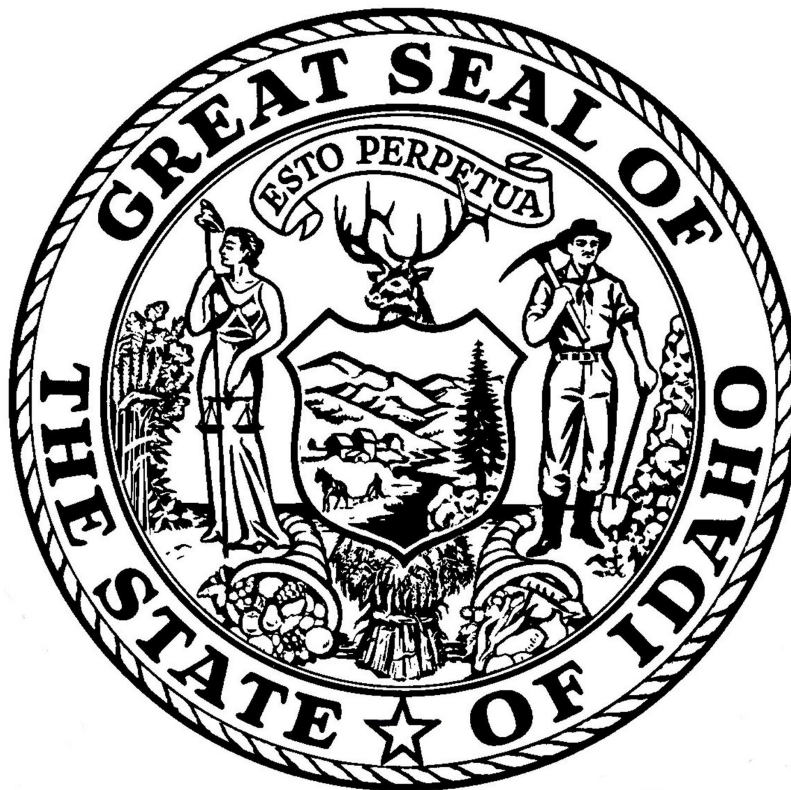


JOURNAL
of the
**HOUSE OF
REPRESENTATIVES**



STATE OF IDAHO
2012

TABLE OF CONTENTS
SIXTY-FIRST IDAHO LEGISLATURE
SECOND REGULAR SESSION - 2012

	<u>Page</u>
HOUSE OFFICERS AND ADMINISTRATION.....	iv
HOUSE MEMBERS AND COMMITTEE ASSIGNMENTS.....	v
HOUSE STANDING COMMITTEES	x
HOUSE ATTACHES.....	xii
HOUSE JOURNAL - January 9 through March 29, 2012	1
INDEXES	
SPECIAL PROCEDURE INDEX.....	331
BILL INDEX	
House Bills.....	334
House Concurrent Resolutions	347
House Joint Memorials	348
House Joint Resolutions.....	348
House Resolutions	348
House Proclamations	348
Senate Bills Received by the House of Representatives	349
Senate Concurrent Resolutions Received by the House of Representatives	355
Senate Joint Memorials Received by the House of Representatives	356
Senate Joint Resolutions Received by the House of Representatives	356
LAW INDEX - House Bills which Became Law	357
APPENDIX - Final Report of the Commission for Reapportionment	365

**HOUSE OFFICERS
2012**

LAWERENCE DENNEY
Speaker of the House

MIKE MOYLE
Majority Leader

SCOTT BEDKE
Assistant Majority Leader

KEN A. ROBERTS
Majority Caucus Chair

JOHN RUSCHE
Minority Leader

ELFREDA HIGGINS
Assistant Minority Leader

BRIAN CRONIN
Minority Caucus Chair

**HOUSE ADMINISTRATION
2012**

BONNIE ALEXANDER Chief Clerk of the House
SUE FRIEDERS Assistant to the Speaker
TERRI FRANKS-SMITH Chief Fiscal Officer
CLAUDIA HOWELL Sergeant at Arms
VICKIE HERR Assistant Chief Clerk
CHRIS TAYLOR Journal Clerk
ROBERT STEWART Assistant Sergeant at Arms
BRENDA WALTERS Assistant to Majority Leadership
MORGAN HILL Minority Chief of Staff
TOM DOUGHERTY Chaplain

**HOUSE MEMBERS
AND COMMITTEE ASSIGNMENTS 2012**

ANDERSON, ERIC R.	District 1
Environment, Energy, and Technology, State Affairs	
ANDRUS, KEN	District 29
Agricultural Affairs - Chair, Resources and Conservation, State Affairs	
BARBIERI, VITO	District 3
Business, Local Government, Revenue and Taxation	
BARRETT, LENORE HARDY	District 35
Local Government - Chair, Resources and Conservation, Revenue and Taxation	
BATEMAN, LINDEN B.	District 33
Education, Judiciary, Rules, and Administration, Transportation and Defense	
BATT, GAYLE L.	District 10
Agricultural Affairs, Business, State Affairs	
BAYER, CLIFFORD R.	District 21
Business, Local Government, Revenue and Taxation	
BEDKE, SCOTT	District 27
Assistant Majority Leader Resources and Conservation, Revenue and Taxation, Transportation and Defense, Ways and Means	
BELL, MAXINE T.	District 26
Appropriations - Chair	
BILBAO, CARLOS	District 11
Health and Welfare - Vice Chair, Business, State Affairs	
BLACK, MAX C.	District 15
Business - Chair, State Affairs	
BLOCK, SHARON L.	District 24
Commerce and Human Resources - Chair, Education, Environment, Energy, and Technology	
BOLZ, DARRELL	District 10
Appropriations - Vice Chair, Agricultural Affairs, Judiciary, Rules, and Administration	
BOYLE, JUDY	District 9
Agricultural Affairs - Vice Chair, Education, Resources and Conservation	
BUCKNER-WEBB, CHERIE	District 19
Local Government, State Affairs	
BURGOYNE, GRANT	District 16
Judiciary, Rules, and Administration, Revenue and Taxation	

HOUSE MEMBERS AND COMMITTEE ASSIGNMENTS 2012

CHADDERDON, MARGE	District 4
Business, Education, Local Government	
CHEW, SUSAN B.	District 17
Education, Health and Welfare	
COLLINS, GARY E.	District 12
Revenue and Taxation - Vice Chair, Business, Local Government	
CRANE, BRENT J.	District 13
State Affairs - Vice Chair, Business	
CRONIN, BRIAN	District 19
Minority Caucus Chair	
Business, Education, Environment, Energy, and Technology, Ways and Means	
DEMORDAUNT, REED	District 14
Business, Education, Environment, Energy, and Technology	
DENNEY, LAWERENCE	District 9
Speaker of the House	
ELLSWORTH, JULIE	District 18
Transportation and Defense - Vice Chair, Judiciary, Rules, and Administration, Revenue and Taxation	
ESKRIDGE, GEORGE E.	District 1
Appropriations, Environment, Energy, and Technology, Resources and Conservation	
GIBBS, MARC	District 31
Environment, Energy, and Technology, Resources and Conservation, Revenue and Taxation	
GUTHRIE, JIM	District 29
Business, Health and Welfare, State Affairs	
HAGEDORN, MARV	District 20
Appropriations, Resources and Conservation, Transportation and Defense	
HART, PHIL	District 3
Judiciary, Rules, and Administration, Transportation and Defense	
HARTGEN, STEPHEN	District 23
Commerce and Human Resources - Vice Chair, Education, Environment, Energy, and Technology	
HARWOOD, R. J.	District 2
Environment, Energy, and Technology - Vice Chair, Resources and Conservation, Revenue and Taxation	
HENDERSON, FRANK N.	District 5
Business - Vice Chair, State Affairs, Transportation and Defense	

**HOUSE MEMBERS
AND COMMITTEE ASSIGNMENTS 2012**

HIGGINS, ELFREDA	District 16
Assistant Minority Leader Local Government, Resources and Conservation, State Affairs, Ways and Means	
JAQUET, WENDY	District 25
Appropriations, Environment, Energy, and Technology, Judiciary, Rules, and Administration	
KILLEN, WILLIAM M.	District 17
Judiciary, Rules, and Administration, Revenue and Taxation, Transportation and Defense	
KING, PHYLIS K.	District 18
Commerce and Human Resources, State Affairs, Transportation and Defense	
LACEY, ROY	District 30
Agricultural Affairs, Resources and Conservation	
LAKE, DENNIS M.	District 28
Revenue and Taxation - Chair, Agricultural Affairs, Commerce and Human Resources	
LOERTSCHER, THOMAS F.	District 31
State Affairs - Chair, Commerce and Human Resources, Health and Welfare	
LUKER, LYNN M.	District 15
Judiciary, Rules, and Administration - Vice Chair, Local Government, State Affairs	
MARRIOTT, JIM	District 28
Local Government - Vice Chair, Commerce and Human Resources, Education	
MCGEACHIN, JANICE K.	District 32
Health and Welfare - Chair, State Affairs	
MCMILLAN, SHANNON	District 2
Agricultural Affairs, Judiciary, Rules, and Administration	
MOYLE, MIKE	District 14
Majority Leader Resources and Conservation, Revenue and Taxation, Ways and Means	
NESSET, JEFF	District 7
Commerce and Human Resources, Education, Transportation and Defense	
NIELSEN, PETE	District 22
Education, Environment, Energy, and Technology, Judiciary, Rules, and Administration	
NONINI, BOB	District 5
Education - Chair, Transportation and Defense	
PALMER, JOE	District 20
Transportation and Defense - Chair, Business, State Affairs	

**HOUSE MEMBERS
AND COMMITTEE ASSIGNMENTS 2012**

PATRICK, JIM	District 23
Agricultural Affairs, Appropriations, Business	
PENCE, DONNA	District 25
Agricultural Affairs, Education, Resources and Conservation	
PERRY, CHRISTY	District 13
Judiciary, Rules, and Administration, Local Government	
RAYBOULD, DELL	District 34
Environment, Energy, and Technology - Chair, Resources and Conservation, Revenue and Taxation	
RINGO, SHIRLEY G.	District 6
Appropriations, Commerce and Human Resources, Transportation and Defense	
ROBERTS, KEN A.	District 8
Majority Caucus Chair Health and Welfare, Revenue and Taxation, Ways and Means	
RUSCHE, JOHN	District 7
Minority Leader Business, Health and Welfare, Revenue and Taxation, Ways and Means	
SCHAEFER, ROBERT E.	District 12
Environment, Energy, and Technology, Revenue and Taxation	
SHEPHERD, PAUL E.	District 8
Resources and Conservation - Vice Chair, Education, Health and Welfare	
SHIRLEY, MACK G.	District 34
Education - Vice Chair, Agricultural Affairs, Judiciary, Rules, and Administration	
SIMPSON, ERIK	District 32
Commerce and Human Resources, Environment, Energy, and Technology, State Affairs	
SIMS, KATHLEEN	District 4
Judiciary, Rules, and Administration, Local Government, State Affairs	
SMITH, ELAINE	District 30
Business, Environment, Energy, and Technology, State Affairs	
SMITH, LEON E.	District 24
Judiciary, Rules, and Administration, Revenue and Taxation, Transportation and Defense	
STEVENSON, JOHN A.	District 26
Resources and Conservation - Chair, Agricultural Affairs, State Affairs	
THAYN, STEVEN P.	District 11
Commerce and Human Resources, Education, Health and Welfare	

**HOUSE MEMBERS
AND COMMITTEE ASSIGNMENTS 2012**

THOMPSON, JEFF	District 33
Appropriations, Business, Environment, Energy, and Technology	
TRAIL, TOM	District 6
Agricultural Affairs, Commerce and Human Resources, Education	
VANDER WOUDE, JOHN	District 21
Appropriations, Environment, Energy, and Technology, Resources and Conservation	
WILLS, RICHARD	District 22
Judiciary, Rules, and Administration - Chair, Education, Transportation and Defense	
WOOD, FRED	District 27
Appropriations, Health and Welfare, Resources and Conservation	
WOOD, JOAN E.	District 35
Ways and Means - Chair, Resources and Conservation, Revenue and Taxation, Transportation and Defense	

HOUSE STANDING COMMITTEES

Agricultural Affairs (12)

Andrus, Chairman
Boyle, Vice Chairman

Lake
Stevenson
Trail
Bolz
Shirley
Patrick
McMillan
Batt

Pence
Lacey

Appropriations (10)

Bell, Chairman
Bolz, Vice Chairman

Eskridge
Wood(27)
Patrick
Hagedorn
Thompson
Vander Woude

Ringo
Jaquet

Business (17)

Black, Chairman
Henderson, Vice Chairman

Collins
Bilbao
Chadderdon
Crane
Patrick
Bayer
Palmer
Thompson
Barbieri
DeMordaunt
Guthrie
Batt

Smith(30)
Rusche
Cronin

Commerce and Human Resources (11)

Block, Chairman
Hartgen, Vice Chairman

Lake
Trail
Marriott
Thayn
Simpson
Loertscher
Nesset

Ringo
King

Education (18)

Nonini, Chairman
Shirley, Vice Chairman

Trail
Block
Nielsen
Chadderdon
Shepherd
Wills
Marriott
Thayn
Hartgen
Bateman
Boyle
DeMordaunt
Nesset

Pence
Chew
Cronin

Environment, Energy, and Technology (16)

Raybould, Chairman
Harwood, Vice Chairman

Anderson
Eskridge
Hartgen
Simpson
Schaefer
Vander Woude
Block
DeMordaunt
Gibbs
Nielsen
Thompson

Smith(30)
Jaquet
Cronin

Health and Welfare (10)

McGeachin, Chairman
Bilbao, Vice Chairman

Loertscher
Shepherd
Thayn
Wood(27)
Guthrie
Roberts

Rusche
Chew

Judiciary, Rules, and Administration (15)

Wills, Chairman
Luker, Vice Chairman

Smith(24)
Nielsen
Shirley
Hart
Bolz
Ellsworth
Bateman
McMillan
Perry
Sims

Burgoyne
Jaquet
Killen

HOUSE STANDING COMMITTEES

Local Government (11)

Barrett, Chairman
Marriott, Vice Chairman

Collins
Bayer
Chadderdon
Barbieri
Luker
Perry
Sims

Higgins
Buckner-Webb

Transportation and Defense (15)

Palmer, Chairman
Ellsworth, Vice Chairman

Wood(35)
Smith(24)
Bedke
Wills
Hart
Nonini
Hagedorn
Bateman
Henderson
Nesset

Ringo
King
Killen

Resources and Conservation (18)

Stevenson, Chairman
Shepherd, Vice Chairman

Wood(35)
Barrett
Moyle
Eskridge
Raybould
Bedke
Andrus
Wood(27)
Boyle
Hagedorn
Harwood
Vander Woude
Gibbs

Pence
Higgins
Lacey

Ways and Means (7)

Wood(35), Chairman

Moyle
Bedke
Roberts

Rusche
Higgins
Cronin

Revenue and Taxation (18)

Lake, Chairman
Collins, Vice Chairman

Barrett
Moyle
Raybould
Roberts
Schaefer
Smith(24)
Wood(35)
Bedke
Harwood
Barbieri
Bayer
Ellsworth
Gibbs

Killen
Burgoyne
Rusche

State Affairs (19)

Loertscher, Chairman
Crane, Vice Chairman

Stevenson
Black
Anderson
Andrus
Bilbao
Luker
Palmer
Simpson
Guthrie
Henderson
McGeachin
Sims
Batt

Smith(30)
King
Higgins
Buckner-Webb

HOUSE ATTACHES 2012

ALEXANDER, BONNIE..... **Chief Clerk of the House
 CLARK, JANE..... Secretary to Transportation and Defense Committee
 CLAYTON, JEANNE..... Secretary to Commerce and Human Resources Committee
 CLAYTON, JEANNE..... Secretary to Local Government Committee
 COCHRANE, LISSA Secretary to State Affairs Committee
 DE SIMON, MARTHA..... Majority Pool Secretary
 DOUGHERTY, TOM Chaplain
 DOWNS, CATHY Minority Leadership Secretary
 FAILING, JANET Secretary to Revenue and Taxation Committee
 FRANKS-SMITH, TERRI **Chief Fiscal Officer
 FRIEDERS, SUE..... **Assistant to the Speaker
 HERR, VICKIE Assistant Chief Clerk
 HILL, MORGAN Minority Chief of Staff
 HOWELL, CLAUDIA Sergeant at Arms
 MARTINEZ, JENNIFER Minority Leadership Secretary
 MOLITOR, MARYLOU Secretary to Business Committee
 MOORE, IRENE Secretary to Health and Welfare Committee
 NEMORE, STEPHANIE..... Secretary to Judiciary, Rules, and Administration Committee
 STEWART, ROBERT Assistant Sergeant at Arms
 TAYLOR, CHRIS Journal Clerk
 TIPPS, MARY Secretary to Education Committee
 VANCE, JEAN Secretary to Environment, Energy, and Technology Committee
 WALTERS, BRENDA..... Assistant to Majority Leadership
 WERLINGER, SUSAN..... Secretary to Agricultural Affairs Committee
 WERLINGER, SUSAN..... Secretary to Resources and Conservation Committee
 YOST, KATHRYN Secretary to Appropriations Committee
 ** Permanent Employees

HOUSE PAGES:

AGUIRRE, CANDACE	KELLER, MYLEAH	OVAR, BENJAMIN
BACA, ALEXANDER	MAGALLON, CRISTIAN	PRIGGE, ABIGAIL
BAINES, CHARLES	MCHAN, SUSIE	RICHTER, IAN
CHRISTENSEN, AUBRIANNE	MONAGHAN, HOLLY	ROBLES, BENJAMIN
FOX, MEGAN	MORRIS, ABIGAIL	UHLENKOTT, RACHEL
FOX, MORGAN	NELSON, DREW	WILLS, COURTNEY
GOOLD, JAKOB	NUXOLL, DEREK	WRIGHT, JORDAN
JOHNSON, DAIN	OSTERHOUT, GABE	

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**FIRST LEGISLATIVE DAY
MONDAY, JANUARY 9, 2012**

House of Representatives

The House convened at 12 noon, January 9, 2012, the time established for the convening of the Second Regular Session of the Sixty-first Legislature, the members of the House of Representatives convened in the House Chamber of the Capitol Building in the City of Boise, with Lawrence Denney, Speaker, presiding.

Roll call showed all 70 members present.

At this time the Speaker put the House at ease for the Flag Ceremony.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Chaplain Tom Dougherty.

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

Consideration of Messages from the Governor and the Senate

The Chief Clerk read the official proclamation as follows:

I, Ben T. 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 House of Representatives of the Second Regular Session of the Sixty-first Legislature, as shown by official records on file in my office:

DISTRICT	NAME
1	Eric Anderson (R), George E. Eskridge (R)
2	Shannon McMillan (R), R. J. "Dick" Harwood (R)
3	Vito Barbieri (R), Phil Hart (R)
4	Marge Chadderdon (R), Kathleen Sims (R)
5	Bob Nonini (R), Frank N. Henderson (R)
6	Tom Trail (R), Shirley G. Ringo (D)
7	Jeff Nasset (R), John Rusche (D)
8	Ken A. Roberts (R), Paul E. Shepherd (R)
9	Lawrence E. Denney (R), Judy Boyle (R)
10	Gayle L. Batt (R), Darrell Bolz (R)
11	Steven Thayne (R), Carlos Bilbao (R)
12	Robert E. Schaefer (R), Gary E. Collins (R)
13	Brent Crane (R), Christy Perry (R)
14	Mike Moyle (R), Reed DeMordaunt (R)
15	Lynn M. Luker (R), Max C. Black (R)

16	Grant Burgoyne (D), Elfreda Higgins (D)
17	Bill Killen (D), Sue Chew (D)
18	Julie Ellsworth (R), Phyllis K. King (D)
19	Cherie Buckner-Webb (D), Brian C. Cronin (D)
20	Joe A. Palmer (R), Marv Hagedorn (R)
21	John Vander Woude (R), Clifford R. "Cliff" Bayer (R)
22	Rich Wills (R), Pete Nielsen (R)
23	Jim Patrick (R), Stephen Hartgen (R)
24	Leon Smith (R), Sharon Block (R)
25	Wendy Jaquet (D), Donna Pence (D)
26	John A. "Bert" Stevenson (R), Maxine T. Bell (R)
27	Scott Bedke (R), Fred Wood (R)
28	Dennis M. Lake (R), Jim Marriott (R)
29	Ken Andrus (R), Jim Guthrie (R)
30	Roy Lacey (D), Elaine Smith (D)
31	Marc Gibbs (R), Tom Loertscher (R)
32	Janice McGeachin (R), Erik Simpson (R)
33	Jeff Thompson (R), Linden B. Bateman (R)
34	Mack G. Shirley (R), Dell Raybould (R)
35	JoAn E. Wood (R), Lenore Hardy Barrett (R)

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 4th day of January, in the year of our Lord, two thousand and twelve, and of the Independence of the United States of America, the two hundred and thirty-sixth.

