existing law relating to the Idaho Hospital Assessment Act.....	158	199	214
657	Revenue and Taxation	LAW	IMMUNIZATION ASSESSMENTS - Amends Section 1 of House Bill No. 432 relating to immunization assessments to revise a definition.	144	205	214
659	Appropriations	LAW	APPROPRIATIONS - PUBLIC EMPLOYEE RETIREMENT SYSTEM - Appropriates \$6,569,600 to the Public Employee Retirement System for fiscal year 2011; limits the number of full-time equivalent positions to 63; and clarifies the appropriation for the Portfolio Investment Program.....	153	196	214
660	Appropriations	LAW	APPROPRIATIONS - HUMAN RESOURCES - Appropriates \$1,607,600 to the Division of Human Resources for fiscal year 2011; limits the number of full-time equivalent positions to 13; and directs the payment for training.....	153	196	214
661	Appropriations	LAW	APPROPRIATIONS - STATE CONTROLLER - Reduces fiscal year 2010 appropriations by \$452,300; increases appropriations for fiscal year 2010 by \$50,000; amends Sections 3 and 4, Chapter 231, Laws of 2009; appropriates \$14,017,500 to the State Controller for fiscal year 2011; limits the number of full-time equivalent positions to 96; provides for the recovery of services costs; reappropriates certain fund balances; and exempts certain appropriation transfer limits.....	153	196	214
662	Education	LAW	EDUCATION - DEAF - BLIND - Amends existing law relating to education and the Idaho Bureau of Educational Services for the Deaf and the Blind to provide that the Bureau of Educational Services for the Deaf and the Blind shall be a governmental entity; to provide that the bureau, its employees and its board of directors are subject to certain provisions; to provide that the bureau shall be considered a state department for certain purposes; and to provide that the State Board of Education may request moneys from the Permanent Building Fund for the construction and maintenance of buildings on certain land used by the Idaho Bureau of Educational Services for the Deaf and the Blind.....	153	198	214
664	State Affairs	LAW	STATE TREASURER - UNPAID WARRANTS - Amends existing law regarding the State Treasurer to revise procedures regarding unpaid warrants and to allow inter-fund transfers under certain circumstances and following certain requirements.....	153	196	214

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House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
665	Revenue and Taxation	LAW	INCOME TAXATION - Amends existing law to provide an income tax credit for fifty percent of the aggregate charitable contributions made by a taxpayer to a nonprofit corporation, fund, foundation, trust or association which is organized and operated exclusively for the benefit of elementary, secondary or higher education institutions located within the state of Idaho, officially recognized and designated as any such elementary, secondary or higher education institution's sole designated supporting organization, and qualified to be exempt from federal taxation under the terms of Section 501(c)(3) of the Internal Revenue Code. Amended in the House (See House Journal)	174	- 213	228
667	Ways and Means	LAW	PUBLIC HEALTH DISTRICTS - Amends existing law to provide that certain rules of Public Health districts shall expire at a time certain, to provide for certain Public Health district rules to be promulgated through the Board of Environmental Quality and to provide legislative intent regarding certain standards. Amended in the House (See House Journal)	206	- 218	229
668	Appropriations	LAW	APPROPRIATIONS - DEPARTMENT OF ENVIRONMENTAL QUALITY - Reduces the fiscal year 2010 General Fund appropriation to the Department of Environmental Quality by \$1,396,600; appropriates \$69,697,200 to the Department of Environmental Quality for fiscal year 2011; limits the number of full-time equivalent positions to 376.05; transfers \$1.5 million from the Water Pollution Control Fund to the Environmental Remediation Fund; requires an annual report of the Superfund cleanup; and supersedes the statutory uses of the Water Pollution Control Fund.	168	196	214
669	Appropriations	LAW	APPROPRIATIONS - DEPARTMENT OF LANDS - Reduces the fiscal year 2010 General Fund appropriation by \$402,300; appropriates \$44,677,500 for fiscal year 2011; limits the number of full-time equivalent positions to 261.29; and authorizes a lump sum appropriation for the Forest and Range Fire Protection Program.	168	198	214
670	Appropriations	LAW	APPROPRIATIONS - SOIL CONSERVATION COMMISSION - Reducing the appropriation to the Soil Conservation Commission by \$276,100 for fiscal year 2010; appropriating an additional \$85,000 to the Soil Conservation Commission for fiscal year 2010; appropriating \$2,557,400 to the Soil Conservation Commission for fiscal year 2011; limiting the number of authorized full-time equivalent positions to 17; and exempting the Soil Conservation Commission from certain appropriation transfer limitations for fiscal year 2011.	168	197	214
671	Appropriations	LAW	APPROPRIATIONS - DEPARTMENT OF COMMERCE - Reduces the fiscal year 2010 appropriation by \$321,900; appropriates \$29,472,700 to the Department of Commerce for fiscal year 2011; and limits the number of full-time equivalent positions to 53.	168	197	214
673	State Affairs	LAW	ELECTION CONSOLIDATION - Amends Section 13 of House Bill No. 652 relating to consolidation of elections to delete reference to alternative elections.	168	203	215

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House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
674	Ways and Means	LAW	ADMINISTRATIVE RULES - Adds to existing law to provide that administrative rules that expire on July 1, 2010, will continue to be effective until July 1, 2011, to provide that administrative rules approved or extended by the adoption of a concurrent resolution shall be effective until July 1, 2011, 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.....	171	204	215
675	Ways and Means	LAW	RAW MILK - Adds to existing law relating to raw milk to provide that certain activity shall not constitute the sale or retail sale of raw milk or raw milk products; to provide conditions; to provide for registration; to provide for violations and penalties; and to provide for administration and enforcement by the Idaho State Department of Agriculture.....	174	216	229
676	State Affairs	LAW	YOUTH ATHLETES - Adds to existing law relating to youth athletes and concussions to provide for guidelines, other pertinent information and forms and their use, to provide that the State Board of Education shall make available on its website such guidelines, to provide for a concussion and head injury information sheet, to provide that a youth athlete who is suspected of sustaining a concussion or head injury shall be removed from competition, and to provide for application of laws..... Amended in the House (See House Journal)	206	- 218	229
677	Appropriations	LAW	APPROPRIATIONS - SPECIAL PROGRAMS - STATE BOARD OF EDUCATION - Reduces the appropriation to the State Board of Education and the Board of Regents of the University of Idaho for Special Programs by \$658,600 for fiscal year 2010; appropriates an additional \$213,100 to the State Board of Education and the Board of Regents of the University of Idaho for the Scholarships and Grants Program for fiscal year 2010; appropriates \$9,158,800 to the State Board of Education and the Board of Regents of the University of Idaho for Special Programs for fiscal year 2011; and limits the number of full-time equivalent positions to 30.06.....	170	198	214
678	Appropriations	LAW	APPROPRIATIONS - IDAHO STATE POLICE - Reduces the appropriation to the Idaho State Police by \$1,224,700 for fiscal year 2010; appropriates \$150,000 to the Idaho State Police for fiscal year 2010; appropriates \$66,129,800 to the Idaho State Police for fiscal year 2011; limits the number of full-time equivalent positions to 533.07; and exempts the Idaho State Police from certain appropriation transfer limitations.....	170	198	214