/s/ Ben T. Ysursa
Secretary of State

The Certificate of Election was ordered filed in the office of the Chief Clerk.

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 59-904A, Idaho Code, the District 10 Legislative Committee of the Republican Party has submitted a list of three names for consideration in filling a vacancy in the Idaho State House of Representatives.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Gayle Batt of Wilder, Idaho to the office of State Representative, District 10, House Seat A, for a term commencing November 18, 2011 and continuing until the next general election when the term of office expires.

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 18th day of November, in the year of our Lord two thousand and eleven and of the Independence of the United States of America, the two hundred and thirty-sixth year.

/s/ C.L. "BUTCH" OTTER
Governor
/s/ BEN T. YSURSA
Secretary of State

The Certificate of Appointment was ordered filed in the office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Mrs. Batt.

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

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 29

BY MOYLE AND RUSCHE

A CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE SECOND REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE FOR THE PURPOSE OF HEARING A MESSAGE FROM THE GOVERNOR.

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

WHEREAS, the Governor has informed the House of Representatives and the Senate that he desires to deliver a message to a Joint Session of the House of Representatives and the Senate of the Second Regular Session of the Sixty-first Idaho Legislature in the Chamber of the House of Representatives at 1 p.m. on Monday, January 9, 2012.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the House of Representatives and the Senate meet in Joint Session on Monday, January 9, 2012, at 1 p.m. for the purpose of hearing the message from the Governor.

HOUSE RESOLUTION NO. 3

BY MOYLE AND RUSCHE

A HOUSE RESOLUTION

DETERMINING THE SELECTION AND COMPENSATION OF THE EMPLOYEES OF THE HOUSE OF REPRESENTATIVES OF THE SECOND REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE.

Be It Resolved by the House of Representatives of the State of Idaho:

WHEREAS, House Rule 74 provides that the selection and compensation of the employees of the House of Representatives shall be determined by resolution of the House of Representatives.

NOW, THEREFORE, BE IT RESOLVED by the members of the House of Representatives, that the selection and compensation of the officers and employees of the House of Representatives of the Second Regular Session of the Sixty-first Idaho Legislature be determined by the Speaker of the House of Representatives.

[HCR 29](#) and [HR 3](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Mr. Moyle asked unanimous consent that two committees be appointed by the Speaker; one to notify the Governor, and one to notify the Senate that the House is organized and ready to do business. There being no objection, it was so ordered.

The Speaker appointed the following committees to notify the Governor and the Senate.

Representatives Bilbao, Crane, and Higgins were appointed as the committee to notify the Governor and Representatives Thompson, Henderson, and Cronin were appointed as the committee to notify the Senate. The committees were excused.

There being no objection, the House returned to the Fifth Order of Business.

Report of Standing Committees

January 9, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 29](#).

WILLS, Chairman

[HCR 29](#) was ordered held at the Desk.

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

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [HCR 29](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [HCR 29](#) be read the first time by title, second time by title, and third time at length, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Bilbao, Crane, Cronin, Henderson, Higgins, Thompson. Total – 6.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [HCR 29](#) was read the first time by title, second time by title, and third time at length, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Moyle to open debate.

The question being, "Shall [HCR 29](#) be adopted?"

Whereupon the Speaker declared [HCR 29](#) adopted by voice vote and ordered the resolution transmitted to the Senate.

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

Miscellaneous and Unfinished Business

Newly appointed Representative Batt, was appointed to the following standing committees:

AGRICULTURAL AFFAIRS (12)

Andrus, Chairman
Boyle, Vice Chairman

Lake
Stevenson
Trail
Bolz
Shirley
Patrick
McMillan
Batt

Pence
Lacey

BUSINESS (17)

Black, Chairman
Henderson, Vice Chairman

Collins
Bilbao
Chadderdon
Crane
Patrick
Bayer
Palmer
Thompson
Barbieri
DeMordaunt
Guthrie
Batt

Smith(30)
Rusche
Cronin

STATE AFFAIRS (19)

Loertscher, Chairman
Crane, Vice Chairman

Stevenson
Black
Anderson
Andrus
Bilbao
Luker
Palmer
Simpson
Guthrie
Henderson
McGeachin
Sims
Batt

Smith(30)
King
Higgins
Buckner-Webb

The following committee assignments were made:

Memorial Committee

Representative Ellsworth, Chairman
Representative Gibbs
Representative Burgoyne

Lincoln Day Committee

Representative Bateman, Chairman
Representative Hartgen
Representative Pence

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

The committee appointed to notify the Governor that the House was in session returned to the House and reported they had conveyed the message to the Governor and that the Governor sent his greetings and best wishes for a productive session. The committee was thanked and discharged by the Speaker.

The committee appointed to notify the Senate that the House was in session returned to the House and reported that they had conveyed the message to the Senate, and the Senate returned its best wishes for a productive session. The committee was thanked and discharged by the Speaker.

At this time, Senators acting as a committee from the Senate, were escorted into the House Chamber to notify the House of Representatives that the Senate was organized and ready for business. The Speaker thanked the committee.

Mr. Moyle asked unanimous consent that a committee be appointed to wait upon the Senate and escort the Senators to the House Chamber for the purpose of attending the Joint Session. There being no objection, it was so ordered.

The Speaker appointed Representatives Loertscher, Chadderdon, and Jaquet as the committee to wait upon the Senate. The committee was excused.

The committee appointed to wait upon the Senate returned and reported that the Senate was waiting to enter the House Chambers. The Speaker thanked and discharged the committee.

JOINT SESSION

Pursuant to **HCR 29**, the hour of 1 p.m. having arrived, the members of the Senate entered the House Chamber and met in Joint Session with Speaker Lawrence Denney presiding.

Roll call of the House showed all 70 members present.

Roll call of the Senate showed all 35 members present.

The Pledge of Allegiance was led by Chaplain Tom Dougherty.

Prayer was offered by Chaplain Tom Dougherty.

Mr. Moyle asked unanimous consent that one committee be appointed to wait upon the Supreme Court Justices and Appellate Court Judges and one to wait upon the Elected Officials and escort them to the House Chamber. There being no objection, it was so ordered.

The Speaker appointed Senators Darrington and Bock and Representatives Wills and Burgoyne as the committee to wait upon the Supreme Court Justices and Appellate Court Judges and Senators Winder and Stennet and Representatives Boyle and Killen as the committee to wait upon the Elected Officials and escort them to the House Chamber. The committees were excused.

Mr. Moyle asked unanimous consent that the Speaker appoint a committee to wait upon the Governor and escort him to the House Chamber. There being no objection, it was so ordered.

The Speaker appointed Senators Davis and Malepeai and Representatives Moyle and Rusche as the committee to wait upon the Governor and escort him to the House Chamber. The committee was excused.

The committee appointed by the Speaker escorted the Supreme Court Justices and the Appellate Court Judges to the House Chamber where they were presented to the Joint Session.

The committee appointed by the Speaker escorted the Elected Officials to the House Chamber where they were presented to the Joint Session.

The committee appointed by the Speaker escorted the Governor to the House Chamber.

His Excellency, the Governor of the State of Idaho, C.L. "Butch" Otter, was introduced by the Speaker and the following **State of the State Message and Budget Address** was delivered by Governor Otter.

* * * * *

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

I am here today to report on my view of our state, and to provide you with recommendations for the coming year.

It is my pleasure to report that Idaho - having been tested by the Great Recession - now is emerging leaner, stronger, more resilient and better prepared to compete, prosper and prevail in the years to come.

Thank you for your leadership and for your partnership in guiding Idaho through a trying time for the people we serve, and for your civic virtue in staying true to our Idaho values.

I'm also proud and humbled to report today the successful and honorable homecoming of the men and women of the Idaho National Guard's 116th Cavalry Brigade Combat Team.

We also recently welcomed home about 100 Idahoans who were deployed to Iraq with the Army Reserve's 391st Engineer Company.

But it is my solemn duty to report that two of our courageous war fighters with the 116th Armored Cav lost their lives defending freedom during 2011 in a country half a world away.

I ask that you keep Specialist Nathan Ryan Beyers, Specialist Nicholas Wayne Newby and their loved ones in your thoughts and prayers as you continue your work.

Along with Staff Sergeant Jason Rzepa- who was wounded and received the Purple Heart - they were among more than 15-hundred Idaho members of the 116th who put their lives on the line for us.

And they weren't alone.

Specialist Robert Dyas of the 1st Infantry Division; Corporal Devin Daniels of the 82nd Airborne, and Corporal Ryan Sharp of the 1st Infantry Division each gave the last full measure of devotion in defense of liberty during 2011.

They were our sons and our fathers, our brothers and our teachers, our students and our friends. They each will be sorely missed.

Now most of our valiant soldiers are home, once again helping make Idaho the best place in the world to live, to work and to raise a family.

Unfortunately, that's not yet true of Sergeant Bowe Bergdahl of Hailey. He remains in the captivity of a Taliban-supported terrorist network in Afghanistan.

I know you join me in continuing to pray for his safe release and speedy return home.

Among those troops who have returned home, grateful for their freedom, far too many did so without a job.

That will change, because it must change. I believe we all can agree that these men and women have faced too much hardship fighting abroad for us to ask them to face more hardship back here at home.

And so I am pleased to report to you today that the Department of Labor, the Division of Veterans Services, the Military Division, the Department of Commerce, the Department of Education and all State agencies are joined in the task of addressing that challenge.

Ladies and gentlemen, the Hire One Vet effort is more than the right thing to do.

It is our responsibility to ensure that our troops have the tools they need to resume their productive civilian lives.

So I encourage you to help however you can, and to continue making good on our shared commitment to those who safeguard our country's future.

Their plight is our plight. And their success is our success. I cannot put it any plainer than that.

Those veterans, and our children, are at the heart of the Idaho I want to see by the end of my second term as your Governor.

I want to see an Idaho that is more independent, dynamic, diverse, and built on a foundation of freedom, personal responsibility and public accountability.

I want to see an Idaho focused not on scarcity or what we lack, but on a more prosperous and hopeful future for all of us.

It's with that Idaho in mind that I set my top two budget and policy priorities for 2012 and this legislative session.

And the reality is, those two priorities are inseparable - jobs and education.

Almost everything we do this year will have an impact on those two priorities, which I'm confident you share.

But let's talk first about the philosophy that underpins those priorities - the philosophy that has seen us through one of the worst economic downturns in American history.

About 14 months ago the people of Idaho elected us with the understanding that we would make economic growth and the creation of more career opportunities the centerpiece of our State government agenda.

They entrusted us to deliver on our pledge to bring them a more efficient, effective and smaller State government - and to protect Idaho's hard-working taxpayers.

Our citizens expressed strong support for our emphasis on government doing more with less - as they have done - and our steadfast focus on living within the people's means.

They embraced our ideas, encouraged our efforts, and recommitted along with each of us to putting the politics of the past in the past.

And they endorsed our opposition to federal programs and policies aimed at: Imposing greater burdens on taxpayers, locking up our natural resources with regulatory roadblocks, imposing top-down mandates, and creating one-size-fits-all government "solutions" to our challenges.

Thanks to your leadership and an understanding of our constituents' needs that I believe only citizen legislators can possess, the result is a State government that does not face - and will not face - the staggering deficits, layoffs, shutdowns, tax increases and other problems that are plaguing many other states.

But keeping our head above water in difficult times isn't good enough - not for us, and not for the people of Idaho.

We are not here just to get by. We are here to help enable the people we serve to get ahead!

My three broad priorities when voters first elected me Governor were to: Encourage economic opportunity, Ensure responsible government, and Empower Idahoans to be the architects of their own destiny.

Those remain the foundation of my approach to this job. But circumstances have converged to raise the stakes.

You will continue to see my administration focus on re-establishing the proper role of State government in our lives.

And you will continue to see our extraordinary Idaho independence and self-reliance assert itself in response to federal intrusions on our sovereignty and liberties.

But you also will see a greater emphasis on ensuring the efficiency and prudent frugality that we've established in every agency of State government during the past three years become standard procedure.

What we had to do then will become our new normal going forward.

And you will see a greater emphasis on building innovative public-private partnerships that leverage our limited resources toward advancing and achieving our shared goals.

That's especially true when it comes to fulfilling the benchmarks of Project 60, putting more of our 65,000 unemployed Idahoans back to work, and preparing our citizens to fill more of the 18,500 jobs that now remain vacant in Idaho.

That's not just jawboning or wishful thinking. We're taking concrete steps to address the fact that employment growth - a lagging economic indicator - has been "lagging" far too long.

Unemployment is slowly starting to decline. We've seen some good news in recent months, with our jobless percentage at its lowest rate in two years.

But unemployment remains at an unacceptable level.

And while what government can do is limited - as it should be - we can and will do a better job of reaching out to our businesses and employers as partners in this effort.

That starts at the top, and now Project 60 has a new ramrod. Jeff Sayer has taken over as Department of Commerce director.

He brings with him a wealth of private-sector entrepreneurial experience, as well as renewed energy, enthusiasm and commitment to actively engaging with the people who make our economy and our communities work.

And it's already making a difference.

Jeff is joining Roger Madsen at the Department of Labor, Bill Deal at the Department of Insurance, Brian Ness at the Transportation Department, Celia Gould at the Department of Agriculture, Gavin Gee at the Department of Finance, our colleges and universities and others to provide employers, job seekers and businesses looking to grow with the tools they need to succeed.

Jeff and Roger in particular also are working closely with local economic development professionals and community leaders all over Idaho.

Their job is ensuring that we are fully prepared to take advantage of economic opportunities, and create even more - with a well-trained and motivated workforce, targeted infrastructure investments and minimal government red tape.

They understand that the role of government - effective government - is not to create dependency, but rather to facilitate opportunity.

Is that the right path forward? Ask the hundreds of people who will be working for the new Chobani Greek yogurt plant being built in Twin Falls.

In fact, ask anyone benefiting from the incredible economic growth and increasing business diversity being made possible by the success of our Idaho dairy industry.

Ask the hundreds of Idaho citizens who are drawing paychecks and paying taxes as a result of growth at on Semiconductor in Pocatello, or the new Allstate regional customer service center in Chubbuck.

Ask any of the employees or supporting businesses benefiting from the growth of Ground Force Manufacturing in Post Falls or it's new under Ground Force expansion.

Ask Scentsy, or any of the health science, research and technology businesses choosing to expand into The CORE in Meridian.

Other great Idaho companies like:

MetaGeek in Boise, Dynamis in Eagle, and PNW Arms in Potlatch also have the potential to substantially change our economic landscape.

Those examples, and many more, are tangible results of Idaho's entrepreneurs stepping up and expressing confidence in our future.

And the key to their willingness to stake their future on Idaho is the degree to which we make a commitment to being partners for progress.

Partnership is the key to a new program you'll be hearing more about in the weeks and months to come.

It's called IGEM, for Idaho Global Entrepreneurial Mission.

It's patterned on successful programs in Utah and Virginia. A similar concept is being applied in Colorado, and industry increasingly is wrapping its arms around the idea.

So we're not reinventing the wheel here. In fact, our agriculture industry has had similar programs in place for years.

We're just perfecting it for our universities, our communities, and more of our Idaho businesses.

IGEM involves industry, entrepreneurs, higher education, the Idaho National Laboratory and the Center for Advanced Energy Studies.

Together, their focus will be on creating value on our campuses that will:

Help our existing businesses grow, nurture the startup of new businesses, and create more jobs and opportunities for Idaho.

That will require a genuine commitment, some targeted investment and - perhaps most importantly - a significant cultural change in how our universities approach research and working with industry.

I appreciate our university presidents and the State Board of Education for partnering with us in that process.

And I urge you to act decisively in support of the legislative efforts that IGEM will require. That includes funding collaborative research aimed at job creation.

Public schools throughout Idaho also are undergoing cultural and technological changes as we continue implementing the Students Come First reforms that you approved last year.

I'm committed - along with Superintendent Luna - to ensuring the success of those reforms.

That's why my budget calls for fully funding Students Come First, including its technology and pay-for-performance elements.

The modest but targeted and responsible General Fund increase I'm proposing for public schools is the right path forward. It will help our limited taxpayer resources go farther and make our K-through-12 education system more effective and customer-driven.

Most importantly, fully funding Students Come First will help ensure the success of our Idaho students in an increasingly complex, connected and competitive global marketplace.

Preparing Idaho students for the wider world and for reaching their greatest potential right here at home is a constitutional responsibility for State government.

And like supporting our veterans, it also happens to be the right thing to do - for our families, our communities, our economy, and our future.

When it comes to education, we cannot rely on the policies of the past to prepare our children for the possibilities of the future.

That's why I'm additionally proposing to fully fund the cost of enrollment growth going forward at our universities, colleges and community colleges.

And it's my recommendation that we fully fund the cost of moving into and operating new facilities on those schools' campuses.

In that way we'll be addressing the top priorities identified by the presidents at those institutions.

Now I'd like to say a few words about our community colleges.

Specifically, I want to mention an extraordinary example of collaboration between North Idaho College, the College of Southern Idaho and the College of Western Idaho.

As you know, there is a pressing need for more workforce training.

In fact, the explosive growth of demand here in the Treasure Valley prompted the presidents and board chairs at NIC and CSI to actually defer their share of an additional \$1 million in proposed funding for Fiscal 2013.

They said they would rather see the extra money go to the College of Western Idaho, which as you know is one of the fastest-growing community colleges in our nation's history.

So with gratitude for their selflessness and appreciating their foresight, I'm honoring that request in my budget recommendation.

Ladies and gentlemen, I was at St. Maries High School a few weeks ago to mark the statewide completion of our Idaho Education Network's Phase One efforts.

All 194 Idaho high schools now are connected to the IEN - almost a year ahead of schedule and 16 percent under budget.

In St. Maries, Principal John Cordell and Superintendent Joseph Kren have been champions of using technology and distance learning to improve and expand student achievement.

The culture at St. Maries High - as is the case with so many of our schools throughout Idaho - has been one aimed at enhancing student achievement through a variety of learning options despite their remote and rural nature.

St. Maries already is working with North Idaho College, Lewis-Clark State College and other curriculum providers to demonstrate that the possibilities are limitless with an innovative and open mind.

And there are plenty of those throughout Idaho, eager for the chance to expand their horizons as our Students Come First efforts will enable and empower them to do.

Like our students, Idaho's State government also must be prepared for the challenges ahead.

Your understanding of the need to work for the best while preparing for the worst gave us the ability to draw more than \$381 million from our various reserve accounts over four budget years.

Those funds were essential in helping Idaho weather economic hard times without anything like the dislocation and draconian measures that some other states were forced to take.

That money helped us keep our credit rating high and our debt-level low.