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House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
679	Appropriations	LAW	APPROPRIATIONS - DEPARTMENT OF CORRECTION - Reduces the appropriation to the Department of Correction by \$10,392,500 for fiscal year 2010; appropriates an additional \$8,292,300 to the Department of Correction for fiscal year 2010; appropriates an additional \$2,108,900 to the Department of Correction for fiscal year 2010; appropriates \$166,660,300 to the Department of Correction for fiscal year 2011; limits the number of authorized full-time equivalent positions to 1,582.43; exempts the Department of Correction from certain appropriation transfer limits for fiscal year 2010; and exempts the Department of Correction from certain appropriation transfer limits for fiscal year 2011.....	170	198	214
680	State Affairs	LAW	UNCLAIMED PROPERTY LAW - Amends existing law to transfer the administration of the state's unclaimed property law to the State Treasurer from the State Tax Commission.....	171	204	215
681	State Affairs	LAW	MEDICALLY INDIGENT - Amends existing law relating to the medically indigent. Amended in the Senate	184 223	- 224	229
682	Education	LAW	SCHOOL BOND GUARANTY ACT - Amends existing law to revise policies and procedures for an intercept mechanism in the School Bond Guaranty Act.	187	221	229
683	Appropriations	LAW	APPROPRIATIONS - STATE HISTORICAL SOCIETY - Reduces the appropriation by \$211,800 to the Idaho State Historical Society for fiscal year 2010; appropriates an additional \$184,200 to the Idaho State Historical Society for fiscal year 2010; appropriates \$4,873,000 to the Idaho State Historical Society for fiscal year 2011; limits the number of full-time equivalent positions to 47.02; and provides legislative intent exempting the Idaho State Historical Society from the provisions of Section 67-3511, Idaho Code.	173	199	214
684	State Affairs	LAW	STATE ATHLETIC COMMISSION - Amends existing law relating to the State Athletic Commission to revise definitions; to provide the commission authority to establish certain fees, to provide additional nationally recognized sanctioning associations and to provide requirements for certain promoters; to revise provisions relating to bond or other security filed by promoters; to require a payment of fees for the issuance of a license or sanctioning permit; to revise provisions relating to a statement and report of an event and to provide requirements relating to the payment of a certain tax to the commission; to revise provisions relating to a certain statement and report of an event; and to revise provisions relating to prohibitions and penalties.	173	216	229
685	Appropriations	LAW	APPROPRIATIONS - SUPREME COURT - Reduces the appropriation to the Supreme Court by \$2,112,800 for fiscal year 2010; appropriates an additional \$500,000 to the Supreme Court for fiscal year 2010; transfers \$34,500 from the Guardian Ad Litem Fund to the General Fund for fiscal year 2010; transfers \$601,600 from the General Fund to the Guardian Ad Litem Fund for fiscal year 2011; appropriates \$38,914,100 to the Supreme Court for fiscal year 2011; and exempts the Supreme Court from certain transfer limitations for fiscal years 2010-11.	173	199	215

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House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
686	Revenue and Taxation	S Loc Gov	INCOME TAXATION - Adds to existing law to provide a tax credit for companies that provide venture capital to small businesses with twenty or fewer employees.	187	-	187
687	Ways and Means	LAW	FEES - Amends and adds to existing law relating to fees to provide an additional source of moneys for the Idaho Statewide Trial Court Automated Records System (ISTARS) Technology Fund; to provide an additional source of moneys for the Drug Court, Mental Health Court and Family Court Services Fund; and to establish an emergency surcharge fee and to require the deposit of such fees into certain funds.	174	199	215
688	Ways and Means	LAW	DIVISION OF PURCHASING - Amends and adds to existing law relating to the Division of Purchasing to define a term and to provide an exclusion from a definition; and to provide requirements relating to procuring and purchasing property by certain state institutions of higher education.	187	216	229
689	Appropriations	LAW	APPROPRIATIONS - STATE TREASURER - Reduces the fiscal year 2010 appropriation to the State Treasurer by \$105,100; appropriates an additional \$105,100 in dedicated funds to the State Treasurer for fiscal year 2010; appropriates \$2,252,700 to the State Treasurer for fiscal year 2011; provides for the recovery of banking services costs; reappropriates certain balances of moneys; limits the number of full-time equivalent positions to 18; and identifies amounts to be used for bank service fees from the appropriation.	174	199	214
690	Appropriations	LAW	APPROPRIATIONS - LIEUTENANT GOVERNOR - Reduces the fiscal year 2010 appropriation to the Lieutenant Governor by \$10,500; appropriates \$135,500 to the Lieutenant Governor for fiscal year 2011; and limits the number of full-time equivalent positions to no more than three.	174	199	214
691	Revenue and Taxation	LAW	AMBULANCE SERVICE - Amends existing law relating to ambulance service to revise provisions relating to the authorization to levy a special tax in certain counties where an ambulance service district was created.	174	210	229
692	State Affairs	LAW	ELECTIVE OFFICERS - COMPENSATION - Amends existing law to provide compensation for certain elective officers. Amended in the House (See House Journal)	206	- 218	229
694	Appropriations	LAW	APPROPRIATIONS - BOARD OF TAX APPEALS - Reduces the fiscal year 2010 General Fund appropriation to the Board of Tax Appeals by \$46,600; appropriates \$450,800 to the Board of Tax Appeals for fiscal year 2011; and limits the number of full-time equivalent positions to six.	184	204	215
695	Appropriations	LAW	APPROPRIATIONS - SECRETARY OF STATE - Reduces the fiscal year 2010 General Fund appropriation to the Secretary of State by \$140,800; appropriates \$2,229,200 to the Secretary of State for fiscal year 2011; and limits the number of full-time equivalent positions to 30.	184	204	215