It helped us keep our taxes in check and our eyes on emerging from this extended downturn with a balanced and structurally sound budget.

And we all know that's a pre-requisite for the growth and renewed prosperity we need.

That's why the budget I'm submitting to you proposes to begin refilling our reserve accounts in preparation for the next unforeseen "rainy day."

My Executive Budget calls for setting aside a total of \$60 million in the Public Education Stabilization Fund, the Budget Stabilization Fund, and the new Higher Education Stabilization Fund.

That will help us maintain the kind of fiscal stability, certainty and responsibility that Idahoans deserve and employers look for in their State government.

And that's what Idaho citizens will keep getting under my administration, with your help and continuing support.

By contrast, that's not what the American people are getting from Washington, D.C.

Despite the hard work of our fine congressional delegation, Idaho's brightest spot on the federal level in 2011 was doing what the courts refused to do.

Congressman Mike Simpson deserves our praise and our thanks for his successful legislation restoring State management of wolves.

It helps that Mike was a former Speaker of this House.

With that experience, and his growing influence in Congress, he knows what it takes to get things done that reflect the priorities and needs of the people back here at home.

I'm proud that we are represented in Washington, D.C. by four experienced legislators who served with distinction in this building.

On the other end of the spectrum, as you know, the Obama administration's so-called "Patient Protection and Affordable Care Act" mandated establishment of a health insurance exchange in each state.

I have struggled with the federal imposition of this mandate - in part because Idaho was exploring ways to create its own market-based health insurance exchange long before the federal law was adopted.

Still, last September, I allowed State agencies to apply for a grant to prepare for the federal law while we continue fighting it in court.

My decision to allow the application to be submitted simply preserved the opportunity for you and all Idahoans to discuss our options and decide what's best for our citizens.

In the next few weeks we will continue to have those discussions - weighing all our options and the potential outcomes associated with each of them.

But it's also important to remember that those discussions will be taking place in the context of the U.S. Supreme Court agreeing to consider the lawsuit that Idaho and 25 other states filed to protect the 10th Amendment rights of Idaho - and of the people - to choose.

My goal is to collaborate with you today on a principled path forward, so we're prepared for the health care environment that we'll have tomorrow.

I look forward to hearing from you - and the people we serve - about our State role in ensuring that environment makes health care more accessible and affordable for all Idahoans.

Of course, health care is only one of the challenges that lay ahead for us.

We have little control over the vagaries of the world and national economy.

But we can ensure that economic opportunity finds a welcoming home here in Idaho.

Ladies and gentlemen, that's why I'm proposing that we set aside \$45 million for tax relief in Fiscal 2013.

I have been discussing the form of that tax relief for some time now, with legislative leaders, business groups, tax experts and our citizens.

There remains a wide diversity of opinion on how best to target tax relief.

There are plenty of ideas, and just as many ways for us to crunch the numbers.

But there's also broad consensus on the need to reduce the burden both on our hard-working taxpayers and on those employers who are looking for opportunities to grow our economy while creating careers and livelihoods.

I look forward to hearing your proposals and working with you on responsible and forward-looking ways to keep more of our taxpayers' money in their pockets - where it will do our communities and our people the most good.

Beyond Idaho's borders, we are not tasked with addressing the shortcomings of the national administration or the consequences of its inaction and misplaced priorities.

What we can do - and all we should seek to do - is set the best example possible of prudent, responsible, responsive and effective State government.

We can nurture and celebrate our private-sector success. We can encourage collaboration and partnership while protecting individual freedom. We can foster and remove impediments to opportunity. And we can seek to more equitably reward our most valued State employees for continuing in public service.

To that end, I'm proposing that we set aside \$41 million from the General Fund in Fiscal 2013 to reward our most deserving employees - including our public school teachers.

But that reward should be structured in such a way that it gives management as much flexibility as possible.

It also should be in the form of one-time payments, and it should be conditioned on tax revenues meeting our projections.

Before I go on, I'd like to take just a moment to recognize and offer my personal thanks to a long-time public servant who has been a mentor, a leader and a dear friend for generations of Idahoans.

General Darrell Manning is one of the most committed, conscientious and common-sense people I've ever had the privilege of knowing. He served in both chambers of this Legislature.

He was Idaho's first Transportation Director, and he's been a valued advisor and confidante of Governors and legislators for decades.

His recent decision to retire as chairman of the Idaho Transportation Board leaves a vacuum of knowledge, experience and institutional memory that will be difficult to fill. I am proud

to have served by his side, and pleased to know that he will continue to answer my calls for his sage counsel.

General Manning, please stand and be recognized as we applaud your work for the people of Idaho.

With General Manning's support, I also want to announce today that Region 3 Transportation Board member Jerry Whitehead has agreed to take over as chairman effective in February.

I know you join me in welcoming Jerry to this new responsibility.

And I ask you to join me in pledging our support and assistance to Jerry, the Transportation Board and Director Ness as they work as a team to develop plans and priorities for this essential part of our economic infrastructure.

It's been that team concept that has enabled us to refine our State government's processes these past few years.

We've made them more transparent, seamless, responsive and stable.

Most importantly, we have become better stewards of the taxpayers' money.

And that's served to strengthen the foundation on which public confidence is built.

That's what being a laboratory of the republic really means.

And it's what Idaho is perfectly suited to contribute to our national discussion.

Speaking of teams, last summer my staff and I visited with Boise State football coach Chris Petersen.

We asked the coach how he's been able to keep upgrading the Broncos' success on the field.

We asked how he's been able to build a national reputation for excellence with what's considered limited resources by today's college football standards.

What I took away from his answer was this: Focus.

Focus on the challenges at hand. Focus on leveraging your strengths. Focus on improving every day. Focus on what you can control. And focus on helping individual players understand how they can help achieve team goals while reaching their own academic and athletic potential.

That's a pretty good formula for success.

It's a high standard, but one which I know everyone here today is committed to achieving for the people we serve.

Keeping faith with the Idaho way of life we inherited - and which we want to pass on - demands nothing less.

That way of life is characterized by our Idaho values - including our independence, our spiritual strengths, our strong belief in self-determination, and our enduring love of liberty.

Those values in turn are driven by faith in the broader American ideal that we as individuals have both the ability and the responsibility to make our future better than our past.

The responsibility we share as political leaders is to ensure that every individual Idahoan has the opportunity to realize that goal.

To do that, we must be united to overcome common challenges. We must be consistent in nurturing success, and most of all we must be resolute in protecting our citizens in their efforts.

Ladies and gentlemen let me close today by expressing my sincere gratitude to you for agreeing to be a part of this process.

Thomas Jefferson wrote an 1801 letter that nicely expresses the importance of integrity to the workings of government.

He wrote - and I quote - "Of the various Executive duties, no one excites more anxious concern than that of placing the interests of our fellow citizens in the hands of honest men with understanding sufficient for their station." And I would add today, "honest women."

My friends, you have the understanding, the perspective, and the love of our State and our nation far more than "sufficient" for your station - and far more than "sufficient" for the challenges of the times in which we live.

Thank you and Godspeed.

Now, let's get to work!

* * * * *

The Speaker thanked Governor Otter.

The committee appointed to wait upon the Governor came forward and escorted him from the House Chamber and was, on its return, thanked and discharged by the Speaker.

The committee appointed to wait upon the Supreme Court Justices and the Appellate Court Judges came forward and escorted them from the House Chamber and was, on its return, thanked and discharged by the Speaker.

The committee appointed to wait upon the Elected Officials came forward and escorted them from the House Chamber and was, on its return, thanked and discharged by the Speaker.

Mr. Moyle moved that the Governor's State of the State Message and Budget Address be printed in both the House and Senate Journals. Seconded by Mr. Rusche.

The question being, "Shall the motion carry?"

Whereupon the Speaker declared the motion carried by voice vote and ordered the Governor's State of the State Message and Budget Address printed in both the House and Senate Journals.

Mr. Moyle moved that the Joint Session be dissolved. Seconded by Mr. Rusche. Motion carried.

The Senate returned to its Chamber.

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

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Tuesday, January 10, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 1:50 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SECOND LEGISLATIVE DAY
TUESDAY, JANUARY 10, 2012

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent and excused – Anderson, Eskridge, Shepherd.

Total – 3.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Benjamin Ovard, Page.

Approval of Journal

January 10, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the First Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

January 9, 2012

The Honorable Lawrence Denney
Speaker of the House

As required by Section 57-1601, *Idaho Code*, I am transmitting the following report of the Governor's Emergency Fund for fiscal years 2011 and 2012.

Balance as of July 1, 2010 **\$83,744.48**

No activity in fiscal year 2011

Balance as of June 30, 2011 **\$83,744.48**

No activity year-to-date in fiscal year 2012

Balance as of December 31, 2011 **\$83,744.48**

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

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

January 9, 2012

Mr. Speaker:

I return herewith [HCR 29](#) which has passed the Senate.

NOVAK, Secretary

[HCR 29](#) was referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

January 10, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HR 3](#).

WILLS, Chairman

[HR 3](#) was filed for second reading.

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

Motions, Memorials, and Resolutions

Mr. Moyle moved that the following persons be approved as attaches to serve the House of Representatives for and during the Second Regular Session of the Sixty-first Idaho Legislature. Seconded by Mr. Rusche.

Chief Clerk of the House	Bonnie Alexander
Majority Pool Secretary	Martha De Simon
Chaplain	Tom Dougherty
Minority Leadership Secretary	Cathy Downs
Chief Fiscal Officer	Terri Franks-Smith
Assistant to the Speaker	Sue Frieders
Assistant Chief Clerk	Vickie Herr
Minority Chief of Staff	Morgan Hill
Sergeant at Arms	Claudia Howell
Minority Leadership Secretary	Jennifer Martinez
Assistant Sergeant at Arms	Robert Stewart
Journal Clerk	Chris Taylor
Assistant to Majority Leadership	Brenda Walters

Committee Secretaries:

Commerce & Human Resources	Kimra Burger
Local Government	Kimra Burger
Transportation & Defense	Jane Clark
Education	Jeanne Clayton
State Affairs	Lissa Cochrane
Revenue & Taxation	Janet Failing
Business	MaryLou Molitor
Health & Welfare	Irene Moore
Judiciary, Rules, & Administration	Stephanie Nemore
Environment, Energy, & Technology	Jean Vance
Agricultural Affairs	Susan Werlinger
Resources & Conservation	Susan Werlinger
Appropriations	Kathryn Yost

Pages:

Alexander Baca
 Cristian Magallon
 Abigail Morris
 Gabe Osterhout
 Abigail Prigge
 Jordan Wright

Jakob Goold
 Susie McHan
 Drew Nelson
 Benjamin Ovard
 Ian Richter

Whereupon the Speaker declared the motion carried by voice vote and administered the oath of office to the above named attaches.

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

**HOUSE BILL NO. 354
 BY RINGO**

AN ACT

RELATING TO TAXATION; AMENDING SECTION 63-602L, IDAHO CODE, TO DELETE REFERENCE TO CUSTOM COMPUTER PROGRAMS; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3602A, IDAHO CODE, TO DEFINE "COMPUTER SOFTWARE" AND "DIGITAL GOODS"; AMENDING SECTION 63-3608, IDAHO CODE, TO REVISE THE DEFINITION OF "PURCHASE"; AMENDING SECTION 63-3609, IDAHO CODE, TO REVISE THE DEFINITION OF "RETAIL SALE" OR "SALE AT RETAIL"; AMENDING SECTION 63-3610, IDAHO CODE, TO REVISE THE DEFINITION OF "RETAILER"; AMENDING SECTION 63-3612, IDAHO CODE, TO REVISE THE DEFINITION OF "SALE"; AMENDING SECTION 63-3613, IDAHO CODE, TO REVISE THE DEFINITION OF "SALES PRICE"; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3614A, IDAHO CODE, TO DEFINE THE TERM "SERVICES"; AMENDING SECTION 63-3615, IDAHO CODE, TO PROVIDE THAT THE TERM "USE" INCLUDES THE CONSUMPTION OF A SERVICE IN IDAHO; AMENDING SECTION 63-3616, IDAHO CODE, TO REVISE THE DEFINITION OF "TANGIBLE PERSONAL PROPERTY"; AMENDING SECTION 63-3619, IDAHO CODE, TO DECREASE THE RATE OF THE SALES TAX, TO PROVIDE THAT THE IMPOSITION AND RATE OF THE SALES TAX INCLUDES SALES OF SERVICES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-3621, IDAHO CODE, TO DECREASE THE RATE OF THE USE TAX AND TO PROVIDE THAT THE IMPOSITION AND RATE OF THE USE TAX INCLUDES SALES OF SERVICES; AMENDING SECTION 63-3622, IDAHO CODE, TO PROVIDE EXEMPTION AND RESALE CERTIFICATES FOR SERVICES; AMENDING SECTION 63-3622D, IDAHO CODE, TO INCLUDE SERVICES IN THE PRODUCTION EXEMPTION; REPEALING SECTION 63-3622LL, IDAHO CODE, RELATING TO THE EXEMPTION FOR MEDIA MEASUREMENT SERVICES; AMENDING SECTION 63-3623, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; REPEALING SECTION 63-3640, IDAHO CODE, RELATING TO CONTRACTS ENTERED INTO BEFORE THE EFFECTIVE DATE OF INCREASED TAX; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3642, IDAHO CODE, TO DEFINE THE TERM "SOURCING" AND TO PROVIDE FOR THE PLACE WHERE A SALE OCCURS; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3643, IDAHO

CODE, TO PROVIDE GENERAL SOURCING DEFINITIONS; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3644, IDAHO CODE, TO PROVIDE FOR MULTIPLE POINTS OF USE; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3645, IDAHO CODE, TO PROVIDE THE EFFECT ON CONTRACTS ENTERED INTO PRIOR TO THE EFFECTIVE DATE OF THIS ACT; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

H 354 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Wednesday, January 11, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 10:52 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**THIRD LEGISLATIVE DAY
WEDNESDAY, JANUARY 11, 2012**

House of Representatives

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

Roll call showed 67 members present.

Absent and excused – Chew, Killen, Shepherd. Total – 3.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Jordan Wright, Page.

Approval of Journal

January 11, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Second Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

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

Report of Standing Committees

January 11, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 354](#).

WILLS, Chairman

[H 354](#) was referred to the Revenue and Taxation Committee.

January 11, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [HCR 29](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [HCR 29](#) and, when so signed, ordered it transmitted to the Senate for the signature of the President.

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

Second Reading of Bills and Joint Resolutions

[HR 3](#), by Moyle and Rusche, was read the second time by title and filed for third reading.

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

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Thursday, January 12, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:08 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FOURTH LEGISLATIVE DAY
THURSDAY, JANUARY 12, 2012

House of Representatives

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

Roll call showed 66 members present.

Absent and excused – Buckner-Webb, Cronin, Shepherd, Wood(35). Total – 4.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Abigail Morris, Page.

Approval of Journal

January 12, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Third Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

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

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

HOUSE BILL NO. 355 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3004, IDAHO CODE, TO UPDATE REFERENCES TO THE INTERNAL REVENUE CODE; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 356 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO PROPERTY TAXES; AMENDING SECTION 63-501, IDAHO CODE, TO REMOVE THE REQUIREMENT THAT THE COUNTY BOARD OF EQUALIZATION SHALL GRANT OR DENY APPLICATIONS FOR PROPERTY TAX EXEMPTIONS; AMENDING SECTION 63-501A, IDAHO CODE, TO PROVIDE THAT THE COUNTY BOARD OF EQUALIZATION SHALL HEAR APPEALS RELATING TO THE GRANT OR DENIAL OF APPLICATIONS FOR

PROPERTY TAX EXEMPTIONS; AMENDING SECTION 63-602, IDAHO CODE, TO CLARIFY THE DUTIES OF THE COUNTY BOARD OF EQUALIZATION WITH REGARD TO APPROVAL OF PROPERTY TAX EXEMPTIONS AND TO PROVIDE RELATED PROCEDURES.

HOUSE BILL NO. 357 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO PROPERTY TAXES; AMENDING SECTION 63-1705, IDAHO CODE, TO ESTABLISH STANDARDS AND METHODS FOR THE VALUATION FOR THE TAXATION OF FOREST LANDS UNDER THE PRODUCTIVITY OPTION TO APPLY FOR A TEN YEAR PERIOD, TO PROVIDE FOR THE FOREST MANAGEMENT ALLOWANCE TO BE CALCULATED ON CERTAIN CRITERIA AND TO MAKE A TECHNICAL CORRECTION; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 358 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO PROPERTY TAXES; AMENDING SECTION 27-120, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DELIVERY OF PROPERTY VALUES TO CEMETERY DISTRICTS; AMENDING SECTION 39-1332, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DELIVERY OF PROPERTY VALUES TO HOSPITAL DISTRICTS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 40-802, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DELIVERY OF PROPERTY VALUES TO HIGHWAY DISTRICTS; AMENDING SECTION 63-810, IDAHO CODE, TO PROVIDE THAT PUBLIC HEARINGS WILL BE HELD CONCERNING LEVY ERRORS AFTER THE FOURTH MONDAY OF NOVEMBER OR AFTER TAX NOTICES HAVE BEEN MAILED; AMENDING SECTION 63-1312, IDAHO CODE, TO REVISE PROCEDURES FOR NOTIFYING SCHOOL DISTRICTS, THE STATE BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION OF PROPERTY TAX VALUES; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 359 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO SALES AND USE TAXES; AMENDING SECTION 63-3621, IDAHO CODE, TO CLARIFY THE EXEMPTION FROM USE TAX FOR CERTAIN MOTOR VEHICLES USED BY NONRESIDENT COLLEGE STUDENTS IN THIS STATE.

HOUSE BILL NO. 360 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO TAXATION; AMENDING SECTION 63-117, IDAHO CODE, TO AUTHORIZE THE STATE TAX COMMISSION TO ACCEPT PAYMENT OF TAXES BY MEANS OF AN ELECTRONIC PAYMENT PROCESSOR.

HOUSE BILL NO. 361 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO SALES AND USE TAXES; AMENDING SECTION 63-3622R, IDAHO CODE, TO REVISE

PROVISIONS RELATING TO THE APPLICATION OF EXEMPTIONS FOR VEHICLES REGISTERED UNDER THE INTERNATIONAL REGISTRATION PLAN.

HOUSE BILL NO. 362
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO TAXES; AMENDING SECTION 63-3045, IDAHO CODE, TO PROVIDE FOR MAILING NOTICES OF DEFICIENCY DETERMINATION BY FIRST CLASS MAIL RATHER THAN BY REGISTERED OR CERTIFIED MAIL AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-3061A, IDAHO CODE, TO PROVIDE FOR MAILING OF NOTICES OF LEVY AND DISTRAINT BY FIRST CLASS MAIL RATHER THAN BY REGISTERED OR CERTIFIED MAIL; REPEALING SECTIONS 63-3045 AND 63-3061A, IDAHO CODE, RELATING TO NOTICE OF REDETERMINATION OR DEFICIENCY AND NOTICE OF LEVY AND DISTRAINT; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3045, IDAHO CODE, TO PROVIDE FOR A NOTICE OF REDETERMINATION OR DEFICIENCY; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3061A, IDAHO CODE, TO PROVIDE FOR NOTICE OF LEVY AND DISTRAINT; AND PROVIDING EFFECTIVE DATES.

[H 355](#), [H 356](#), [H 357](#), [H 358](#), [H 359](#), [H 360](#), [H 361](#), and [H 362](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

Third Reading of Bills and Joint Resolutions

[HR 3](#) - HOUSE ATTACHES - COMPENSATION

[HR 3](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Moyle to open debate.

The question being, "Shall [HR 3](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nasset, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Buckner-Webb, Cronin, Shepherd, Wood(35). Total – 4.

Total – 70.

Whereupon the Speaker declared [HR 3](#) adopted and ordered the resolution filed in the office of the Chief Clerk.