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House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
696	Appropriations	LAW	APPROPRIATIONS - DEPARTMENT OF PARKS AND RECREATION - Reduces the General Fund appropriation to the Department of Parks and Recreation by \$614,100 for fiscal year 2010; appropriates an additional \$467,000 to the Department of Parks and Recreation for fiscal year 2010; appropriates \$30,430,800 to the Department of Parks and Recreation for fiscal year 2011; limits the number of full-time equivalent positions to 139.5; provides carryover authority for the Capital Development Program; exempts the department from the ten percent transfer between programs limitation and the transfer between object limitations; and allows the department to expend certain donations.	184	204	215
697	Appropriations	LAW	APPROPRIATIONS - DEPARTMENT OF WATER RESOURCES - Reduces the fiscal year 2010 General Fund appropriation to the Department of Water Resources by \$1,079,900; appropriates an additional \$601,000 from dedicated funds for fiscal year 2010; appropriates \$20,070,300 to the Department of Water Resources for fiscal year 2011; limits the number of full-time equivalent positions to 159; and provides lump sum spending authority for fiscal year 2011.	187	210	228
698	Appropriations	LAW	APPROPRIATIONS - STATE TAX COMMISSION - Reduces the fiscal year 2010 General Fund appropriation to the State Tax Commission by \$1,761,400; appropriates an additional \$800,000 from the General Fund to the State Tax Commission for fiscal year 2010; appropriates \$32,582,700 to the State Tax Commission for fiscal year 2011; limits the number of full-time equivalent positions to 404.5; expresses legislative intent regarding a software contract; and expresses legislative intent requiring quarterly reporting of tax compliance efforts.	187	211	228
699	Education	LAW	PUBLIC SCHOOLS - Adds to existing law to provide for school districts and other education providers to create an Internet based website with searchable expenditure and revenues. Amended in the Senate	187 223	- 225	229
700	Education	S Educ	SCHOOL DISTRICTS - EMPLOYEES - Amends and adds to existing law to revise procedures, processes and fees before the Professional Standards Commission; to provide for an applicant for employment at a school district to sign a release that prior personnel files shall be released to the district, to provide immunity from liability and to provide penalties for disclosure of information.	187	-	187

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701	Appropriations	LAW	<p>APPROPRIATIONS - DEPARTMENT OF HEALTH AND WELFARE - MEDICAL ASSISTANCE SERVICES - Reduces the appropriation for the Department of Health and Welfare for Medical Assistance Services by \$21,642,400 for fiscal year 2010; appropriates an additional \$19,831,300 for the Department of Health and Welfare for Medical Assistance Services for fiscal year 2010; appropriates \$1,554,829,900 to the Department of Health and Welfare for Medical Assistance Services for fiscal year 2011; limits the number of full-time equivalent positions to 283; provides that the State Controller shall make transfers from the General Fund; provides legislative intent for the education stipend for the Department of Health and Welfare employees; allows transfers between personnel costs and operating expenditures; authorizes the expenditure of all receipts collected; authorizes a transfer of certain moneys appropriated for trustee and benefit payments; provides for reappropriation of General Funds; provides legislative intent for program integrity; provides legislative intent for providing pricing freezes; provides legislative intent for Medicaid program flexibility for fiscal year 2011; and provides legislative intent for cost containment measures.....</p>	193	212	228
702	Appropriations	LAW	<p>APPROPRIATIONS - DEPARTMENT OF HEALTH AND WELFARE - PUBLIC HEALTH SERVICES - Reduces the appropriation to the Department of Health and Welfare for Public Health Services by \$442,300 for fiscal year 2010; appropriates an additional \$4,009,200 to the Department of Health and Welfare for fiscal year 2010; appropriates \$83,463,100 to the Department of Health and Welfare for Public Health Services for fiscal year 2011; limits the number of full-time equivalent positions to 205.19; provides that the State Controller shall make transfers from the General Fund; directs that funds for trustee and benefit payments shall not be transferred; provides legislative intent for the education stipend for Department of Health and Welfare employees; allows transfers between personnel costs and operating expenditures; expresses legislative intent relating to the Millennium Income Fund; provides legislative intent on program integrity; appropriates an additional \$1,800,000 to the Department of Health and Welfare for Physical Health Services for fiscal year 2010; and appropriates an additional \$5,400,000 to the Department of Health and Welfare for Physical Health Services for fiscal year 2011.....</p>	193	212	228
703	Appropriations	LAW	<p>APPROPRIATIONS - OFFICE OF DRUG POLICY - Appropriates \$395,400 to the Office of Drug Policy for fiscal year 2011; appropriates \$2,609,200 to the Department of Health and Welfare for statewide substance abuse treatment and prevention for fiscal year 2011; and provides legislative intent for the WITS system modifications and access to recovery funding.....</p>	193	212	228

House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
704	Appropriations	LAW	APPROPRIATIONS - DEPARTMENT OF JUVENILE CORRECTIONS - Reduces the appropriation to the Department of Juvenile Corrections by \$2,559,100 for fiscal year 2010; appropriates \$44,176,200 to the Department of Juvenile Corrections for fiscal year 2011; limits the number of full-time equivalent positions; and exempts the Department of Juvenile Corrections from certain transfer limitations for fiscal year 2011.....	205	216	229
705	Appropriations	LAW	APPROPRIATIONS - CAPITOL COMMISSION - Appropriates \$327,200 to the Department of Administration for the Idaho State Capitol Commission for fiscal year 2011; and provides for reappropriation of dedicated funds.....	205	216	229
708	Ways and Means	LAW	PUBLIC ASSISTANCE - Amends existing law relating to public assistance to remove a supplemental component and to provide for an adjustment to payments under certain conditions; to revise dates for decreasing each skilled care facility's quarterly rate and to remove provisions regarding incentive payments; to revise the reimbursement rate for intermediate care facilities for the mentally retarded and to remove a prospective rate component; to revise a date through which a certain reimbursement rate shall remain constant; to remove a policy statement with regard to reduction of pharmacy reimbursement levels for Medicaid and to provide for a periodic cost survey to establish a pharmacy reimbursement fee schedule.....	206	221	229
709	Revenue and Taxation	S Loc Gov	INCOME TAXES - Amends existing law to update references to the Internal Revenue Code and to provide application of certain expired provisions of the Internal Revenue Code when extended by Congress.....	206	-	206
710	Appropriations	LAW	APPROPRIATIONS - DEPARTMENT OF HEALTH AND WELFARE - INDIRECT SUPPORT SERVICES - Reduces the appropriation for the Department of Health and Welfare for Indirect Support Services by \$1,202,000 for fiscal year 2010; appropriates \$33,781,000 to the Department of Health and Welfare for Indirect Support Services for fiscal year 2011; limits the number of full-time equivalent positions to 294.92; provides that the State Controller shall make transfers from the General Fund; provides legislative intent for the education stipend for the Department of Health and Welfare employees; provides legislative intent for program integrity and allows transfers between personnel costs and operating expenditures.....	206	217	229
711	Appropriations	LAW	APPROPRIATIONS - DIVISION OF PUBLIC WORKS - PERMANENT BUILDING FUND - Appropriates \$22,987,600 to the Public Works Division, Permanent Building Fund, for fiscal year 2011.....	206	217	229
712	Appropriations	LAW	APPROPRIATIONS - COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED - Reduces the appropriation to the Commission for the Blind and Visually Impaired by \$117,600 for fiscal year 2010; appropriates \$4,194,700 to the Commission for the Blind and Visually Impaired for fiscal year 2011; limits the number of full-time equivalent positions to 39; and provides legislative intent on sharing office space.....	206	217	229

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House Bill No.	Introduced by	Final Action	Subject Matter	Intro-duction Page	Senate Vote Page	Final Disp. Page
713	Appropriations	LAW	APPROPRIATIONS - PARKS AND RECREATION - Appropriates an additional \$275,000 from the dedicated Parks and Recreation Fund for fiscal year 2011 to pay costs of administering the Invasive Species Sticker Program.	206	217	229
714	Appropriations	LAW	APPROPRIATIONS - DEPARTMENT OF HEALTH AND WELFARE - SERVICE INTEGRATION - Reduces the appropriation to the Department of Health and Welfare by \$68,500 for Service Integration for fiscal year 2010; appropriates an additional \$800,000 to the Department of Health and Welfare for Service Integration for fiscal year 2010; appropriates \$4,281,400 to the Department of Health and Welfare for Service Integration for fiscal year 2011; limits the number of full-time equivalent positions; provides that the State Controller shall make transfers from the General Fund; directs that funds for trustee and benefit payments shall not be transferred; provides legislative intent for the education stipend for Department of Health and Welfare Employees; allows transfers between personnel costs and operating expenditures; provides legislative intent for program integrity; and directs the Head Start appropriations from the Temporary Assistance for Needy Families funds.....	208	219	229
715	Appropriations	LAW	APPROPRIATIONS - DEPARTMENT OF HEALTH AND WELFARE - MENTAL HEALTH SERVICES - Reduces the appropriation to the Department of Health and Welfare for Mental Health Services by \$1,887,400 for fiscal year 2010; appropriates \$33,975,000 to the Department of Health and Welfare for Mental Health Services for fiscal year 2011; limits the number of full-time equivalent positions to 328.34; provides that the State Controller shall make General Fund transfers; provides that the State Controller shall make transfers from the Drug Court, Mental Health Court and Family Court Services Fund; directs an interagency payment for a juvenile detention clinicians contract; limits the transfer of trustee and benefit payments; provides legislative intent on program integrity; directs the use of certain moneys in the Community Mental Health Grant Program; provides legislative intent for the education stipend for the Department of Health and Welfare employees; and allows the transfer between personnel costs and operating expenditures.	208	219	229
716	Appropriations	LAW	APPROPRIATIONS - DEPARTMENT OF HEALTH AND WELFARE - MEDICALLY INDIGENT ADMINISTRATION - Reduces the appropriation to the Department of Health and Welfare for the Medically Indigent Administration Division by \$26,700 for fiscal year 2010; appropriates \$128,800 to the Department of Health and Welfare for the Medically Indigent Administration Division for fiscal year 2011; limits the number of full-time equivalent positions; provides that the State Controller shall make transfers from the General Fund; provides legislative intent for trustee and benefit payments; provides legislative intent for the education stipend; allows for transfers between personnel costs and operating expenditures; and provides legislative intent for program integrity.....	208	219	229