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

Adjournment

Mr. Moyle moved that the House adjourn until 8:30 a.m., Friday, January 13, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:12 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**FIFTH LEGISLATIVE DAY
FRIDAY, JANUARY 13, 2012**

House of Representatives

The House convened at 8:30 a.m., the Speaker in the Chair.

Roll call showed 56 members present.

Absent and excused – Andrus, Bateman, Bayer, Cronin, Ellsworth, Jaquet, Lake, Loertscher, McGeachin, Moyle, Schaefer, Shepherd, Smith(24), Trail. Total – 14.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Jakob Goold, Page.

Approval of Journal

January 13, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fourth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

January 12, 2012

Mr. Speaker:

I return herewith enrolled [HCR 29](#) which has been signed by the President.

NOVAK, Secretary

Enrolled [HCR 29](#) was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

Report of Standing Committees

January 13, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 355](#), [H 356](#), [H 357](#), [H 358](#), [H 359](#), [H 360](#), [H 361](#), and [H 362](#).

WILLS, Chairman

[H 355](#) was filed for second reading.

[H 356](#), [H 357](#), [H 358](#), [H 359](#), [H 360](#), [H 361](#), and [H 362](#) were referred to the Revenue and Taxation Committee.

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

Adjournment

Mr. Bedke moved that the House adjourn until 11 a.m., Monday, January 16, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 8:36 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**EIGHTH LEGISLATIVE DAY
MONDAY, JANUARY 16, 2012**

House of Representatives

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

Roll call showed 69 members present.
Absent and excused – Cronin. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Cristian Magallon, Page.

Approval of Journal

January 16, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

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

Report of Standing Committees

January 16, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [HCR 29](#) to the Secretary of State at 8:56 a.m., as of this date, January 13, 2012.

WILLS, Chairman

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

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

HOUSE BILL NO. 363 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3022, IDAHO CODE, TO PROVIDE TREATMENT FOR CERTAIN PASSIVE LOSSES INCURRED WHEN A TAXPAYER DID NOT CONDUCT BUSINESS IN IDAHO; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 364 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO INCOME TAX; AMENDING SECTION 63-3022A, IDAHO CODE, TO CLARIFY THE DEDUCTION FOR RETIREMENT BENEFITS PAID TO CERTAIN RETIRED POLICE OFFICERS AND REVISING THE DEFINITION OF "DISABLED"; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 365 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3022, IDAHO CODE, TO CLARIFY THE DEDUCTION FOR NET OPERATING LOSSES; AMENDING SECTION 63-3022O, IDAHO CODE, TO CLARIFY THE ADJUSTED BASIS OF DEPRECIABLE PROPERTY, DEPRECIATION AND GAINS AND LOSSES RELATING TO PROPERTY OTHERWISE SUBJECT TO SUBSECTION (k) OF SECTION 168 OF THE INTERNAL REVENUE CODE; AMENDING SECTION 63-3029I, IDAHO CODE, TO PROVIDE A CORRECT CITATION; AMENDING SECTION 63-3067, IDAHO CODE, TO REMOVE OBSOLETE AND SURPLUS LANGUAGE; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 366 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO TAXES; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3077F, IDAHO CODE, TO PROVIDE THAT THE STATE TAX COMMISSION MAY ENTER INTO AGREEMENTS WITH OTHER STATES FOR THE MUTUAL OFFSET OF ANY REFUNDS OR OTHER AMOUNTS DUE AND PAYABLE BY EITHER PARTY AGAINST SUCH TAX LIABILITIES OWED TO THE OTHER PARTY TO THE AGREEMENT SUBJECT TO CERTAIN CONDITIONS AND LIMITATIONS.

[H 363](#), [H 364](#), [H 365](#), and [H 366](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

Second Reading of Bills and Joint Resolutions

[H 355](#), by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

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

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Tuesday, January 17, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:12 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**NINTH LEGISLATIVE DAY
TUESDAY, JANUARY 17, 2012**

House of Representatives

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

Roll call showed 69 members present.
Absent and excused – Trail. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

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

Approval of Journal

January 17, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eighth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

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

Report of Standing Committees

January 17, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 363](#), [H 364](#), [H 365](#), and [H 366](#).

WILLS, Chairman

[H 363](#), [H 364](#), [H 365](#), and [H 366](#) were referred to the Revenue and Taxation Committee.

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

Motions, Memorials, and Resolutions

HOUSE PROCLAMATION NO. 5 BY TRANSPORTATION AND DEFENSE COMMITTEE A PROCLAMATION

COMMENDING THE CITIZENS OF ADA COUNTY FOR THEIR FORESIGHT IN THEIR CREATION OF THE ADA COUNTY HIGHWAY DISTRICT AND COMMENDING THE ADA COUNTY HIGHWAY DISTRICT FOR FORTY YEARS OF EXEMPLARY SERVICES TO ITS CUSTOMERS.

We, the members of the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby proclaim:

WHEREAS, House Bill 274 enacted on March 25, 1971, by the members of the First Extraordinary Session of the Forty-first Idaho Legislature, allowed voters in Ada County to consider the question: "Shall this county be served by one county-wide highway district for all city streets and county secondary roads?";

WHEREAS, on May 25, 1971, roughly two-thirds of the voters backed the novel measure, an indication of the widespread dissatisfaction with the local road system and the tax structure for transportation funding at the time;

WHEREAS, the Ada County Highway District (ACHD) began operations in January of 1972, assuming the planning, maintenance and construction of local streets and roads throughout Ada County;

WHEREAS, taxes paid by residents within Boise City and Ada County decreased over the first two full years of ACHD's operations, while the amount of road maintenance and construction increased;

WHEREAS, Ada County's local roads today are rated as among the best in the Pacific Northwest based on the Pavement Condition Index and other objective measures.

NOW, THEREFORE, BE IT PROCLAIMED by the members of the House of Representatives assembled in the Second Regular Session of the Sixty-first Idaho Legislature, that the citizens of Ada County be commended for their foresight and that the Ada County Highway District be congratulated for forty years of exemplary services to its customers.

[HP 5](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

HOUSE BILL NO. 367 BY TRANSPORTATION AND DEFENSE COMMITTEE AN ACT

RELATING TO FEDERAL TRANSIT AUTHORITY; AMENDING CHAPTER 5, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-528, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO DESIGNATED RECIPIENTS FOR FEDERAL TRANSIT ADMINISTRATION FUNDING.

HOUSE BILL NO. 368 BY TRANSPORTATION AND DEFENSE COMMITTEE AN ACT

RELATING TO THE STATEWIDE COMMUNICATIONS INTEROPERABILITY EXECUTIVE COUNCIL; AMENDING SECTION 2, CHAPTER 292, LAWS OF 2006, TO EXTEND THE SUNSET DATE; AMENDING SECTION 46-1204, IDAHO CODE, TO REVISE RESPONSIBILITIES; AMENDING SECTION 46-1207, IDAHO CODE, TO PROVIDE FOR THE POSITION OF OPERATIONS MANAGER; AMENDING SECTION 46-1211, IDAHO CODE, TO REVISE COUNCIL MEMBERS; AND AMENDING SECTION 46-1212, IDAHO CODE, TO REMOVE ARCHAIC LANGUAGE REGARDING COUNCIL MEMBER TERMS.

HOUSE BILL NO. 369 BY TRANSPORTATION AND DEFENSE COMMITTEE AN ACT

RELATING TO THE MILITARY DIVISION; AMENDING CHAPTER 8, TITLE 46, IDAHO CODE, BY THE ADDITION

OF A NEW SECTION 46-806, IDAHO CODE, TO CREATE THE MILITARY DIVISION SUPPORT FUND IN THE STATE TREASURY, TO PROVIDE THAT MONEYS IN THE FUND ARE PERPETUALLY APPROPRIATED AND TO PROVIDE DUTIES OF THE BOARD OF EXAMINERS AND THE OFFICE OF THE ATTORNEY GENERAL REGARDING THE FUND.

HOUSE BILL NO. 370

BY TRAIL

AN ACT

RELATING TO MEDICAL MARIJUANA; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 47, TITLE 39, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE FINDINGS, TO DEFINE TERMS, TO PROVIDE FOR REGISTRATION, TO PROVIDE FOR CERTIFICATION, TO PROVIDE FOR PROTECTION AGAINST CERTAIN PENALTIES AND DISCIPLINE, DENIAL OF RIGHTS AND PRIVILEGES, SEARCHES, ARRESTS AND PROSECUTIONS, TO PROVIDE FOR ALTERNATIVE TREATMENT CENTERS, TO PROVIDE THAT CERTAIN ACTIVITIES ARE PROHIBITED, TO PROVIDE THAT CERTAIN ACTIVITIES SHALL CONSTITUTE MISDEMEANORS, TO PROVIDE FOR OTHER OFFENSES, TO PROVIDE FOR THE DISPENSATION OF MARIJUANA, TO PROVIDE FOR AN EXEMPTION FROM CRIMINAL LIABILITY AND TO PROVIDE A BURDEN OF PROOF, TO PROVIDE FOR THE RECEIPT OF FUNDS AND FEES, TO PROVIDE FOR REPORTS BY THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE TO THE GOVERNOR AND THE LEGISLATURE, TO PROVIDE THAT CERTAIN ACTIONS SHALL NOT BE REQUIRED, TO PROVIDE FOR STATE IMMUNITY FROM LIABILITY, TO PROVIDE FOR RULEMAKING AND TO PROVIDE FOR AN ADVISORY COMMITTEE.

HOUSE BILL NO. 371

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO VETERANS HOMES; AMENDING SECTION 66-901, IDAHO CODE, TO PROVIDE THAT ANY PARENT WHOSE CHILD DIED WHILE SERVING IN THE ARMED FORCES SHALL BE ELIGIBLE FOR ADMISSION TO IDAHO STATE VETERANS HOMES.

HOUSE BILL NO. 372

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO MINERAL RIGHTS ON STATE LANDS; AMENDING SECTION 47-718, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS AND TO REVISE THE INTEREST RATE FOR CERTAIN VIOLATIONS RELATING TO MINERAL EXTRACTIONS ON STATE LANDS.

HOUSE BILL NO. 373

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE STATE LIQUOR DIVISION; AMENDING SECTION 23-105, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 23-201, IDAHO CODE, TO CORRECT A CODE REFERENCE AND TO REVISE PROVISIONS RELATING TO THE DIVISION AND THE DIRECTOR OF THE DIVISION; REPEALING SECTION 23-204, IDAHO CODE, RELATING TO SUCCESSORS TO

PROPERTY OF FORMER ADMINISTRATORS; REPEALING SECTION 23-205, IDAHO CODE, RELATING TO THE SECRETARY AND THE APPOINTMENT, TERM AND DUTIES; AMENDING SECTION 23-207, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE POWERS OF THE DIRECTOR; AMENDING SECTION 23-211, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE RELATING TO THE POSITION OF SECRETARY; AMENDING SECTION 23-214, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE RELATING TO THE POSITION OF SECRETARY; AMENDING SECTION 23-301, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE ESTABLISHING AND MAINTAINING OF LIQUOR STORES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 23-304, IDAHO CODE, TO DELETE LANGUAGE RELATING TO VENDORS; AMENDING SECTION 23-305, IDAHO CODE, TO REMOVE LANGUAGE RELATING TO VENDORS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 23-306, IDAHO CODE, TO REMOVE LANGUAGE RELATING TO VENDORS; AMENDING SECTION 23-309, IDAHO CODE, TO DELETE LANGUAGE RELATING TO VENDORS; AMENDING SECTION 23-406, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE RELATING TO THE POSITION OF SECRETARY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 23-407, IDAHO CODE, TO REMOVE LANGUAGE RELATING TO VENDORS; AMENDING SECTION 23-607, IDAHO CODE, TO REVISE EXEMPTIONS FROM PROVISIONS RELATING TO CERTAIN ADVERTISING; REPEALING SECTION 23-609, IDAHO CODE, RELATING TO INTERNAL REVENUE RECEIPT AS PRIMA FACIE EVIDENCE; AMENDING SECTION 23-611, IDAHO CODE, TO PROVIDE A REFERENCE TO THE DIRECTOR OF THE IDAHO STATE POLICE; AND AMENDING SECTION 23-914, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE PURCHASE OF LIQUOR BY LICENSEES AND THEN SOLD BY LICENSEES.

[H 367](#), [H 368](#), [H 369](#), [H 370](#), [H 371](#), [H 372](#), and [H 373](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

Third Reading of Bills and Joint Resolutions

[H 355](#) - INTERNAL REVENUE CODE

[H 355](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood(35) to open debate.

The question being, "Shall [H 355](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30),

Smith(24), Stevenson, Thayn, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Trail. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 355](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

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

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Wednesday, January 18, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:15 a.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**TENTH LEGISLATIVE DAY
WEDNESDAY, JANUARY 18, 2012**

House of Representatives

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

Roll call showed 69 members present.
Absent and excused – Palmer. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Alexander Baca, Page.

Approval of Journal

January 18, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Ninth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

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

Report of Standing Committees

January 18, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HP 5](#), [H 367](#), [H 368](#), [H 369](#), [H 370](#), [H 371](#), [H 372](#), and [H 373](#).

WILLS, Chairman

[HP 5](#) was filed for second reading.

[H 367](#), [H 368](#), and [H 369](#) were referred to the Transportation and Defense Committee.

[H 370](#), [H 371](#), [H 372](#), and [H 373](#) were referred to the State Affairs Committee.

January 18, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 356](#), [H 357](#), [H 358](#), [H 360](#), [H 361](#), and [H 362](#) and recommend that they do pass.

LAKE, Chairman

[H 356](#), [H 357](#), [H 358](#), [H 360](#), [H 361](#), and [H 362](#) were filed for second reading.

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

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

HOUSE BILL NO. 374 BY BUSINESS COMMITTEE AN ACT

RELATING TO ENGINEERS AND SURVEYORS; AMENDING SECTION 54-1212, IDAHO CODE, TO PROVIDE THAT ONLY CERTAIN PERSONS MAY QUALIFY FOR ASSIGNMENT TO EXAMINATIONS FOR INITIAL CERTIFICATION AND LICENSURE AND TO PROVIDE EXCEPTIONS, TO PROVIDE CONDITIONS UNDER WHICH THE BOARD MAY POSTPONE ACTING ON AN APPLICATION FOR ASSIGNMENT TO ANY EXAMINATION, TO PROVIDE CONDITIONS UNDER WHICH THE BOARD MAY POSTPONE THE RELEASE OF SCORES TO APPLICANTS AND TO GRANT THE BOARD AUTHORITY TO INVESTIGATE AND ADJUDICATE THE VALIDITY OF EXAMINATION IRREGULARITIES AND TO INVALIDATE THE SCORE OF AN APPLICANT UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION 54-1213, IDAHO CODE, TO REMOVE THE REQUIREMENT THAT APPLICATIONS FOR LICENSURE AND CERTIFICATION BE MADE UNDER OATH; AND AMENDING SECTION 54-1219, IDAHO CODE, TO GRANT THE BOARD AUTHORITY TO POSTPONE ACTING ON AN APPLICATION FOR A LICENSE BY COMITY UNDER CERTAIN CIRCUMSTANCES.

HOUSE BILL NO. 375 BY BUSINESS COMMITTEE AN ACT

RELATING TO PLATS AND VACATIONS; AMENDING SECTION 50-1332, IDAHO CODE, TO REVISE CONDITIONS UNDER WHICH A GOVERNING BODY MAY DIRECT THE COUNTY SURVEYOR OR CONTRACT WITH A PROFESSIONAL LAND SURVEYOR IN PRIVATE PRACTICE TO SET INTERIOR MONUMENTS FOR A SUBDIVISION, TO PROVIDE CONDITIONS UNDER WHICH A SUBSTITUTE PROFESSIONAL LAND SURVEYOR MAY ASSUME RESPONSIBLE CHARGE FOR SETTING INTERIOR MONUMENTS FOR A SUBDIVISION, TO PROVIDE CONDITIONS UNDER WHICH A SUBSTITUTE PROFESSIONAL LAND SURVEYOR IS REQUIRED TO FILE A RECORD OF SURVEY AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 376 BY BUSINESS COMMITTEE AN ACT

RELATING TO SUCCESSOR CORPORATIONS; AMENDING TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 19, TITLE 30, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE APPLICABILITY, TO PROVIDE LIMITATIONS ON SUCCESSOR ASBESTOS-RELATED LIABILITIES, TO ESTABLISH A FAIR MARKET VALUE OF TOTAL GROSS ASSETS, TO PROVIDE FOR ADJUSTMENT AND TO PROVIDE SCOPE AND APPLICATION.

HOUSE BILL NO. 377 BY RESOURCES AND CONSERVATION COMMITTEE AN ACT

RELATING TO OIL AND GAS WELLS; AMENDING SECTION 47-320, IDAHO CODE, TO REQUIRE CERTAIN NOTICE AND PERMIT RELATING TO TREATING WELLS FOR OIL OR GAS AND TO REVISE FEE PROVISIONS RELATING TO PERMITS FOR DRILLING AND TREATING WELLS FOR OIL OR GAS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 378
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO OIL AND GAS; AMENDING SECTION 47-318, IDAHO CODE, TO REVISE DEFINITIONS, TO DEFINE TERMS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 47-319, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE AUTHORITY OF THE OIL AND GAS CONSERVATION COMMISSION, TO REVISE PROVISIONS RELATING TO THE CONFIDENTIALITY OF CERTAIN EXPLORATORY AND WILDCAT WELLS, TO PROVIDE FOR THE USE OF WELL LOGS AND DIRECTIONAL SURVEYS IN ACTIONS TO ENFORCE SPECIFIED PROVISIONS, TO CLARIFY THAT CERTAIN SPECIFIC AUTHORITY OF THE COMMISSION SHALL NOT LIMIT ITS GENERAL AUTHORITY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-325, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE ISSUANCE OF ATTACHMENTS BY DISTRICT COURTS, TO PROVIDE FOR THE ASSESSMENT OF CIVIL PENALTIES BY THE COMMISSION, TO PROVIDE THAT THE COMMISSION MAY BRING CIVIL ACTIONS FOR CERTAIN VIOLATIONS AND THREATS TO VIOLATE, TO PROVIDE FOR CERTAIN DAMAGES, TO REMOVE PROVISIONS RELATING TO THE SUBSTITUTION OF THE COMMISSION FOR PERSONS WHO HAVE BROUGHT SUITS, TO PROVIDE THAT CERTAIN CONDUCT SHALL CONSTITUTE A MISDEMEANOR, TO PROVIDE FOR PENALTIES, TO PROVIDE FOR THE DISCRETION OF THE COMMISSION RELATING TO MINOR VIOLATIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 47-326, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO ACTIONS AGAINST THE COMMISSION AND APPEALS, TO REVISE PENALTY PROVISIONS RELATING TO THE FALSIFICATION OF CERTAIN RECORDS AND TO CLARIFY APPLICABILITY RELATING TO LIMITATIONS ASSOCIATED WITH THE COMMENCEMENT OF CERTAIN ACTIONS; AND AMENDING SECTION 47-328, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE CONSTRUCTION OF SPECIFIED LAW AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 379
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO OIL AND GAS; AMENDING SECTION 47-330, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE LEVY AND IMPOSITION OF A TAX ON ALL OIL AND GAS PRODUCED, SAVED AND SOLD OR TRANSPORTED FROM PREMISES IN IDAHO, TO PROVIDE FOR THE AMOUNT OF TAX TO BE LEVIED AND IMPOSED, TO CLARIFY THAT CERTAIN ACTIVITY DOES NOT CONSTITUTE TRANSPORTATION FROM THE PREMISES PRIOR TO SALE, TO PROVIDE THAT THE TAX IS IN ADDITION TO ALL OTHER TAXES, TO PROVIDE THAT THE STATE TAX COMMISSION SHALL ENFORCE

COLLECTION OF THE TAX AND MAKE CERTAIN RULES, TO REVISE PROVISIONS RELATING TO THE LIABILITY FOR SUCH TAX AND THE PAYMENT OF SUCH TAX, TO REVISE PROVISIONS RELATING TO SPECIFIED EXEMPTIONS FROM THE TAX, TO PROVIDE THAT SPECIFIED PROVISIONS OF THE IDAHO INCOME TAX ACT SHALL APPLY AND BE AVAILABLE TO THE STATE TAX COMMISSION FOR ENFORCEMENT, ASSESSMENT AND COLLECTION OF SUCH TAXES AND TO PROVIDE THAT THE PROVISIONS SHALL BE CONSIDERED A PART OF SPECIFIED LAW, TO PROVIDE THAT CERTAIN LIENS AND PROCEEDINGS SHALL BE CONSIDERED OIL AND GAS LIENS AND PROCEEDINGS, TO PROVIDE THAT THE STATE TAX COMMISSION MAY BE MADE A PARTY DEFENDANT IN CERTAIN ACTIONS, TO PROVIDE THAT THE STATE OF IDAHO SHALL BE RESPONSIBLE FOR CERTAIN FINAL JUDGMENTS AGAINST THE STATE TAX COMMISSION AND TO PROVIDE FOR PAYMENT OUT OF THE STATE REFUND ACCOUNT, TO PROVIDE FOR DISTRIBUTION OF MONEYS COLLECTED, TO PROVIDE FOR THE EXPENDITURE AND TRANSFER OF SPECIFIED AMOUNTS, TO PROVIDE FOR THE AUDIT AND PAYMENT OF BILLS FOR SALARIES AND EXPENSES AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 47-331, IDAHO CODE, RELATING TO ADDITIONAL TAX ON OIL AND GAS PRODUCED; REPEALING SECTION 47-332, IDAHO CODE, RELATING TO THE DISTRIBUTION OF REVENUES; PROVIDING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 380
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE CAPITOL MALL AND OTHER STATE PROPERTY AND FACILITIES; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 16, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1613, IDAHO CODE, TO PROHIBIT CAMPING ON OR IN CERTAIN STATE PROPERTY AND FACILITIES, TO DEFINE A TERM, TO PROVIDE PENALTIES AND AUTHORITY TO CERTAIN PERSONS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 381
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-402, IDAHO CODE, TO REVISE QUALIFICATIONS OF ELECTORS; AMENDING SECTION 34-1002, IDAHO CODE, TO PROVIDE A WRITTEN WARNING ON THE APPLICATION FOR AN ABSENT ELECTOR'S BALLOT FORM AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-1008, IDAHO CODE, TO REVISE PROCEDURES FOR COUNTING ABSENTEE BALLOTS; AMENDING CHAPTER 14, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1414, IDAHO CODE, TO PROVIDE RESIDENCY REQUIREMENTS AND TO PROVIDE PROCEDURES; AND PROVIDING SEVERABILITY.