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House Bill No.	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
717	Appropriations	LAW	APPROPRIATIONS - DEPARTMENT OF HEALTH AND WELFARE - CHILD WELFARE - Reduces the appropriation to the Department of Health and Welfare by \$1,639,400 for the Child Welfare Division for fiscal year 2010; appropriates \$54,430,300 to the Department of Health and Welfare for the Child Welfare Division for fiscal year 2011; limits the number of full-time equivalent positions; provides that the State Controller shall make transfers from the General Fund; directs that funds for trustee and benefit payments shall not be transferred; provides legislative intent for the education stipend for Department of Health and Welfare employees; allows transfers between personnel costs and operating expenditures; and provides legislative intent for program integrity.	208	219	229
721	Appropriations	LAW	APPROPRIATIONS - DIVISION OF VETERANS SERVICES - Reduces the appropriation to the Division of Veterans Services by \$148,300 for fiscal year 2010; appropriates \$148,300 to the Division of Veterans Services for fiscal year 2010; appropriates \$28,753,200 to the Division of Veterans Services; and limits the number of full-time equivalent positions to 300.3.....	208	219	229
722	Appropriations	LAW	APPROPRIATIONS - DEPARTMENT OF HEALTH AND WELFARE - SERVICES FOR THE DEVELOPMENTALLY DISABLED - Reduces the appropriation to the Department of Health and Welfare by \$761,000 for Services for the Developmentally Disabled for fiscal year 2010; appropriates an additional \$330,000 to the Department of Health and Welfare for the Community Developmental Disabilities Services Program for fiscal year 2010; appropriates moneys to the Department of Health and Welfare for Services for the Developmentally Disabled for fiscal year 2011; limits the number of full-time equivalent positions; provides that the State Controller shall make transfers from the General Fund; directs that funds for trustee and benefit payments shall not be transferred; provides legislative intent for the education stipend for Department of Health and Welfare employees; allows transfers between personnel costs and operating expenditures; and provides legislative intent for program integrity.....	208	220	229
723	Appropriations	LAW	APPROPRIATIONS - DEPARTMENT OF HEALTH AND WELFARE - DIVISION OF WELFARE - Reduces the appropriation to the Department of Health and Welfare by \$2,500,000 for the Division of Welfare for fiscal year 2010; appropriates \$124,683,000 to the Department of Health and Welfare for the Division of Welfare for fiscal year 2011; limits the number of full-time equivalent positions; provides that the State Controller shall make transfers from the General Fund; directs that funds for trustee and benefit payments shall not be transferred; directs appropriations from the Temporary Assistance for Needy Families Fund for Head Start Services; provides legislative intent for program integrity; directs the Department of Health and Welfare regarding the education stipend for Department of Health and Welfare employees; and allows transfers between personnel costs and operating expenditures.	208	220	229

SENATE INDEX

House Bill No.	Introduced by	Final Action	Subject Matter	Intro-duction Page	Senate Vote Page	Final Disp. Page
724	Appropriations	LAW	APPROPRIATIONS - TAX COMMISSION AND STATE TREASURER - Transfers the budget for the unclaimed property program from the State Tax Commission to the State Treasurer in accordance with H680.	208	220	229
725	Appropriations	LAW	APPROPRIATIONS - SUPREME COURT - Appropriates an additional \$3,850,000 in dedicated spending authority to the Supreme Court for fiscal year 2011.	208	220	229
726	Appropriations	LAW	SOIL AND WATER CONSERVATION COMMISSION - Directs that references to the Idaho Soil Conservation Commission shall mean the Idaho Soil and Water Conservation Commission.	208	218	229
727	Appropriations	LAW	IDAHO EDUCATION NETWORK - Amends and adds to existing law relating to the Idaho Education Network to revise the duties of the State Superintendent of Public Instruction and the State Department of Education with regard to the Idaho Education Network; to remove language providing for governance and operations of the Idaho Education Network and for the Idaho Education Network Fund; and to provide for the Idaho Education Network Program and Resource Advisory Council (IPRAC).	208	221	229
728	Appropriations	LAW	APPROPRIATIONS - DEPARTMENT OF ADMINISTRATION - Appropriates an additional \$200,000 to the Department of Administration for fiscal year 2010; reduces the appropriation to the Department of Administration for fiscal year 2010; appropriates \$60,081,000 to the Department of Administration for fiscal year 2011; limits the number of full-time equivalent positions to 151.75; provides legislative intent on fiscal year 2011 health insurance benefits and contract negotiations; transfers moneys for elected official rent charges; and provides legislative intent regarding the Idaho Education Network.	215	225	229
729	Ways and Means	H 2nd Rdgaa	MOTOR VEHICLES - TEXTING - Amends existing law to provide that texting while driving a motor vehicle shall constitute an infraction. Amended in the Senate	215 223	- 225	225

SECTION XIII

NUMERICAL INDEX OF HOUSE JOINT RESOLUTIONS RECEIVED BY THE SENATE

House Joint Resolution	Introduced by	Final Action	Subject Matter	Intro- duction Page	Senate Vote Page	Final Disp. Page
4	Revenue and Taxation	ADOPTED	HOSPITALS AND HEALTH SERVICES - Proposing an amendment to the Constitution of the State of Idaho to authorize public hospitals, ancillary to their operations and in furtherance of health care needs in their service areas, to incur indebtedness or liability to purchase, contract, lease or construct or otherwise acquire facilities, equipment, technology and real property for health care operations, provided that no ad valorem tax revenues shall be used for such activities.....	97	146	166
5	Revenue and Taxation	ADOPTED	REVENUE AND SPECIAL FACILITY BONDS - AIRPORTS - Proposing an amendment to the Constitution of the State of Idaho to provide for revenue and special facility bond financing for airports and air navigation facilities.....	100	147	166
7	Revenue and Taxation	ADOPTED	MUNICIPAL ELECTRIC SYSTEMS - Proposing an amendment to the Constitution of the State of Idaho to provide for authorized indebtedness for municipal electric systems.....	102	147	166

SECTION XIV

NUMERICAL INDEX OF HOUSE JOINT MEMORIALS RECEIVED BY THE SENATE

House Joint Memorial	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
9	Resources and Conservation	ADOPTED	CLEAN WATER RESTORATION - OPPOSITION TO - Stating findings of the Legislature and opposing the Clean Water Restoration Act and urging Congress not to enact this or any similar legislation.....	84	104	114
10	Transportation and Defense	ADOPTED	JOINT STRIKE FIGHTER - Stating findings of the Legislature and urging the United States Air Force to select Idaho for its F-35 missions.....	59	85	96
11	Environment, Energy, and Technology	ADOPTED	CAP-AND-TRADE LEGISLATION - Stating findings of the Legislature and requesting Congress to not pass the "Cap-and-Trade Legislation" as it was adopted by the U.S. House of Representatives in 2009.....	96	137	151
13	Ways and Means	S Transp	LCV FREEZE - Stating findings of the Legislature and urging the Congress of the United States to support and vote to lift the longer combination vehicles (LCV) freeze in the 13 western states.....	132	-	132
14	Education	S Transp	BUSINESS ACTIVITY TAX SIMPLIFICATION ACT - Stating findings of the Legislature and urging the Idaho congressional delegation to support a change in federal law to restrict a state's taxation of certain interstate motor carriers.....	187	-	187

SECTION XV

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
35	Moyle and Rusche	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	17
36	State Affairs	ADOPTED	BOISE STATE UNIVERSITY FOOTBALL - Stating findings of the Legislature and recognizing and commending the Boise State University football team, the 2010 Fiesta Bowl Champion.....	70	177	205
37	State Affairs	ADOPTED	UNIVERSITY OF IDAHO FOOTBALL TEAM - COMMENDED - Stating findings of the Legislature and commending the football team and coaches of the University of Idaho.....	70	177	205
38	State Affairs	ADOPTED	BOYS STATE AND GIRLS STATE MONTH - Stating the findings and proclaiming June, 2010, as Boys State and Girls State Month.....	67	84	96
39	Health and Welfare	ADOPTED	HEALTH PLANNING COMMISSION - Stating findings of the Legislature and encouraging the Health Quality Planning Commission to study stroke systems of care in Idaho and develop a plan to address stroke identification and management.....	102	114	123
41	Agricultural Affairs	ADOPTED	AGRICULTURAL HISTORY PRESERVATION - Stating findings of the Legislature and recognizing and encouraging the work of grassroots organizations such as historical preservation commissions and historical societies, as well as the work of the State Historical Society and the Idaho Heritage Trust to preserve Idaho's agricultural history.....	102	137	151
42	State Affairs	S Com/HuRes	PERSI - Stating findings of the Legislature and amending the PERSI retroactive cost of living adjustment to 1.5022% for retired public employees approved at the PERSI Board's December, 2009 meeting.....	87	-	87
44	State Affairs	ADOPTED	SOVEREIGNTY UNDER THE TENTH AMENDMENT - Stating findings of the Legislature and urging the several states of the United States to approve a like or similar resolution and urging Congress to pass legislation implementing the findings of this Resolution.....	118	193	214
45	Revenue and Taxation	ADOPTED	TAX COMMISSION - Stating findings of the Legislature and rejecting a certain rule of the Tax Commission relating to Idaho sales and use tax administrative rules.....	100	114	123
46	State Affairs	ADOPTED	TAIWAN - Stating findings of the Legislature and reaffirming the state of Idaho's commitment to the strong and deepening relationship between the state of Idaho and Taiwan.....	111	151	170
47	State Affairs	ADOPTED	LEWISTON AND THE LEWIS-CLARK VALLEY - Stating findings of the Legislature and congratulating Lewiston, Idaho and the Lewis-Clark Valley for being chosen as one of the most secure places to live in the United States.....	105	177	205

SENATE INDEX

367

House Concurrent Resolution	Introduced by	Final Action	Subject Matter	Intro- duction Page	Senate Vote Page	Final Disp. Page
48	State Affairs	ADOPTED	RULES - REJECTED - Stating findings of the legislature and rejecting a certain rule of the State Board of Education relating to Rules Governing Uniformity.	118	215	229
49	State Affairs	ADOPTED	BUREAU OF HOMELAND SECURITY - Stating findings of the Legislature and rejecting a certain rule of the Office of the Governor, Military Division - Bureau of Homeland Security relating to Hazardous Substance Response rules.	118	177	205
50	State Affairs	S Com/HuRes	RULES - REJECTED - Stating findings of the Legislature and rejecting certain rules of the Industrial Commission relating to boiler and pressure vessel safety rules.....	118	-	118
51	State Affairs	S St Aff	AGENCY RULE COMPLIANCE - Stating findings of the Legislature and encouraging Idaho state agency heads to work with the entities affected by their agency rules to assist them in complying with the rules in ways that will maintain and enhance economic activity and employment opportunities for Idaho citizens; requesting agency heads to prioritize their efforts to amend existing rules or to propose new rules as listed; and requesting state agencies not to expend funds to address issues not covered by the listed priorities.	132	-	132
52	Ways and Means	S Res/Env	FISH AND GAME - Stating findings of the Legislature and rejecting certain rules of the Department of Fish and Game relating to public use of the lands owned or controlled by the Department of Fish and Game.	118	-	137
53	Ways and Means	S Res/Env	RULES - REJECTED - Stating findings of the Legislature and rejecting a certain rule of the Department of Parks and Recreation relating to Rules Governing the Administration of Park and Recreation Areas and Facilities.	118	-	137
54	Ways and Means	ADOPTED	DEPARTMENT OF LANDS - Stating findings of the Legislature and rejecting certain rules of the Department of Lands relating to Grazing Leases and Cropland Leases.....	118	137	151
55	Ways and Means	ADOPTED	DRUG TESTING - COST STUDY - Stating findings of the Legislature and requesting the Department of Health and Welfare to undertake a study of the cost of implementing a random drug testing program of adults receiving public assistance and requesting the department to report its findings to the Legislature.	124	177	205
57	State Affairs	ADOPTED	IDAHO STATE UNIVERSITY - Stating findings of the Legislature commending and congratulating Idaho State University for its outstanding programs in the health professions and how they have enhanced the quality of life for Idaho citizens.....	118	137	151
58	State Affairs	ADOPTED	CONSTITUTIONAL DEFENSE COUNCIL - Stating findings of the Legislature and requesting the Constitutional Defense Council to investigate the feasibility of gaining control of and providing maintenance operations on Bureau of Land Management and U.S. Forest Service lands.	153	177	205

SENATE INDEX

House Concurrent Resolution	Introduced by	Final Action	Subject Matter	Introduction Page	Senate Vote Page	Final Disp. Page
59	State Affairs	ADOPTED	IDAHO GROWN FOOD PRODUCTION - Stating the findings of the Legislature encouraging healthy, Idaho grown food production, distribution and consumption in the state of Idaho; encouraging support of Idaho farming, the consumption of Idaho grown foods and the promotion of greater food self-sufficiency within the state; and further encouraging Idahoans and Idaho businesses to celebrate and get to know their growers and to purchase and consume more food produced in or near Idaho.....	145	183	214
61	Ways and Means	ADOPTED	INSURANCE DEPARTMENT - Stating findings of the Legislature and rejecting a certain rule of the Department of Insurance relating to continuing education.....	145	167	182
63	Revenue and Taxation	ADOPTED	KRISTIN ARMSTRONG - Stating findings of the Legislature and commending Kristin Armstrong.....	144	177	205
64	State Affairs	ADOPTED	TENTH AMENDMENT - Stating findings of the Legislature and urging Congress to initiate the process to amend the Tenth Amendment and the Interstate Commerce Clause of the United States Constitution.....	171	215	229