[H 374](#), [H 375](#), [H 376](#), [H 377](#), [H 378](#), [H 379](#), [H 380](#), and [H 381](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Thursday, January 19, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:17 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**ELEVENTH LEGISLATIVE DAY
THURSDAY, JANUARY 19, 2012**

House of Representatives

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

Roll call showed 69 members present.
Absent and excused – Jaquet. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Susie McHan, Page.

Approval of Journal

January 19, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Tenth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

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

Report of Standing Committees

January 19, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 374](#), [H 375](#), [H 376](#), [H 377](#), [H 378](#), [H 379](#), [H 380](#), and [H 381](#).

WILLS, Chairman

[H 374](#), [H 375](#), and [H 376](#) were referred to the Business Committee.

[H 377](#), [H 378](#), and [H 379](#) were referred to the Resources and Conservation Committee.

[H 380](#) and [H 381](#) were referred to the State Affairs Committee.

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

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

**HOUSE BILL NO. 382
BY EDUCATION COMMITTEE
AN ACT**

RELATING TO THE PROFESSIONAL STUDIES ACCOUNT; AMENDING SECTION 33-3721, IDAHO CODE, TO REMOVE A REFERENCE TO STATE APPROPRIATIONS.

HOUSE BILL NO. 383 BY EDUCATION COMMITTEE AN ACT

RELATING TO EDUCATION AND THE IDAHO OPPORTUNITY SCHOLARSHIP PROGRAM; AMENDING SECTION 33-5608, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ADMINISTRATIVE COSTS OF THE PROGRAM.

HOUSE BILL NO. 384 BY EDUCATION COMMITTEE AN ACT

RELATING TO PUBLIC INSTITUTIONS OF HIGHER EDUCATION; AMENDING SECTION 33-3717B, IDAHO CODE, TO REVISE PROVISIONS OF RESIDENCY REQUIREMENTS FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION RELATING TO RESIDENT STUDENTS.

HOUSE BILL NO. 385 BY EDUCATION COMMITTEE AN ACT

RELATING TO COMMUNITY COLLEGES; AMENDING SECTION 33-2139, IDAHO CODE, TO REVISE TERMINOLOGY, TO REVISE PROVISIONS RELATING TO MONEYS CREDITED TO THE COMMUNITY COLLEGE ACCOUNT AND TO PROVIDE THAT THE STATE TREASURER SHALL MAKE CERTAIN DISBURSEMENTS; AND AMENDING SECTION 33-2141, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DISBURSEMENT OF FUNDS FROM THE STATE COMMUNITY COLLEGE ACCOUNT AND TO REVISE TERMINOLOGY.

HOUSE BILL NO. 386 BY EDUCATION COMMITTEE AN ACT

RELATING TO SCHOLARSHIPS; AMENDING SECTION 33-4302, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ELIGIBILITY OF A SCHOLARSHIP OF A SPOUSE OR CHILD, TO ESTABLISH PROVISIONS RELATING TO ELIGIBILITY FOR A SCHOLARSHIP FOR A CHILD OF A MILITARY MEMBER, TO ESTABLISH PROVISIONS RELATING TO ELIGIBILITY FOR A SCHOLARSHIP FOR A SPOUSE OF A MILITARY MEMBER, TO REVISE PROVISIONS RELATING TO AN INDIVIDUAL WHO RECEIVES A SCHOLARSHIP, TO REVISE PROVISIONS RELATING TO EDUCATIONAL QUALIFICATIONS, TO REVISE TERMINOLOGY, TO REVISE PROVISIONS RELATING TO CERTAIN BENEFITS, TO ESTABLISH PROVISIONS RELATING TO AN APPROPRIATION, TO REVISE PROVISIONS RELATING TO MEMBERS OF THE ARMED FORCES AND TO PROVIDE FOR RULES; AND AMENDING SECTION 33-4302A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SCHOLARSHIPS FOR THE SPOUSE OR CHILD OF A PUBLIC SAFETY OFFICER, TO ESTABLISH PROVISIONS RELATING TO THE ELIGIBILITY OF A CHILD OF A PUBLIC SAFETY OFFICER, TO ESTABLISH PROVISIONS RELATING TO THE ELIGIBILITY OF A SPOUSE OF A PUBLIC SAFETY OFFICER, TO REVISE PROVISIONS RELATING TO CERTAIN BENEFITS, TO ESTABLISH PROVISIONS RELATING TO AN APPROPRIATION, TO

PROVIDE FOR RULES, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 387
BY LOCAL GOVERNMENT COMMITTEE
AN ACT

RELATING TO REVENUE AND TAXATION; AMENDING SECTION 63-602G, IDAHO CODE, TO PROVIDE THAT A HOMESTEAD HAVING PREVIOUSLY QUALIFIED FOR EXEMPTION SHALL NOT LOSE SUCH QUALIFICATION DUE TO THE OWNER'S ABSENCE FOR CERTAIN REASONS, TO PROVIDE THAT A CERTAIN EXEMPTION SHALL NOT BE IMPAIRED FOR CERTAIN REASONS, TO PROVIDE THAT A CERTAIN EXEMPTION SHALL FAIL FOR CERTAIN REASONS, TO PROVIDE THAT THE OWNER OF A HOMESTEAD PREVIOUSLY QUALIFIED FOR EXEMPTION IS NOT REQUIRED TO MAKE A SEPARATE APPLICATION TO CONTINUE QUALIFICATION OF THE EXEMPTION DURING THE TIME OF MILITARY, HUMANITARIAN OR RELIGIOUS SERVICE, TO PROVIDE FOR NOTICE, TO PROVIDE THAT SUCH NOTICE SHALL IDENTIFY CERTAIN MATTERS, TO PROVIDE FOR A DECLARATION, TO PROVIDE FOR A FILING, TO PROVIDE FOR A REBUTTABLE PRESUMPTION, TO ESTABLISH PROVISIONS RELATING TO A REFUND, TO PROVIDE FOR A CONTESTED CASE, TO PROVIDE FOR INTEREST AND TO PROVIDE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL REFUND CERTAIN TAXES IN CERTAIN INSTANCES; AND AMENDING SECTION 63-701, IDAHO CODE, TO PROVIDE FOR APPLICATION OF LAW.

HOUSE BILL NO. 388
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO EARLY CHILDHOOD AND EARLY INTERVENTION SERVICES; AMENDING THE HEADING FOR CHAPTER 1, TITLE 16, IDAHO CODE; AMENDING SECTION 16-101, IDAHO CODE, TO REVISE PROVISIONS RELATING TO LEGISLATIVE FINDINGS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-102, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN POLICY OF THE STATE OF IDAHO; AMENDING SECTION 16-103, IDAHO CODE, TO DEFINE TERMS, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-104, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EARLY INTERVENTION SYSTEM; AMENDING CHAPTER 1, TITLE 16, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 16-104A, IDAHO CODE, TO PROVIDE FOR THE EARLY CHILDHOOD COMPREHENSIVE SYSTEM AND TO PROVIDE FOR THE RESPONSIBILITIES OF SUCH SYSTEM; AMENDING SECTION 16-105, IDAHO CODE, TO REVISE THE NAME OF A CERTAIN COUNCIL, TO PROVIDE THAT THE GOVERNOR SHALL DESIGNATE THE EARLY CHILDHOOD COORDINATING COUNCIL TO SERVE AS THE STATE ADVISORY COUNCIL, AND TO REVISE AND TO ESTABLISH ADDITIONAL PROVISIONS RELATING TO MEMBERSHIP QUALIFICATIONS AND MEMBERSHIP MAKEUP OF THE EARLY CHILDHOOD COORDINATING COUNCIL; AMENDING SECTION 16-106, IDAHO CODE, TO REVISE AND TO PROVIDE ADDITIONAL AUTHORITY AND DUTIES OF THE EARLY CHILDHOOD COORDINATING COUNCIL AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-107, IDAHO

CODE, TO REVISE PROVISIONS RELATING TO THE RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND WELFARE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-108, IDAHO CODE, TO REVISE THE NAME OF CERTAIN COMMITTEES, TO REVISE PROVISIONS RELATING TO THE REGIONAL EARLY CHILDHOOD COMMITTEES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 16-109, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE INDIVIDUALIZED FAMILY SERVICE PLAN AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-110, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 16-111, IDAHO CODE, TO ESTABLISH THE EARLY INTERVENTION SERVICES FUND, TO PROVIDE MONEYS FOR SUCH FUND, TO REVISE PROVISIONS RELATING TO THE ALLOCATION OF MONEYS FROM SUCH FUND, TO PROVIDE REQUIREMENTS IN THE EVENT CERTAIN FEDERAL MONEYS ARE NO LONGER AVAILABLE AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 1, TITLE 16, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 16-111A, IDAHO CODE, TO ESTABLISH THE EARLY CHILDHOOD COMPREHENSIVE SYSTEM FUND, TO PROVIDE MONEYS FOR SUCH FUND, TO SPECIFY EXPENDITURE REQUIREMENTS FOR SUCH FUND, TO PROVIDE THAT INTEREST EARNED FROM THE INVESTMENT OF MONEYS IN SUCH FUND SHALL BE RETAINED IN SUCH FUND AND TO PROVIDE THAT UPON A CERTAIN CONDITION SUCH FUND SHALL BE DISSOLVED; AMENDING SECTION 16-112, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE PROHIBITED USE OF MONEYS FROM THE EARLY INTERVENTION SERVICES FUND; AMENDING SECTION 16-113, IDAHO CODE, TO REVISE TERMINOLOGY, TO REVISE THE NAME OF A CERTAIN ENTITY AND TO MAKE A TECHNICAL CORRECTION; AND PROVIDING A SUNSET DATE.

HOUSE BILL NO. 389
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO WEIGHTS AND MEASURES; AMENDING SECTION 71-409, IDAHO CODE, TO PROVIDE THAT CERTAIN FEES SHALL BE DEPOSITED IN THE WEIGHTS AND MEASURES DEDICATED FUND.

HOUSE BILL NO. 390
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO VETERINARIANS; AMENDING SECTION 54-2107, IDAHO CODE, TO REMOVE A PROVISION RELATING TO THE RETURN OF THE LICENSE FEE PORTION OF THE APPLICATION FEE UNDER CERTAIN CONDITIONS.

HOUSE BILL NO. 391
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE PRIMARY ELECTION; AMENDING SECTION 34-102, IDAHO CODE, TO DELETE REFERENCE TO THE PRESIDENTIAL PRIMARY ELECTION; AMENDING SECTION 34-601, IDAHO CODE, TO DELETE REFERENCE TO THE PRESIDENTIAL PRIMARY ELECTION; AMENDING SECTION 34-713, IDAHO CODE, TO DELETE REFERENCE TO THE

PRESIDENTIAL PRIMARY; REPEALING SECTIONS 34-731 THROUGH 34-739, IDAHO CODE, RELATING TO THE PRESIDENTIAL PRIMARY ELECTION; AMENDING SECTION 34-1205, IDAHO CODE, TO DELETE REFERENCE TO THE PRESIDENTIAL PREFERENCE PRIMARY; AMENDING SECTION 34-1208, IDAHO CODE, TO DELETE REFERENCE TO THE PRESIDENTIAL PRIMARY; AND DECLARING AN EMERGENCY.

Whereupon the Speaker declared the House adjourned at 11:17 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE BILL NO. 392
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-102, IDAHO CODE, TO REVISE THE DATE ON WHICH PRIMARY ELECTIONS SHALL BE HELD AND TO DELETE REFERENCE TO THE PRESIDENTIAL PRIMARY ELECTION; AMENDING SECTION 34-106, IDAHO CODE, TO REVISE THE DATE ON WHICH CERTAIN ELECTIONS MAY BE HELD, TO PROVIDE THAT PRIMARY ELECTIONS SHALL BE HELD ON THE FIRST TUESDAY AFTER THE FIRST MONDAY IN AUGUST OF EACH EVEN-NUMBERED YEAR AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-601, IDAHO CODE, TO REVISE THE DATE ON WHICH PRIMARY ELECTIONS SHALL BE HELD, TO DELETE REFERENCE TO THE PRESIDENTIAL PRIMARY ELECTION AND TO PROVIDE THAT ALL OTHER ELECTIONS SHALL BE HELD ON DATES PROVIDED IN A CERTAIN CODE SECTION; AMENDING SECTION 34-713, IDAHO CODE, TO DELETE REFERENCE TO A CERTAIN PUBLICATION; REPEALING SECTIONS 34-731 THROUGH 34-739, IDAHO CODE, RELATING TO THE PRESIDENTIAL PREFERENCE PRIMARY ELECTION; AMENDING SECTION 34-1205, IDAHO CODE, TO REMOVE REFERENCE TO THE PRESIDENTIAL PREFERENCE PRIMARY ELECTION; AMENDING SECTION 34-1208, IDAHO CODE, TO REMOVE REFERENCE TO THE PRESIDENTIAL PRIMARY ELECTION; AMENDING SECTION 21-806, IDAHO CODE, TO REVISE THE DATE ON WHICH A CERTAIN ELECTION SHALL BE HELD; AND DECLARING AN EMERGENCY.

[H 382](#), [H 383](#), [H 384](#), [H 385](#), [H 386](#), [H 387](#), [H 388](#), [H 389](#), [H 390](#), [H 391](#), and [H 392](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

Second Reading of Bills and Joint Resolutions

[HP 5](#), by Transportation and Defense Committee, was read the second time by title and filed for third reading.

[H 356](#), [H 357](#), [H 358](#), [H 360](#), [H 361](#), and [H 362](#), by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

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

Adjournment

Mr. Moyle moved that the House adjourn until 8 a.m., Friday, January 20, 2012. Seconded by Mr. Rusche. Motion carried.

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**TWELFTH LEGISLATIVE DAY
FRIDAY, JANUARY 20, 2012**

House of Representatives

The House convened at 8 a.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent and excused – Nielsen, Schaefer, Smith(24).

Total – 3.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Abigail Prigge, Page.

Approval of Journal

January 20, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eleventh Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

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

Report of Standing Committees

January 20, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 382](#), [H 383](#), [H 384](#), [H 385](#), [H 386](#), [H 387](#), [H 388](#), [H 389](#), [H 390](#), [H 391](#), and [H 392](#).

WILLS, Chairman

[H 382](#), [H 383](#), [H 384](#), [H 385](#), and [H 386](#) were referred to the Education Committee.

[H 387](#) was referred to the Revenue and Taxation Committee.

[H 388](#) was referred to the Health and Welfare Committee.

[H 389](#) and [H 390](#) were referred to the Agricultural Affairs Committee.

[H 391](#) and [H 392](#) were referred to the State Affairs Committee.

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

Motions, Memorials, and Resolutions

Mr. Moyle moved that the following person be approved as an attache to serve the House of Representatives for and during the Second Regular Session of the Sixty-first Idaho Legislature. Seconded by Mr. Rusche.

Committee Secretary:

Education Mary Tipps

Whereupon the Speaker declared the motion carried by voice vote and announced the oath of office had previously been administered to Mary Tipps.