SECTION XVI

SENATE SPONSORS - SENATE LEGISLATION VOTED ON IN SENATE - 2010

BILL NO.	SPONSOR(S)
S 1247	Cameron
S 1248	Lodge
S 1250	Goedde
S 1251	LeFavour
S 1252 aa	Cameron
S 1253	Darrington
S 1254	Bock
S 1255	McKague
S 1256	Jorgenson
S 1257	Mortimer
S 1265	Stennett(Stennett)
S 1266	Stennett(Stennett)
S 1267	Darrington
S 1268	Brackett
S 1282	Schroeder
S 1283	Cameron
S 1284	Brackett
S 1285	Bair
S 1286	Schroeder
S 1287	Corder
S 1292	Siddoway
S 1293	Broadsword
S 1294	Mortimer
S 1295	Jorgenson
S 1296	Hammond
S 1297	Heinrich
S 1299	Davis
S 1301	Lodge
S 1302	Bair
S 1305 aa	Goedde
S 1306	Goedde
S 1307	LeFavour
S 1308	Jorgenson
S 1310	Lodge
S 1311 aa	Hammond
S 1312	Broadsword

BILL NO.	SPONSOR(S)
S 1313	Smyser
S 1314	Broadsword
S 1315	Lodge
S 1316	Corder
S 1317	Corder
S 1319	Heinrich
S 1320 aa	Bock
S 1321	Darrington
S 1322	Davis
S 1323	Cameron
S 1324	Goedde
S 1325	Bair
S 1327	Corder
S 1328	Schroeder
S 1329	Jorgenson
S 1330 aa	Bock
S 1331	Corder
S 1332	Corder
S 1335 aaH	Lodge
S 1336	Corder
S 1337	Corder
S 1338	Corder
S 1339	Goedde
S 1340 aa	Stegner
S 1341	Broadsword
S 1342	Schroeder
S 1343	Coiner
S 1344 aa	Corder
S 1345 aa	Brackett
S 1346 aa	Corder
S 1347	Hill
S 1349	Werk
S 1351	Werk
S 1352 aa	McGee
S 1353	Winder
S 1354 aaH	Pearce

BILL NO.	SPONSOR(S)
S 1355	Heinrich
S 1357	McGee
S 1359	Winder
S 1360	Jorgenson
S 1361 aa	Winder
S 1365 aa	Goedde
S 1366 aa	Goedde
S 1367	Bilyeu
S 1370	Davis
S 1371	Jorgenson
S 1373	Darrington
S 1375 aa	McGee
S 1376 aaH	Geddes
S 1378 aa	McKenzie
S 1379	McKenzie
S 1381	Winder
S 1382 aa	Darrington
S 1383 aa	Darrington
S 1384	Lodge
S 1385	Hill
S 1388	Cameron
S 1389 aa	Werk
S 1390	Mortimer
S 1392	Broadsword
S 1393	Mortimer
S 1394	Bilyeu
S 1395	Bair
S 1396	Siddoway
S 1397 aa	Kerby(Keough)
S 1398	Jorgenson
S 1399	Hill
S 1400	Geddes
S 1401 aa	Darrington
S 1402	Broadsword
S 1403 aaH	Smyser
S 1404	Broadsword

BILL NO.	SPONSOR(S)
S 1405	Broadsword
S 1406	LeFavour
S 1407 aaH	Stegner
S 1408	McKenzie
S 1409	Mortimer
S 1410	Brackett
S 1411 aa	Corder
S 1412	Brackett
S 1413	Brackett
S 1415	Brackett
S 1416	Mortimer
S 1417	Bilyeu
S 1418	Cameron
S 1419	Mortimer
S 1420	Mortimer
S 1422	Goedde
S 1423	Kerby(Keough)
S 1424	Kerby(Keough)
S 1425	Davis
S 1426	Hammond
S 1427	Hammond
S 1428	Bilyeu
S 1429	Bilyeu
S 1430	LeFavour
S 1431	LeFavour
S 1432	Hammond
S 1433	Bair
S 1434	Bair
S 1435	Broadsword
S 1436	Siddoway
S 1437	Bilyeu
S 1438	Hammond
S 1439	LeFavour
S 1440	LeFavour
S 1441	LeFavour
S 1442	Broadsword

BILL NO.	SPONSOR(S)
S 1443	Broadsword
S 1444	Mortimer
S 1445	Cameron
SCR NO.	SPONSOR(S)
SCR 113	McGee
SCR 115	Geddes
SCR 118	Schroeder
SCR 119	LeFavour
SCR 120	Stegner
SCR 121	Hammond
SCR 122	Schroeder
SCR 123	Winder
SCR 124	Winder
SCR 125	McKenzie
SCR 126	Darrington
SCR 127	Broadsword
SJM NO.	SPONSOR(S)
SJM 103	Goedde
SJM 104	Brackett
SJM 105	Siddoway
SJM 106	McKenzie
SJR NO.	SPONSOR(S)
SJR 102	Winder
SJR 103	Winder
SP NO.	SPONSOR(S)
SP 102	Smyser
SP 103	Kelly

SP NO.	SPONSOR(S)
SR NO.	SPONSOR(S)
SR 102	McGee

SECTION XVII

SENATE SPONSORS - HOUSE LEGISLATION VOTED ON IN SENATE - 2010

BILL NO.	SPONSOR(S)
H 379	Pearce
H 380	Werk
H 381	Jorgenson
H 382 aaS	Hill
H 384	McKenzie
H 385	Heinrich
H 386 aa	Hill
H 388	Werk
H 390	McKenzie
H 391 aa	Pearce
H 397	Hammond
H 398	McGee
H 400 aaS	Goedde
H 406	Broadsword
H 407 aa	Siddoway
H 408	Brackett
H 409	Coiner
H 410	Werk
H 411	Coiner
H 412	Stegner
H 413	Stegner
H 414	McKenzie
H 415	Brackett
H 416	Siddoway
H 417	Bair
H 418	Hammond
H 421	Bock
H 422	Kelly
H 424	Coiner
H 425	Heinrich
H 426	McKenzie
H 428	Coiner
H 429	Smyser
H 430	Cameron
H 431	Cameron
H 432	Cameron