HOUSE JOINT MEMORIAL NO. 4 BY JUDICIARY, RULES, AND ADMINISTRATION 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 House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Congress admitted Idaho to the Union in 1890, soon thereafter created the United States District Court for the District of Idaho with one United States District Judge, created a second United States District Judge in 1954, but has not created any other United States District Judges for the Idaho federal court since then; and

WHEREAS, Idaho's population has grown from approximately 600,000 in 1954 to over 1.5 million as of the 2010 census; and

WHEREAS, the District of Idaho has the fewest federal district judges of any of the judicial districts in the Ninth Circuit, with the exception of Guam and the Northern Mariana Islands; and

WHEREAS, Alaska with a 2010 census population of 710,231, Montana with a 2010 census population of 989,415, South Dakota with a 2010 census population of 814,180 and Wyoming with a 2010 census population of 563,626 each have three federal district judges even though their populations are significantly smaller than the population of Idaho; and

WHEREAS, Idaho is the 14th largest state with an area of 83,570 square miles, and its federal district judges are required to travel throughout this large and far-flung state to four designated and distant locations to conduct hearings and trials in both criminal and civil cases; and

WHEREAS, Idaho's United States District Court had 170 pending criminal and civil cases in 1954, and had 942 pending criminal and civil cases as of September 2011; and

WHEREAS, although the Idaho federal court has magistrate judges, civil litigants with cases before the court frequently exercise their right to have a United States District Judge assigned to their cases, only district judges may try felony criminal cases, speedy trial requirements and the size of the criminal case load cause delays in civil cases pending before Idaho's district judges, and complex cases can tie up district judges for months at a time, all of which have forced the Idaho federal court to increasingly rely on out-of-state federal district judges as shown by the 96 percent increase in visiting judge hours in 2008; and

WHEREAS, the United States District Court for Idaho is recognized within the federal judicial system, by Idaho's lawyers and by the citizens of Idaho as an exemplary court comprised of

judges and staff making enormous efforts and sacrifices to meet the demands of its caseload and doing so in a highly competent fashion; and

WHEREAS, notwithstanding the extraordinary and laudable efforts of the United States District Court for the District of Idaho to meet the demands of its caseload, the resources available to it are inadequate, and the resulting situation has created an unsustainable burden on the court, delayed justice, hindered the rights of the people of Idaho, and hindered the economy of our state; and

WHEREAS, the people of Idaho have needed a third federal district judge for a very long time and in 2002 Senate Joint Memorial 110 was adopted by the Second Regular Session of the 56th Idaho Legislature urging the Congress of the United States to authorize an additional United States District Court Judge and the staff necessary to assist in the handling of the District of Idaho's increasing caseload, but, to date, Congress has failed to act; and

WHEREAS, a properly resourced and properly functioning judiciary is a fundamental and core governmental function essential to the preservation of the people's rights and their freedom.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that we hereby respectfully urge the Congress of the United States to authorize an additional United States District Court Judge and commensurate staff for the District of Idaho to assist in handling current and anticipated caseloads in the District of Idaho; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

HJM 4 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

HOUSE BILL NO. 393 BY EDUCATION COMMITTEE AN ACT

RELATING TO RURAL HEALTH CARE ACCESS AND PHYSICIAN INCENTIVE; AMENDING SECTION 33-3723, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE, TO PROVIDE FOR THE ADMINISTRATION OF THE FUND BY THE DEPARTMENT OF HEALTH AND WELFARE, TO PROVIDE FOR MONEYS PAYABLE INTO THE FUND AND TO PROVIDE FOR INCOME, EARNINGS AND COSTS OF ADMINISTRATION; REPEALING SECTION 33-3724, IDAHO CODE, RELATING TO THE RURAL PHYSICIAN INCENTIVE FUND; REPEALING SECTION 33-3725, IDAHO CODE, RELATING TO INCENTIVE PAYMENTS FROM THE RURAL PHYSICIAN INCENTIVE FUND; AMENDING SECTION 39-5902, IDAHO CODE, TO PROVIDE FOR THE RURAL HEALTH CARE ACCESS FUND AND THE PHYSICIAN INCENTIVE FUND, TO PROVIDE FOR RECEIPT OF ASSESSMENT FEES AND TO PROVIDE THAT PURPOSES FOR THE FUNDS WILL INCLUDE CERTAIN PHYSICIAN LOAN REPAYMENTS; AMENDING SECTION 39-5903, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE TERMS; AMENDING SECTION 39-5904, IDAHO CODE,

TO PROVIDE FOR THE JOINT HEALTH CARE ACCESS AND PHYSICIAN INCENTIVE GRANT REVIEW BOARD AND TO PROVIDE FOR THE COMPOSITION OF THE BOARD; AMENDING SECTION 39-5905, IDAHO CODE, TO PROVIDE FOR THE SCOPE OF RURAL HEALTH CARE ACCESS AND PHYSICIAN INCENTIVE GRANT SUPPORT, TO PROVIDE FOR GRANTS TO PHYSICIANS FOR QUALIFIED MEDICAL EDUCATION DEBT REPAYMENTS AND TO PROVIDE A PURPOSE FOR SUCH PAYMENTS, TO PROVIDE FOR RURAL HEALTH CARE ACCESS GRANT AWARDS, TO REVISE PROVISIONS RELATING TO THE RETURN OF UNUSED GRANT FUNDS AND TO PROVIDE FOR PHYSICIAN INCENTIVE GRANT AWARDS; AMENDING SECTION 39-5906, IDAHO CODE, TO PROVIDE FOR CATEGORIES OF RURAL HEALTH CARE ACCESS AND PHYSICIAN INCENTIVE GRANTS, TO PROVIDE FOR THE THREE CATEGORIES OF RURAL HEALTH CARE ACCESS GRANT ASSISTANCE, TO CLARIFY CERTAIN ACTIVITIES THAT FUNDS MAY BE USED FOR AND TO PROVIDE A LIMITATION ON THE USE OF PHYSICIAN INCENTIVE GRANTS; AMENDING SECTION 39-5907, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR RURAL HEALTH CARE ACCESS GRANT AWARDS AND TO PROVIDE REQUIREMENTS FOR RURAL PHYSICIAN INCENTIVE GRANT AWARDS; AMENDING SECTION 39-5908, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR RURAL HEALTH CARE ACCESS AND PHYSICIAN INCENTIVE APPLICATIONS AND TO PROVIDE FOR SOURCES OF INFORMATION ASSOCIATED WITH APPLICATIONS; AMENDING SECTION 39-5909, IDAHO CODE, TO PROVIDE FOR THE RURAL HEALTH CARE ACCESS AND PHYSICIAN INCENTIVE GRANT AWARD SCHEDULE, TO PROVIDE FOR CERTAIN DUTIES OF THE RURAL HEALTH CARE ACCESS AND PHYSICIAN INCENTIVE PROGRAM MANAGER, TO PROVIDE FOR THE DISBURSAL OF APPROVED RURAL HEALTH CARE ACCESS GRANTS AND TO PROVIDE FOR THE DISBURSAL OF APPROVED RURAL PHYSICIAN INCENTIVE GRANTS; AMENDING SECTION 39-5910, IDAHO CODE, TO PROVIDE CRITERIA FOR RURAL HEALTH CARE ACCESS AWARDS AND PHYSICIAN INCENTIVE AWARDS AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 39-5911, IDAHO CODE, RELATING TO NEGOTIATION; AND AMENDING SECTION 39-5912, IDAHO CODE, TO PROVIDE FOR THE RETURN OF CERTAIN FUNDS TO THE RURAL HEALTH CARE ACCESS AND PHYSICIAN INCENTIVE GRANT PROGRAM.

HOUSE BILL NO. 394 BY EDUCATION COMMITTEE AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-4104, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE INTERSTATE AGREEMENT ON QUALIFICATION OF EDUCATIONAL PERSONNEL, TO REVISE PROVISIONS RELATING TO PURPOSE, TO PROVIDE FOR ASSUMPTIONS, TO PROVIDE DEFINITIONS, TO ESTABLISH PROVISIONS RELATING TO DUTIES OF MEMBER JURISDICTIONS, TO ESTABLISH PROVISIONS RELATING TO PROCEDURE FOR MEMBER PARTICIPATION, TO ESTABLISH PROVISIONS RELATING TO THE DURATION OF THE INTERSTATE AGREEMENT, TO ESTABLISH PROVISIONS RELATING TO THE ADMINISTRATION AND INTERPRETATION OF THE INTERSTATE AGREEMENT, TO ESTABLISH PROVISIONS

RELATING TO USE OF A JURISDICTION-SPECIFIC REQUIREMENTS INDEX, TO ESTABLISH PROVISIONS RELATING TO CERTAIN LICENSURE REQUIREMENTS AND TO REMOVE LANGUAGE RELATING TO CONSTRUCTION AND SEVERABILITY OF THE AGREEMENT.

HOUSE BILL NO. 395
BY APPROPRIATIONS 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 HAZARDOUS SUBSTANCE EMERGENCY RESPONSE FUND; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 396
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO WATER; TO PROVIDE THAT THE IDAHO WATER RESOURCE BOARD HAS PREPARED AND ADOPTED THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN FOR THE RATHDRUM PRAIRIE AQUIFER AS A COMPONENT OF THE COMPREHENSIVE STATE WATER PLAN, TO PROVIDE THAT THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN FOR THE RATHDRUM PRAIRIE AQUIFER IS APPROVED AS A COMPONENT OF THE COMPREHENSIVE STATE WATER PLAN AND TO PROVIDE THAT STATE AGENCIES SHALL EXERCISE DUTIES IN A MANNER CONSISTENT WITH THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN.

HOUSE BILL NO. 397
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-201A, IDAHO CODE, TO PROVIDE THAT IF ONLY ONE QUALIFIED CANDIDATE HAS BEEN NOMINATED FOR A POSITION TO BE FILLED IN AN ELECTION FOR DIRECTORS, IT SHALL NOT BE NECESSARY TO HOLD AN ELECTION FOR THAT POSITION, TO REVISE TIME PROVISIONS RELATING TO THE DECLARATION OF CERTAIN CANDIDATES ELECTED AS DIRECTORS, TO PROVIDE THAT THE SECRETARY OF THE DISTRICT SHALL TAKE CERTAIN ACTION FOLLOWING THE BOARD'S DECLARATION AND TO CLARIFY VERBIAGE ASSOCIATED WITH THE SIGNING OF CERTIFICATES OF ELECTION.

HOUSE BILL NO. 398
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO THE MAINTENANCE AND REPAIR OF DITCHES; AMENDING SECTION 42-1203, IDAHO CODE, TO PROVIDE THAT SPECIFIED DUTIES RELATING TO THE MAINTENANCE OF EMBANKMENTS SHALL NOT APPLY TO MAINTENANCE AND OPERATION NECESSITATED BY CERTAIN ACTIONS OF THIRD PARTIES OR ACTS OF GOD; AND AMENDING SECTION 42-1204, IDAHO CODE, TO PROVIDE THAT SPECIFIED DUTIES RELATING TO KEEPING AND MAINTAINING DITCHES, CANALS, WORKS,

AQUEDUCTS, EMBANKMENTS, FLUMES OR OTHER CONDUITS OF STREAMS OR SPRINGS REQUIRE REASONABLE CARE ONLY AND SHALL NOT BE CONSTRUED TO IMPOSE STRICT LIABILITY OR TO ENLARGE OR OTHERWISE ADVERSELY AFFECT THE LIABILITY OF ANY PARTY, TO PROVIDE THAT THE OWNERS OR CONSTRUCTORS OF SUCH DITCHES, CANALS, WORKS OR OTHER AQUEDUCTS SHALL NOT BE LIABLE FOR DAMAGE OR INJURY CAUSED BY CERTAIN ACTIONS OF THIRD PARTIES OR ACTS OF GOD AND TO CLARIFY THAT SPECIFIED PROVISIONS SHALL NOT BE CONSTRUED TO IMPAIR ANY DEFENSE THAT AN OWNER OR CONSTRUCTOR OF A DITCH, CANAL, WORK OR OTHER AQUEDUCT MAY ASSERT IN A CIVIL ACTION.

HOUSE BILL NO. 399
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO APPLICATIONS TO APPROPRIATE WATER; AMENDING SECTION 42-202, IDAHO CODE, TO PROVIDE THAT IF THE USE OF DIVERSION WORKS OR AN IRRIGATION SYSTEM IS REPRESENTED BY SHARES OF STOCK IN A CORPORATION OR IF SUCH WORKS OR SYSTEM IS OWNED OR MANAGED BY AN IRRIGATION DISTRICT, APPLICATIONS SHALL NOT BE APPROVED BY THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES WITHOUT THE CONSENT OF SUCH CORPORATION OR IRRIGATION DISTRICT.

HOUSE BILL NO. 400
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO ALTERATION OF CHANNELS OF STREAMS; AMENDING SECTION 42-3809, IDAHO CODE, TO PROVIDE THAT NO CIVIL OR ADMINISTRATIVE PROCEEDINGS FOR VIOLATION OF SPECIFIED LAW OR VIOLATION OF ANY RULE, PERMIT OR ORDER ISSUED OR PROMULGATED PURSUANT TO SPECIFIED LAW MAY BE BROUGHT MORE THAN TWO YEARS AFTER THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES HAD KNOWLEDGE OR OUGHT REASONABLY TO HAVE HAD KNOWLEDGE OF THE VIOLATION.

HOUSE BILL NO. 401
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO IRRIGATION DISTRICTS; AMENDING CHAPTER 11, TITLE 43, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 43-1122, IDAHO CODE, TO PROVIDE A PROCEDURE FOR THE TRANSFER OF LANDS BETWEEN DISTRICTS; AMENDING CHAPTER 11, TITLE 43, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 43-1123, IDAHO CODE, TO PROVIDE FOR THE CONTENT OF RESOLUTIONS REGARDING THE TRANSFER OF LANDS BETWEEN DISTRICTS; AMENDING CHAPTER 11, TITLE 43, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 43-1124, IDAHO CODE, TO PROVIDE FOR NOTICE; AMENDING CHAPTER 11, TITLE 43, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 43-1125, IDAHO CODE, TO PROVIDE FOR THE CONTENT OF THE NOTICE; AMENDING CHAPTER 11, TITLE 43, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 43-1126, IDAHO CODE, TO PROVIDE FOR HEARING; AMENDING CHAPTER 11, TITLE 43,

IDAHO CODE, BY THE ADDITION OF A NEW SECTION 43-1127, IDAHO CODE, TO PROVIDE FOR ORDERS AND DETERMINATIONS; AMENDING CHAPTER 11, TITLE 43, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 43-1128, IDAHO CODE, TO PROVIDE FOR THE ENTRY OF ORDERS, TO PROVIDE REQUIREMENTS FOR ORDERS OF EXCLUSION, TO PROVIDE FOR THE DELIVERY OF COPIES OF EXCLUSION ORDERS TO ANNEXING DISTRICTS, TO PROVIDE FOR ORDERS OF ANNEXATION AND TO PROVIDE FOR RECORDING OF ORDERS; AMENDING CHAPTER 11, TITLE 43, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 43-1129, IDAHO CODE, TO PROVIDE FOR THE EFFECT OF ORDERS; AMENDING CHAPTER 11, TITLE 43, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 43-1130, IDAHO CODE, TO PROVIDE FOR APPEALS AND TO PROVIDE A PROCEDURE; AND AMENDING CHAPTER 11, TITLE 43, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 43-1131, IDAHO CODE, TO PROVIDE FOR COSTS.

HOUSE BILL NO. 402
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE

AN ACT

RELATING TO THE STATE BRAND BOARD; AMENDING SECTION 25-1103, IDAHO CODE, TO PROVIDE THAT THE STATE BRAND INSPECTOR AND PERSONNEL OF THE STATE BRAND INSPECTOR'S OFFICE SHALL BE EMPLOYED BY THE IDAHO STATE POLICE, TO PROVIDE THAT THE STATE BRAND INSPECTOR SHALL HAVE SUPERVISION OVER THE EMPLOYEES AND OTHER PERSONS NECESSARY IN CARRYING OUT THE FUNCTIONS OF THE BOARD AND TO PROVIDE THAT THE STATE BRAND INSPECTOR AND PERSONNEL OF THE STATE BRAND INSPECTOR'S OFFICE SHALL BE GOVERNED BY THE POLICIES AND RULES OF THE STATE OF IDAHO AND THE IDAHO STATE POLICE CONCERNING PERSONNEL DISCIPLINARY MATTERS; AND AMENDING SECTION 25-1106, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 403
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE

AN ACT

RELATING TO ABANDONED MOTOR VEHICLES; AMENDING CHAPTER 18, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1807B, IDAHO CODE, TO PROVIDE FOR AN IDAHO STATE POLICE AUTHORIZED TOW LIST AND TO REQUIRE BACKGROUND CHECKS OF CERTAIN PERSONS.

[H 393](#), [H 394](#), [H 395](#), [H 396](#), [H 397](#), [H 398](#), [H 399](#), [H 400](#), [H 401](#), [H 402](#), and [H 403](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

Third Reading of Bills and Joint Resolutions

[HP 5](#) - ADA COUNTY HIGHWAY DISTRICT

[HP 5](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hagedorn to open debate.

The question being, "Shall [HP 5](#) be adopted?"

Whereupon the Speaker declared [HP 5](#) adopted by voice vote and ordered the proclamation filed in the office of the Chief Clerk.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, January 23, 2012. There being no objection, it was so ordered.

There being no objection, the House returned to the Eighth Order of Business.

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

HOUSE BILL NO. 404
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE CAPITOL MALL AND OTHER STATE PROPERTY AND FACILITIES; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 16, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1613, IDAHO CODE, TO PROHIBIT CAMPING ON OR IN CERTAIN STATE PROPERTY AND FACILITIES, TO PROVIDE EXCEPTIONS, TO DEFINE A TERM, TO PROVIDE PENALTIES AND AUTHORITY TO CERTAIN PERSONS; AND DECLARING AN EMERGENCY.

[H 404](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House returned to the Fifth Order of Business.

Report of Standing Committees

January 20, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 404](#).
WILLS, Chairman

[H 404](#) was referred to the State Affairs Committee.

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

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Monday, January 23, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 9:32 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**FIFTEENTH LEGISLATIVE DAY
MONDAY, JANUARY 23, 2012**

House of Representatives

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

Roll call showed 68 members present.

Absent and excused – Nielsen, Nonini. Total – 2.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Ian Richter, Page.

Approval of Journal

January 23, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twelfth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO

CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that Marv Hagedorn, State Representative, District 20, House Seat B, Ada County, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated David M. Tucker of Meridian, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint David M. Tucker, Acting State Representative, District 20, House Seat B, Ada County, State of Idaho, for a term commencing on January 23, 2012, and continuing until the incumbent shall resume the performance of the 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 17th day of January, in the year of our Lord two thousand and twelve and of the

Independence of the United States of America, the two hundred and thirty-sixth year.

/s/ C.L. "BUTCH" OTTER
Governor

/s/ BEN T. YSURSA
Secretary of State

The Certificate of Appointment was ordered filed in the office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to David M. Tucker.

Report of Standing Committees

January 23, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HJM 4](#), [H 393](#), [H 394](#), [H 395](#), [H 396](#), [H 397](#), [H 398](#), [H 399](#), [H 400](#), [H 401](#), [H 402](#), and [H 403](#).

WILLS, Chairman

[HJM 4](#), [H 402](#), and [H 403](#) were referred to the Judiciary, Rules, and Administration Committee.

[H 393](#) and [H 394](#) were referred to the Education Committee.

[H 396](#), [H 397](#), [H 398](#), [H 399](#), [H 400](#), and [H 401](#) were referred to the Resources and Conservation Committee.

[H 395](#) was filed for second reading.

January 23, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 363](#), [H 364](#), and [H 365](#) and recommend that they do pass.

LAKE, Chairman

[H 363](#), [H 364](#), and [H 365](#) were filed for second reading.

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

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

HOUSE BILL NO. 405 BY HEALTH AND WELFARE COMMITTEE AN ACT

RELATING TO ELECTRONIC CIGARETTES; AMENDING SECTION 39-5702, IDAHO CODE, TO DEFINE A TERM, TO REVISE DEFINITIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-5703, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE POSSESSION, DISTRIBUTION OR USE OF ELECTRONIC CIGARETTES BY MINORS; AMENDING SECTION 39-5705, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE SALE OR DISTRIBUTION OF ELECTRONIC CIGARETTES TO MINORS; AMENDING SECTION 39-5706, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO VENDOR ASSISTED SALES OF ELECTRONIC CIGARETTES, TO PROVIDE THAT AFTER A CERTAIN DATE, IT SHALL BE UNLAWFUL TO SELL OR DISTRIBUTE ELECTRONIC CIGARETTES FROM A VENDING MACHINE, TO PROVIDE THAT IT SHALL BE UNLAWFUL TO SELL

OR DISTRIBUTE ELECTRONIC CIGARETTES FROM SELF-SERVICE DISPLAYS AND TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 39-5708, IDAHO CODE, TO PROVIDE A CIVIL PENALTY FOR CERTAIN VIOLATIONS RELATING TO ELECTRONIC CIGARETTES; AMENDING SECTION 39-5710, IDAHO CODE, TO ESTABLISH ADDITIONAL PROVISIONS RELATING TO THE CONDUCT OF ENFORCEMENT ACTIONS; AMENDING SECTION 39-5713, IDAHO CODE, TO PROVIDE THAT LOCAL UNITS OF GOVERNMENT SHALL NOT HAVE THE POWER TO REQUIRE A PERMIT OR LICENSE FOR THE SALE OR DISTRIBUTION OF ELECTRONIC CIGARETTES; AMENDING SECTION 39-5714, IDAHO CODE, TO PROVIDE THAT NO SELLER SHALL MAKE A DELIVERY SALE OF ELECTRONIC CIGARETTES TO ANY MINOR IN THIS STATE; AMENDING SECTION 39-5715, IDAHO CODE, TO PROVIDE CERTAIN AGE VERIFICATION REQUIREMENTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-5717, IDAHO CODE, TO REVISE A SHORT TITLE AND TO PROVIDE A CORRECT CODE REFERENCE; AND AMENDING CHAPTER 57, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-5717A, IDAHO CODE, TO PROVIDE SHIPPING REQUIREMENTS FOR ELECTRONIC CIGARETTES.

HOUSE BILL NO. 406
BY EDUCATION COMMITTEE
AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1209, IDAHO CODE, TO REVISE PROVISIONS RELATING TO INVESTIGATIONS BY THE PROFESSIONAL STANDARDS COMMISSION, TO REVISE PROVISIONS RELATING TO A SIGNED ALLEGATION, TO REVISE PROVISIONS RELATING TO NOTICE, TO REVISE PROVISIONS RELATING TO SERVICE, TO REVISE PROVISIONS RELATING TO A REQUEST FOR HEARING, TO REVISE PROVISIONS RELATING TO FINDINGS OF FACT AND A DECISION, AND TO PROVIDE FOR NOTICE OF CERTAIN FINAL DECISIONS; AND AMENDING SECTION 33-1210, IDAHO CODE, TO REVISE PROVISIONS RELATING TO AN APPLICANT STATEMENT, TO PROVIDE A DEFINITION, TO REVISE PROVISIONS RELATING TO INFORMATION REQUESTED BY A HIRING DISTRICT FROM THE SUPERINTENDENT OF PUBLIC INSTRUCTION, TO REVISE PROVISIONS RELATING TO EMPLOYMENT OF APPLICANTS ON A CONDITIONAL BASIS, TO ELIMINATE A REFERENCE TO COLLECTIVE BARGAINING AGREEMENTS AND INDIVIDUAL EMPLOYMENT CONTRACTS AND TO REVISE PROVISIONS RELATING TO THE EXPUNGEMENT OF CERTAIN INFORMATION.

H 405 and **H 406** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that **H 361** retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

H 356 - PROPERTY TAX

H 356 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Collins to open debate.

The question being, "Shall **H 356** pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn(Tucker), Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Nielsen, Nonini. Total – 2.

Total – 70.

Whereupon the Speaker declared that **H 356** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 357 - PROPERTY TAX

H 357 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

The question being, "Shall **H 357** pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn(Tucker), Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Nielsen, Nonini. Total – 2.

Total – 70.

Whereupon the Speaker declared that **H 357** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 358 - PROPERTY TAX

H 358 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Raybould to open debate.

The question being, "Shall [H 358](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn(Tucker), Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Nielsen, Nonini. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 358](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 360](#) - TAX COMMISSION

[H 360](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Roberts to open debate.

The question being, "Shall [H 360](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn(Tucker), Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Nielsen, Nonini. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 360](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 362](#) - TAXES

[H 362](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Barbieri to open debate.

The question being, "Shall [H 362](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn(Tucker), Hartgen, Harwood, Henderson, Higgins,

Jaquet, Killen, King, Lacey, Lake, McGeachin, Moyle, Nessel, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 60.

NAYS – Andrus, Barrett, Hart, Loertscher, Luker, Marriott, McMillan, Shepherd. Total – 8.

Absent and excused – Nielsen, Nonini. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 362](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

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

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Tuesday, January 24, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:30 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SIXTEENTH LEGISLATIVE DAY
TUESDAY, JANUARY 24, 2012

House of Representatives

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

Roll call showed all 70 members present.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Benjamin Ovard, Page.

Approval of Journal

January 24, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifteenth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

January 23, 2012

Mr. Speaker:

I transmit herewith [SJR 102](#) which has passed the Senate.

NOVAK, Secretary

[SJR 102](#) was filed for first reading.

Report of Standing Committees

January 24, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 405](#) and [H 406](#).

WILLS, Chairman

[H 405](#) was referred to the Health and Welfare Committee.

[H 406](#) was referred to the Education Committee.

January 23, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 366](#) and recommend that it do pass.

LAKE, Chairman

[H 366](#) was filed for second reading.

January 24, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 404](#) and recommend that it do pass.

LOERTSCHER, Chairman

[H 404](#) was filed for second reading.

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

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

HOUSE BILL NO. 407 BY BUSINESS COMMITTEE AN ACT

RELATING TO THE DIVISION OF BUILDING SAFETY; AMENDING SECTION 39-4115, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN PERSONNEL OF THE IDAHO BUILDING CODE BOARD AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 67-2601A, IDAHO CODE, TO PROVIDE THAT REGIONAL MANAGERS SHALL BE NONCLASSIFIED EMPLOYEES.

HOUSE BILL NO. 408 BY BUSINESS COMMITTEE AN ACT

RELATING TO THE IDAHO ELECTRICAL BOARD; AMENDING SECTION 54-1006, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PRESIDING OFFICIALS OF THE BOARD.

HOUSE BILL NO. 409 BY BUSINESS COMMITTEE AN ACT

RELATING TO THE DIVISION OF BUILDING SAFETY; AMENDING SECTION 39-4106, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE IDAHO BUILDING CODE BOARD MEMBER COMPENSATION; AND AMENDING SECTION 54-1908, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE PUBLIC WORKS CONTRACTORS LICENSE BOARD MEMBER COMPENSATION.

HOUSE BILL NO. 410 BY BUSINESS COMMITTEE AN ACT

RELATING TO THE IDAHO VIDEO SERVICE ACT; AMENDING TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 30, TITLE 50, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR FRANCHISING AUTHORITY, TO PROVIDE FOR MODIFICATIONS OF EXISTING FRANCHISE AGREEMENTS, TO PROVIDE FOR A HOLDER OF CERTIFICATE, TO PROVIDE FOR AMENDMENT OF THE CERTIFICATE OF FRANCHISE AUTHORITY, TO PROVIDE FOR PROVISION OF ACCESS TO VIDEO SERVICE WITHIN A CERTAIN PERIOD, TO PROVIDE FOR SUSPENSION OF AUTHORITY FOR NONCOMPLIANCE WITH CERTAIN REQUIREMENTS, TO PROVIDE FOR FEES, TO PROVIDE FOR THE USE OF PUBLIC RIGHTS-OF-WAY, TO PROVIDE FOR A VIDEO SERVICE PROVIDER FEE, TO PROHIBIT DISCRIMINATION AMONG POTENTIAL RESIDENTIAL SUBSCRIBERS AND TO PROVIDE FOR VIOLATIONS, TO PROVIDE FOR CUSTOMER SERVICE STANDARDS, TO PROVIDE FOR DESIGNATION AND USE

OF CHANNEL CAPACITY FOR PUBLIC, EDUCATIONAL OR GOVERNMENTAL USE AND TO PROVIDE FOR APPLICABILITY OF OTHER LAW; AND PROVIDING SEVERABILITY.

[H 407](#), [H 408](#), [H 409](#), and [H 410](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[SJR 102](#), by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

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

Second Reading of Bills and Joint Resolutions

[H 395](#), by Appropriations Committee, was read the second time by title and filed for third reading.

[H 363](#), [H 364](#), and [H 365](#), by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

[H 361](#) - SALES AND USE TAX

[H 361](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ellsworth to open debate.

The question being, "Shall [H 361](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn(Tucker), Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Killen. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 361](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

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

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Wednesday, January 25, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:16 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SEVENTEENTH LEGISLATIVE DAY
WEDNESDAY, JANUARY 25, 2012

House of Representatives

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

Roll call showed all 70 members present.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Jordan Wright, Page.

Approval of Journal

January 25, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixteenth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

At this time, Mr. Wills introduced Roger S. Burdick, Chief Justice of the Idaho Supreme Court, who delivered the State of the Judiciary Address to the members of the House.

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

Report of Standing Committees

January 25, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 407](#), [H 408](#), [H 409](#), and [H 410](#).

WILLS, Chairman

[H 407](#), [H 408](#), [H 409](#), and [H 410](#) were referred to the Business Committee.

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

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

HOUSE BILL NO. 411
BY EDUCATION COMMITTEE
AN ACT

RELATING TO COMMUNITY COLLEGES; AMENDING SECTION 33-2106, IDAHO CODE, TO REVISE PROVISIONS AND TO ESTABLISH ADDITIONAL PROVISIONS RELATING TO THE TRUSTEES OF COMMUNITY COLLEGE DISTRICTS.

HOUSE BILL NO. 412 **BY AGRICULTURAL AFFAIRS COMMITTEE** AN ACT

RELATING TO THE IDAHO GRAPE GROWERS AND WINE PRODUCERS COMMISSION; AMENDING SECTION 54-3603, IDAHO CODE, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-3605, IDAHO CODE, TO REVISE THE POWERS AND DUTIES OF THE COMMISSION; AMENDING SECTION 54-3606, IDAHO CODE, TO REVISE PROVISIONS RELATING TO RESEARCH, ADVERTISING AND EDUCATIONAL CAMPAIGNS; AND AMENDING CHAPTER 36, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-3606A, IDAHO CODE, TO PROVIDE FOR POWERS ASSOCIATED WITH THE PROMOTION OF IDAHO GRAPE PRODUCTS, TO PROVIDE THAT IN CONDUCTING SPECIFIED ACTIVITIES CERTAIN LICENSES, PERMITS OR REGISTRATION OR NOTIFICATION TO A PUBLIC OFFICIAL SHALL NOT BE REQUIRED, TO PROVIDE THAT SPECIFIED ACTIVITIES SHALL INCLUDE, BUT NOT BE LIMITED TO, DISPENSING OR SERVING SAMPLES OF WINE ON PREMISES NOT LICENSED FOR THE SALE OF WINE BY THE INDIVIDUAL GLASS OR OPENED BOTTLE AND TO PROVIDE FOR LIMITATIONS.

HOUSE BILL NO. 413 **BY TRANSPORTATION AND DEFENSE COMMITTEE** AN ACT

RELATING TO DISASTERS AND THE MILITARY DIVISION; AMENDING SECTION 46-1005A, IDAHO CODE, TO AUTHORIZE THE ISSUANCE OF DEFICIENCY WARRANTS FOR THE PURPOSE OF MEETING OBLIGATIONS AND EXPENSES IN RESPONDING TO A DECLARED STATE OF EMERGENCY.

HOUSE BILL NO. 414 **BY TRANSPORTATION AND DEFENSE COMMITTEE** AN ACT

RELATING TO THE STATE RAIL AND INTERMODAL FACILITY SYSTEM PLAN; AMENDING SECTION 49-2905, IDAHO CODE, TO REVISE DUTIES OF THE TRANSPORTATION DEPARTMENT AND THE DEPARTMENT OF AGRICULTURE REGARDING THE STATE RAIL AND INTERMODAL FACILITY SYSTEM PLAN.

HOUSE BILL NO. 415 **BY RUSCHE** AN ACT

RELATING TO ELECTIONS; AMENDING TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 26, TITLE 34, IDAHO CODE, TO PROVIDE FOR BOARD OF COUNTY COMMISSIONER AUTHORIZATION OF VOTE BY MAIL, TO SPECIFY ELECTIONS REQUIRED OR ELIGIBLE TO BE CONDUCTED BY MAIL, TO PROVIDE PROCEDURES FOR CONDUCTING ELECTIONS BY MAIL, TO PROVIDE PROCEDURES FOR THE ORDERING OF CANDIDATE NAMES ON THE VOTE BY MAIL BALLOT AND TO PROVIDE FOR THE APPLICABILITY OF OTHER

LAW; AMENDING SECTION 50-405, IDAHO CODE, TO PROVIDE FOR CITY COUNCIL AUTHORIZATION OF VOTE BY MAIL SUBJECT TO SPECIFIED IDAHO LAW AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 416
BY RUSCHE**

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-308, IDAHO CODE, TO PROVIDE THAT ANY PRECINCT MAY BE DESIGNATED BY THE BOARD OF COUNTY COMMISSIONERS AS A VOTE BY MAIL PRECINCT AND TO ALLOW OTHER VOTING PLACES WITHIN A PRECINCT.

[H 411](#), [H 412](#), [H 413](#), [H 414](#), [H 415](#), and [H 416](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

Second Reading of Bills and Joint Resolutions

[H 366](#), by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

[H 404](#), by State Affairs Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

[H 395](#) - APPROPRIATIONS - DEFICIENCY WARRANTS

[H 395](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Patrick to open debate.

The question being, "Shall [H 395](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn(Tucker), Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Boyle, Chew. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 395](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 363](#) - INCOME TAX

[H 363](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Killen to open debate.

The question being, "Shall [H 363](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn(Tucker), Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Boyle, Chew. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 363](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 364](#) - INCOME TAX

[H 364](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Lake to open debate.

The question being, "Shall [H 364](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn(Tucker), Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Boyle, Chew. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 364](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 365](#) - INCOME TAX ACT

[H 365](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gibbs to open debate.

The question being, "Shall [H 365](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn(Tucker), Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne,

Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35),
Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Boyle, Chew. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 365](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House returned to the Fourth Order of Business.

**Consideration of Messages from the
Governor and the Senate**

January 25, 2012

Mr. Speaker:

I transmit herewith [S 1224](#) and [S 1223](#) which have passed the Senate.

NOVAK, Secretary

[S 1224](#) and [S 1223](#) were filed for first reading.

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

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

[S 1224](#) and [S 1223](#), by Education Committee, were introduced, read the first time by title, and referred to the Education Committee.

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

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Thursday, January 26, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:39 a.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

EIGHTEENTH LEGISLATIVE DAY
THURSDAY, JANUARY 26, 2012

House of Representatives

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

Roll call showed all 70 members present.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Abigail Morris, Page.

Approval of Journal

January 26, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Seventeenth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

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

Report of Standing Committees

January 26, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 411](#), [H 412](#), [H 413](#), [H 414](#), [H 415](#), and [H 416](#).

WILLS, Chairman

[H 411](#) was referred to the Education Committee.

[H 412](#) was referred to the Agricultural Affairs Committee.

[H 413](#) and [H 414](#) were referred to the Transportation and Defense Committee.

[H 415](#) and [H 416](#) were referred to the State Affairs Committee.

January 25, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [H 402](#), [HJM 4](#), and [SJR 102](#) and recommend that they do pass.

WILLS, Chairman

[H 402](#), [HJM 4](#), and [SJR 102](#) were filed for second reading.

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

Motions, Memorials, and Resolutions

HOUSE JOINT MEMORIAL NO. 5 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 House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the State of Idaho has a proprietary interest as a participant in the market for the procurement of construction services to secure the best construction at the best price; and

WHEREAS, the Legislature recognizes that the National Labor Relations Act allows for voluntary pre-hire agreements between an employer and a labor organization in the construction industry; and

WHEREAS, government-mandated project labor agreements and similar pre-hire agreement mandates have been shown to negatively impact the economy and efficiency of taxpayer-funded construction; and

WHEREAS, the Legislature has a desire to encourage efficiency and reward contractor innovation in the procurement and construction of publicly funded construction by maintaining a policy of neutrality on the use of project labor agreements.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the legislative intent for passing Senate Bill 1006 during the 2011 Legislative Session was to fulfill the state's proprietary objectives in maintaining and promoting the economical, nondiscriminatory, open and efficient expenditure of public moneys in connection with publicly funded or assisted construction projects.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the 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.

HOUSE JOINT MEMORIAL NO. 6 BY STATE AFFAIRS COMMITTEE

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES AND 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 House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the State of Idaho, under the authority granted by Congress under Section 14(b) of the National Labor Relations Act, passed the state Right to Work statute in order to guarantee its citizens maximum individual freedom of choice in the pursuit

of employment and to be free from undue restraint and coercion with regard to employment; and

WHEREAS, the Right to Work law further guarantees Idaho citizens' right to work shall not be infringed or restricted in any way based on membership in, affiliation with or financial support of a labor organization or refusal to join, affiliate with or financially support a labor organization; and

WHEREAS, the Right to Work law declares it to be unlawful to deduct from the wages, earnings or compensation of an employee for dues, fees or assessments to a labor organization unless the employee has first signed a written authorization of such deductions; and

WHEREAS, labor organizations have developed so-called market recovery funds, job targeting funds or other such schemes, financed by assessments and sums withheld from employee paychecks, for the purpose of subsidizing a contractor or subcontractor, but that offer no guarantee they will ever directly benefit the employee; and

WHEREAS, such wage subsidy schemes would be illegal as price-fixing and a violation of wage and hour laws if entered into by nonunion employers and employees resulting in undermining a citizen's protections under the Right to Work statute and resulting, as a practical matter, in compulsory unionism; and

WHEREAS, such employer subsidies are often used in conjunction with other threatening and coercive union organizing activities that are intended to intimidate employers into voluntary recognition or employees into joining the union against their will, thereby weakening Idaho's economic climate, reducing employment opportunities for the vast majority of Idahoans unless they join a union, and ultimately undermining Idaho's Right to Work law; and

WHEREAS, the development and use of such funds goes beyond labor organizations' primary objectives, and allows labor organizations to combine with non-labor groups to gain an unfair advantage and directly undermine free and open competition.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that it is a compelling state interest of the Legislature to protect the right to work for all Idahoans, union and nonunion, under the authority granted by Congress under Section 14(b) of the National Labor Relations Act, by proscribing compulsory unionism as a condition of employment via anticompetitive rebates of employee wages to subsidize a contractor or subcontractor doing business in the State of Idaho.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States and to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

HJM 5 and **HJM 6** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

HOUSE BILL NO. 417 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO THE SALES AND USE TAX; AMENDING SECTION 63-3622GG, IDAHO CODE, TO PROVIDE THAT CERTAIN MATERIALS, PARTS AND COMPONENTS INSTALLED ON CERTAIN AIRCRAFT ARE

EXEMPT FROM THE SALES AND USE TAX; DECLARING AN EMERGENCY AND PROVIDING A SUNSET DATE.

HOUSE BILL NO. 418 BY COMMERCE AND HUMAN RESOURCES COMMITTEE AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1302, IDAHO CODE, TO REVISE A DEFINITION.

HOUSE BILL NO. 419 BY BUSINESS COMMITTEE AN ACT

RELATING TO THE BOARD OF REAL ESTATE APPRAISERS; AMENDING SECTION 54-4107, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DISCIPLINARY PROCEEDINGS; AND AMENDING SECTION 54-4115, IDAHO CODE, TO REVISE PROVISIONS RELATING TO NONRESIDENT LICENSURE OR CERTIFICATION.

HOUSE BILL NO. 420 BY BUSINESS COMMITTEE AN ACT

RELATING TO INSURANCE ADMINISTRATORS; AMENDING SECTION 41-911, IDAHO CODE, TO ALLOW SUBMISSION OF UNAUDITED FINANCIAL STATEMENTS IN CONNECTION WITH HOME STATE LICENSE APPLICATIONS, AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 41-914, IDAHO CODE, TO REVISE ANNUAL REPORTING REQUIREMENTS FOR LICENSED ADMINISTRATORS.

HOUSE BILL NO. 421 BY BUSINESS COMMITTEE AN ACT

RELATING TO ORDERS AND NOTICES OF THE DIRECTOR OF THE DEPARTMENT OF INSURANCE; AMENDING SECTION 41-212, IDAHO CODE, TO CLARIFY THE METHODS BY WHICH SERVICE OF ORDERS AND NOTICES MAY BE MADE AND WHEN SAID SERVICE IS COMPLETE AND TO PROVIDE FOR ELECTRONIC SERVICE WHERE AGREED TO BY PARTIES IN CONTESTED CASES.

HOUSE BILL NO. 422 BY BUSINESS COMMITTEE AN ACT

RELATING TO FEES AND TAXES; AMENDING SECTION 41-406, IDAHO CODE, TO REMOVE THE REQUIREMENT OF CERTIFIED REPORTING TO THE STATE TREASURER.