BILL NO.	SPONSOR(S)
H 433 aa	Kelly
H 437	McKenzie
H 438	McGee
H 439	Bilyeu
H 440	Kerby(Keough)
H 441	Mortimer
H 443	Jorgenson
H 444 aa	Jorgenson
H 445	McGee
H 446	McKenzie
H 449	Werk
H 450	Stennett(Stennett)
H 451	McGee
H 452	Broadsword
H 453	Coiner
H 456	Smyser
H 457	Hammond
H 458	LeFavour
H 459	Coiner
H 460	LeFavour
H 461	Coiner
H 462	Goedde
H 463	Pearce
H 464	Smyser
H 465	Bock
H 466	Smyser
H 467	Heinrich
H 468	Coiner
H 469	Coiner
H 470	Hammond
H 471	Jorgenson
H 472	Stegner
H 474	Lodge
H 476	Lodge
H 477	Goedde
H 478	Coiner

BILL NO.	SPONSOR(S)
H 480 aa	McGee
H 481	Lodge
H 482	Bock
H 483	Broadsword
H 484	Smyser
H 486	Winder
H 490	Heinrich
H 492	Geddes
H 493 aaS	Fulcher
H 494	Bock
H 495 aa	McGee
H 496	Pearce
H 498	Bock
H 502	Coiner
H 503	Goedde
H 504	Smyser
H 508	Lodge
H 509 aaS	LeFavour
H 510	LeFavour
H 513	Hill
H 514	Corder
H 516	Stegner
H 517	Lodge
H 518	LeFavour
H 519	Lodge
H 521	Heinrich
H 522	Geddes
H 525	Cameron
H 526	Coiner
H 527	Coiner
H 529	Coiner
H 531 aa	Schroeder, Geddes
H 533	Corder
H 534 aaS	LeFavour
H 537 aa	LeFavour
H 538	Lodge

BILL NO.	SPONSOR(S)
H 540	Heinrich
H 542	Kerby(Keough)
H 543	Jorgenson
H 544	Stegner
H 545 aaS	Pearce
H 548 aa	LeFavour
H 550	Davis
H 553	Lodge
H 554	Kelly
H 555	Pearce
H 556 aa	Siddoway
H 557	Cameron
H 558 aa	Cameron
H 559	Coiner
H 560	Coiner
H 561	Werk
H 564	McGee
H 566	Stegner
H 574	Winder
H 575	Stegner
H 576 aaS	Brackett
H 579	Mortimer
H 581	Smyser
H 586 aa	McGee
H 588	McKenzie
H 589 aaS	Pearce
H 593 aa	Bock
H 596 aa	McKenzie
H 598 aaS	Coiner
H 599	Brackett
H 600	Winder
H 601	Kelly, Goedde
H 602 aa	LeFavour
H 603	McKenzie
H 604 aa	Cameron
H 605	McKenzie

BILL NO.	SPONSOR(S)
H 607	Heinrich
H 608 aa	McKague
H 609	McGee
H 610	Lodge
H 611	McGee
H 613	Mortimer
H 614 aaS	McKenzie
H 615	Jorgenson
H 617	McKenzie
H 624	Mortimer
H 625	Mortimer
H 626	Broadsword
H 630	Hill
H 631 aa	McKenzie
H 636	Mortimer
H 637	Pearce
H 640 aa	Schroeder
H 641	Bair
H 642	Brackett
H 644	Cameron
H 645 aa	Heinrich
H 646 aa	Cameron
H 647	Corder
H 648	Siddoway
H 649	Broadsword
H 652	McKenzie
H 653	Smyser
H 656	Lodge
H 657	Cameron
H 659	Hammond
H 660	Broadsword
H 661	Broadsword
H 662	Goedde
H 664	Davis
H 665 aa	Kerby(Keough)
H 667 aa	Geddes

BILL NO.	SPONSOR(S)
H 668	Bilyeu
H 669	Siddoway
H 670	Brackett
H 671	Hammond
H 673	McKenzie
H 674	McKenzie
H 675	Corder
H 676 aa	Bock
H 677	Mortimer
H 678	Brackett
H 679	Brackett
H 680	Stegner
H 681 aaS	Hammond
H 682	Winder
H 683	Bilyeu
H 684	Darrington
H 685	Hammond
H 687	Darrington
H 688	Winder
H 689	Siddoway
H 690	Kerby(Keough)
H 691	Heinrich
H 692 aa	Geddes
H 694	Bilyeu
H 695	Bair
H 696	Brackett
H 697	Bair
H 698	Siddoway
H 699 aaS	Goedde
H 701	Broadsword
H 702	Broadsword
H 703	Mortimer
H 704	LeFavour
H 705	Brackett
H 708	Broadsword
H 710	Bair

BILL NO.	SPONSOR(S)
H 711	Hammond
H 712	LeFavour
H 713	Kerby(Keough)
H 714	Bair
H 715	Broadsword
H 716	Broadsword
H 717	Broadsword
H 721	Hammond
H 722	Broadsword
H 723	Broadsword
H 724	Mortimer
H 725	Mortimer
H 726	Brackett
H 727	Mortimer
H 728	Mortimer
H 729 aaS	McGee
HCR NO.	SPONSOR(S)
HCR 35	Davis
HCR 36	Werk
HCR 37	Davis
HCR 38	Fulcher
HCR 39	LeFavour
HCR 41	Corder
HCR 44	McKenzie
HCR 45	Heinrich
HCR 46	Fulcher
HCR 47	Stegner
HCR 48	Geddes
HCR 49	McKenzie
HCR 54	Brackett
HCR 55	Pearce
HCR 57	Bilyeu
HCR 58	Kerby(Keough)
HCR 59	LeFavour, Davis
HCR 61	Cameron

HCR NO.	SPONSOR(S)
HCR 63	Pearce
HCR 64	Pearce
HJM NO.	SPONSOR(S)
HJM 9	Bair
HJM 10	Geddes
HJM 11	Pearce
HJR NO.	SPONSOR(S)
HJR 4	Stegner
HJR 5	Stegner
HJR 7	Stegner
HP NO.	SPONSOR(S)
HP 3	Bock