HOUSE BILL NO. 423 BY BUSINESS COMMITTEE AN ACT

RELATING TO SMALL EMPLOYER AND INDIVIDUAL HEALTH INSURANCE RATES; AMENDING SECTION 41-4706, IDAHO CODE, TO ADD IMMUNIZATION ASSESSMENTS SPECIFIED UNDER CHAPTER 60, TITLE 41, IDAHO CODE, TO THE LIST OF ASSESSMENTS EXCLUDED, TO PROVIDE GENERAL STANDARDS FOR SMALL EMPLOYER RATES, TO PROVIDE RULEMAKING, TO REVISE A CODE REFERENCE AND TO PROVIDE THAT CERTAIN INFORMATION SHALL BE PUBLIC

IF REQUIRED BY OTHER APPLICABLE LAW; AND AMENDING SECTION 41-5206, IDAHO CODE, TO ADD IMMUNIZATION ASSESSMENTS SPECIFIED UNDER CHAPTER 60, TITLE 41, IDAHO CODE, TO THE LIST OF ASSESSMENTS EXCLUDED, TO PROVIDE GENERAL STANDARDS FOR INDIVIDUAL RATES, TO PROVIDE RULEMAKING AND TO PROVIDE THAT CERTAIN INFORMATION SHALL BE PUBLIC IF REQUIRED BY OTHER APPLICABLE LAW.

HOUSE BILL NO. 424
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE STATE TREASURER; AMENDING SECTION 67-1201, IDAHO CODE, TO REVISE DUTIES OF THE STATE TREASURER AND TO PROVIDE A CORRECT CODE REFERENCE.

HOUSE BILL NO. 425
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO IDAHO COMMEMORATIVE SILVER MEDALLIONS; AMENDING SECTION 67-1223, IDAHO CODE, TO PROVIDE THAT THE STATE TREASURER, AS AN AGENT OF THE STATE OF IDAHO, IS AUTHORIZED TO OBTAIN, MAINTAIN AND PROTECT A FEDERAL TRADEMARK ON THE DESIGN OF EACH SERIES OF MEDALLIONS ISSUED AND TO REMOVE LANGUAGE STATING THAT IT IS THE DUTY OF THE STATE TREASURER TO PROTECT EACH AND EVERY TRADEMARK.

[H 417](#), [H 418](#), [H 419](#), [H 420](#), [H 421](#), [H 422](#), [H 423](#), [H 424](#), and [H 425](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that [H 366](#) retain its place on the Third Reading Calendar until Monday, January 30, 2012. There being no objection, it was so ordered.

[H 404](#) - CAPITOL MALL

[H 404](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bedke to open debate.

The question being, "Shall [H 404](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn(Tucker), Hartgen, Harwood, Henderson, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(24), Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 54.

NAYS – Buckner-Webb, Burgoyne, Chew, Cronin, Hart, Higgins, Jaquet, Killen, King, Lacey, McGeachin, Pence, Ringo, Rusche, Smith(30), Trail. Total – 16.
Total – 70.

Whereupon the Speaker declared that [H 404](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House returned to the Fifth Order of Business.

Report of Standing Committees

January 26, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [S 1224](#) and recommend that it do pass.

NONINI, Chairman

[S 1224](#) was filed for second reading.

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

Adjournment

Mr. Moyle moved that the House adjourn until 8:30 a.m., Friday, January 27, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:09 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

NINETEENTH LEGISLATIVE DAY
FRIDAY, JANUARY 27, 2012

House of Representatives

The House convened at 8:30 a.m., the Speaker in the Chair.

Roll call showed 63 members present.

Absent and excused – Eskridge, Hartgen, McGeachin, Nielsen, Ringo, Schaefer, Smith(24). Total – 7.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Jakob Goold, Page.

Approval of Journal

January 27, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eighteenth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

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

Report of Standing Committees

January 27, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HJM 5](#), [HJM 6](#), [H 417](#), [H 418](#), [H 419](#), [H 420](#), [H 421](#), [H 422](#), [H 423](#), [H 424](#), and [H 425](#).

WILLS, Chairman

[HJM 5](#), [HJM 6](#), and [H 425](#) were referred to the State Affairs Committee.

[H 417](#) was referred to the Revenue and Taxation Committee.

[H 418](#) was referred to the Commerce and Human Resources Committee.

[H 419](#), [H 420](#), [H 421](#), [H 422](#), and [H 423](#) were referred to the Business Committee.

[H 424](#) was filed for second reading.

January 26, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 387](#) and report it back with amendments attached to be placed on General Orders for consideration.

LAKE, Chairman

[H 387](#) was placed on General Orders for consideration.

January 26, 2012

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [H 412](#) and recommend that it do pass.

ANDRUS, Chairman

[H 412](#) was filed for second reading.

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

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 30 BY CRONIN

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF THE FEASIBILITY OF CREATING A STATE-OWNED BANK.

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

WHEREAS, the banking industry is a vital component to the economy in the State of Idaho; and

WHEREAS, the State of North Dakota has established a state-owned and state-secured bank; and

WHEREAS, in North Dakota all state funds, as well as funds administered by state and local agencies, are deposited with the Bank of North Dakota, creating a large deposit base; and

WHEREAS, in addition to paying a competitive interest rate to the State Treasurer, the Bank of North Dakota also invests its money in loan programs to spur economic development within the state; and

WHEREAS, the Bank of North Dakota regularly turns over a portion of its profits to the state general fund; and

WHEREAS, over the past decade, the Bank of North Dakota has turned over approximately one-third of \$1,000,000,000 to the state general fund; and

WHEREAS, despite the recent financial crisis, the Bank of North Dakota earned profits in 2008, with net earnings of approximately \$57,000,000; and

WHEREAS, rather than competing with private banks, the Bank of North Dakota has created partnerships with other North Dakota financial institutions to assist them in meeting the needs of the citizens of North Dakota; and

WHEREAS, the Bank of North Dakota has promoted agriculture, education, community development, economic development, housing and industry by helping to stabilize the state's economy; and

WHEREAS, the Bank of North Dakota uses the resources of the people within the state and leverages the state's financial capital and resources to support the common good and public benefit of the state; and

WHEREAS, a state-owned bank may work in partnership with financial institutions, community-based organizations,

economic development groups, guaranty agencies and other stakeholder groups to better the state's economy; and

WHEREAS, additional states may also be exploring the idea of creating a state-owned bank.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of the feasibility of creating a state-owned bank for the State of Idaho. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the advisory committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation. It is legislative intent that the Director of the Department of Finance and the State Treasurer assist the interim committee in its deliberations.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixty-second Idaho Legislature.

HCR 30 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

**HOUSE BILL NO. 426
BY EDUCATION COMMITTEE**

AN ACT

RELATING TO EDUCATION; TO PROVIDE A PURPOSE; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1628, IDAHO CODE, TO ESTABLISH THE "8 IN 6 PROGRAM," TO ESTABLISH PROVISIONS RELATING TO THE STATE DEPARTMENT OF EDUCATION PAYING FOR CERTAIN OVERLOAD COURSES AND SUMMER COURSES, TO ESTABLISH CRITERIA RELATING TO PARTICIPATION IN THE PROGRAM, TO ESTABLISH PROVISIONS RELATING TO ELIGIBLE COURSES, TO PROVIDE FOR RULES AND TO PROVIDE DEFINITIONS.

**HOUSE BILL NO. 427
BY CHEW**

AN ACT

RELATING TO DEEDS OF TRUST AND MONEY JUDGMENTS; AMENDING SECTION 45-1512, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE TIME IN WHICH A CERTAIN MONEY JUDGMENT MAY BE SOUGHT.

**HOUSE BILL NO. 428
BY CHEW**

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-1002, IDAHO CODE, TO PROVIDE THAT AN ELECTOR MAY ELECT TO HAVE AN ABSENTEE BALLOT SENT TO HIS OR HER RESIDENCE ON A PERMANENT BASIS BY

SIGNING A FORM SUPPLIED TO THE COUNTY CLERK, TO PROVIDE THAT IF SUCH ELECTION IS MADE THE ELECTOR SHALL RECEIVE AN ABSENTEE BALLOT FOR ALL ELECTIONS CONDUCTED BY THE COUNTY CLERK AND SHALL BE INELIGIBLE TO VOTE AT THE POLLS IN SUCH ELECTION AND TO MAKE A TECHNICAL CORRECTION.

**HOUSE BILL NO. 429
BY CRONIN**

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 PROVIDE FOR IDAHO MATERIALS PREFERENCE REQUIRED IN CONSTRUCTION OR MAINTENANCE OF PUBLIC STRUCTURES, TO PROVIDE FOR GOVERNING OF FEDERAL FUNDS BY FEDERAL LAW AND TO PROVIDE FOR CAPITAL CONSTRUCTION PROJECTS RESTRICTIONS, PREFERENCE REQUIREMENTS AND WAIVERS; PROVIDING AN EFFECTIVE DATE AND PROVIDING APPLICATION.

**HOUSE BILL NO. 430
BY HART**

AN ACT

RELATING TO LEGAL TENDER; PROVIDING LEGISLATIVE FINDINGS AND STATEMENT OF POLICY; AMENDING CHAPTER 46, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-4601, IDAHO CODE, TO PROVIDE A SHORT TITLE; AMENDING CHAPTER 46, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-4602, IDAHO CODE, TO PROVIDE DEFINITIONS; AMENDING CHAPTER 46, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-4603, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE DESIGNATION OF CERTAIN LEGAL TENDER; AMENDING CHAPTER 46, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-4604, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE PROHIBITION OF CERTAIN FORMS OF TAXATION UPON CERTAIN TRANSACTIONS AND TO PROVIDE FOR A CIVIL SUIT AND THE AWARDED OF CERTAIN COSTS; AND PROVIDING SEVERABILITY.

**HOUSE BILL NO. 431
BY HART**

AN ACT

RELATING TO AGRICULTURE; AMENDING TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 13, TITLE 22, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE FOR THE IDAHO

FARM FREEDOM ACT, TO DEFINE TERMS, TO PROVIDE FOR THE PURPOSE OF THE ACT, TO PROVIDE FOR EXEMPTION FROM LICENSING REQUIREMENTS FOR CERTAIN SMALL FARM PRODUCERS AND PROCESSORS, TO PROVIDE EXEMPTION FROM CERTAIN LICENSING, CERTIFICATION AND INSPECTION, TO PROVIDE FOR PRODUCT TRANSACTIONS, TO PROVIDE THAT CERTAIN FOOD SHALL NOT BE SOLD OR USED IN COMMERCIAL FOOD ESTABLISHMENTS UNLESS THE FOOD HAS BEEN LICENSED, REGULATED AND INSPECTED, TO PROVIDE REQUIREMENTS FOR PRODUCTS SOLD AT FARMERS' MARKETS, TO PROVIDE THAT PROVISIONS SHALL NOT BE CONSTRUED TO IMPEDE INVESTIGATIONS OF OUTBREAKS OF FOOD BORNE ILLNESSES BY THE DEPARTMENT OF HEALTH AND WELFARE AND TO PROVIDE THAT PROVISIONS SHALL NOT BE CONSTRUED TO CHANGE REQUIREMENTS ASSOCIATED WITH BRAND INSPECTIONS AND ANIMAL HEALTH INSPECTIONS.

HOUSE BILL NO. 432

BY KING

AN ACT

RELATING TO EMPLOYER DUTIES; AMENDING CHAPTER 2, TITLE 44, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 44-204, IDAHO CODE, TO REQUIRE A MEAL PERIOD AND TO PROVIDE ENFORCEMENT AUTHORITY.

HOUSE BILL NO. 433

BY CHEW

AN ACT

RELATING TO THE HEALTH INSURANCE EXCHANGE; AMENDING TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 63, TITLE 41, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE FOR LEGISLATIVE PURPOSE AND INTENT, TO DEFINE TERMS, TO PROVIDE FOR ESTABLISHMENT OF THE EXCHANGE AND BOARD, TO PROVIDE FOR CONFLICTS OF INTEREST, TO PROVIDE FOR A PLAN OF OPERATION FOR THE EXCHANGE, TO PROVIDE FOR POWERS AND AUTHORITY OF THE BOARD, TO PROVIDE FOR THE ROLE AND REGISTRATION OF NAVIGATORS AND TO PROVIDE FOR REPORTING BY THE EXCHANGE; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 434

BY CHEW

AN ACT

RELATING TO DEEDS OF TRUST AND MONEY JUDGMENTS; AMENDING SECTION 45-1512, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE TIME IN WHICH A CERTAIN MONEY JUDGMENT MAY BE SOUGHT AND PROVIDING THAT NO ACTION MAY BE MAINTAINED RELATING TO CERTAIN PROPERTY.

HOUSE BILL NO. 435

BY CRONIN

AN ACT

RELATING TO REVENUE AND TAXATION; AMENDING CHAPTER 1, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-120, IDAHO CODE, TO ESTABLISH THE IDAHO CORPORATE TAX

INCENTIVE ACCOUNTABILITY ACT, TO PROVIDE DEFINITIONS, TO PROVIDE CERTAIN REPORTING REQUIREMENTS, TO PROVIDE FOR A CIVIL PENALTY, TO PROVIDE FOR EXCLUSIONS AND TO PROVIDE FOR RULES.

HOUSE BILL NO. 436

BY RUSCHE

AN ACT

RELATING TO COUNTY CENTRAL COMMITTEES AND LEGISLATIVE DISTRICT CENTRAL COMMITTEES; AMENDING SECTION 34-502, IDAHO CODE, TO PROVIDE FOR COUNTY CENTRAL COMMITTEES TO MEET WITHIN TEN DAYS AFTER THE GENERAL ELECTION; AMENDING SECTION 34-503, IDAHO CODE, TO PROVIDE FOR LEGISLATIVE DISTRICT CENTRAL COMMITTEES TO MEET WITHIN ELEVEN DAYS AFTER THE GENERAL ELECTION; AND DECLARING AN EMERGENCY.

[H 426](#), [H 427](#), [H 428](#), [H 429](#), [H 430](#), [H 431](#), [H 432](#), [H 433](#), [H 434](#), [H 435](#), and [H 436](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

Second Reading of Bills and Joint Resolutions

[H 402](#) and [HJM 4](#), by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

[SJR 102](#), by Judiciary and Rules Committee, was read the second time by title and filed for third reading.

[S 1224](#), by Education Committee, was read the second time by title and filed for third reading.

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

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Monday, January 30, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 8:43 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**TWENTY-SECOND LEGISLATIVE DAY
MONDAY, JANUARY 30, 2012**

House of Representatives

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

Roll call showed 68 members present.
Absent and excused – Killen, Ringo. Total – 2.
Total – 70.

Prayer was offered by Pastor Gary Moore.

The Pledge of Allegiance was led by Jakob Goold, Page.

Approval of Journal

January 30, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Nineteenth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

January 27, 2012

Mr. Speaker:

I return herewith [H 355](#) which has passed the Senate.

NOVAK, Secretary

[H 355](#) was referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

January 30, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 30](#), [H 426](#), [H 427](#), [H 428](#), [H 429](#), [H 430](#), [H 431](#), [H 432](#), [H 433](#), [H 434](#), [H 435](#), and [H 436](#).

WILLS, Chairman

[HCR 30](#), [H 427](#), and [H 434](#) were referred to the Business Committee.

[H 426](#) was referred to the Education Committee.

[H 428](#), [H 430](#), and [H 436](#) were referred to the State Affairs Committee.

[H 429](#) and [H 432](#) were referred to the Commerce and Human Resources Committee.

[H 431](#) was referred to the Agricultural Affairs Committee.

[H 433](#) was referred to the Health and Welfare Committee.

[H 435](#) was referred to the Revenue and Taxation Committee.

January 30, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 417](#) and recommend that it do pass.

LAKE, Chairman

[H 417](#) was filed for second reading.

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

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

HOUSE BILL NO. 437 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO INCOME TAX CREDITS; AMENDING SECTION 63-3029C, IDAHO CODE, TO PROVIDE AN INCOME TAX CREDIT FOR DONATIONS TO SPECIALIZED NEEDS RECREATION; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 438 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3029B, IDAHO CODE, TO REVISE THE INCOME TAX CREDIT FOR CAPITAL INVESTMENT; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

[H 437](#) and [H 438](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

Second Reading of Bills and Joint Resolutions

[H 424](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[H 412](#), by Agricultural Affairs Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that [H 366](#), [H 402](#), and [SJR 102](#) retain their places on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

[HJM 4](#) - UNITED STATES DISTRICT COURT JUDGES - ADDITIONAL

[HJM 4](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Burgoyne to open debate.

The question being, "Shall [HJM 4](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Batt, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, Ellsworth, Eskridge, Gibbs, Guthrie, Henderson, Higgins, Jaquet, King, Lacey, Lake, Luker, Marriott, McGeachin, Moyle, Nessel, Patrick, Pence, Perry, Raybould, Roberts, Rusche, Schaefer, Shirley, Smith(30), Smith(24), Stevenson, Thayne, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 47.

NAYS – Andrus, Barbieri, Barrett, Bateman, Bayer, Crane, DeMordaunt, Hagedorn, Hart, Hartgen, Harwood, Loertscher, McMillan, Nielsen, Nonini, Palmer, Shepherd, Simpson, Sims, Thompson, Wood(35). Total – 21.

Absent and excused – Killen, Ringo. Total – 2.

Total – 70.

Whereupon the Speaker declared [HJM 4](#) adopted and ordered the memorial transmitted to the Senate.

[S 1224](#) - EDUCATION

[S 1224](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bateman to open debate.

The question being, "Shall [S 1224](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Killen, Ringo. Total – 2.

Total – 70.

Whereupon the Speaker declared that [S 1224](#) passed the House. Title was approved and the bill ordered returned to the Senate.

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

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Tuesday, January 31, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:25 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

TWENTY-THIRD LEGISLATIVE DAY
TUESDAY, JANUARY 31, 2012

House of Representatives

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

Roll call showed 69 members present.
Absent and excused – Wood(27). Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Benjamin Ovard, Page.

Approval of Journal

January 31, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-second Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

January 30, 2012

Mr. Speaker:

I transmit herewith [S 1237](#) which has passed the Senate.

NOVAK, Secretary

[S 1237](#) was filed for first reading.

January 31, 2012

Mr. Speaker:

I transmit herewith enrolled [S 1224](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1224](#) and, when so signed, ordered it returned to the Senate.

Report of Standing Committees

January 31, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 437](#) and [H 438](#).

WILLS, Chairman

[H 437](#) and [H 438](#) were referred to the Revenue and Taxation Committee.

January 31, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 355](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 355](#) and, when so signed, ordered it transmitted to the Senate for the signature of the President.

January 30, 2012

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 367](#), [H 368](#), and [H 369](#) and recommend that they do pass.

PALMER, Chairman

[H 367](#), [H 368](#), and [H 369](#) were filed for second reading.

January 30, 2012

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 388](#) and [H 405](#) and recommend that they do pass.

MCGEACHIN, Chairman

[H 388](#) and [H 405](#) were filed for second reading.

January 31, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 382](#) and [H 384](#) and recommend that they do pass.

NONINI, Chairman

[H 382](#) and [H 384](#) were filed for second reading.

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

Motions, Memorials, and Resolutions

HOUSE JOINT MEMORIAL NO. 7 BY STATE AFFAIRS COMMITTEE A JOINT MEMORIAL

TO PRESIDENT BARACK OBAMA, 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 House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, on May 15, 2005, Idaho native Army Sergeant Chris Tschida and the three crew members of his tank were patrolling route "Michigan" between Ramadi and Fallujah in the Al Anbar Province of Iraq while conducting operations under Operation Iraqi Freedom; and

WHEREAS, Sgt. Tschida, along with his loader, were standing watch in the gun turret, watching for enemy activity while the tank driver and a Lieutenant were inside the tank preparing for a mission later that night. The loader shifted his body and accidentally knocked his water bottle down inside the tank and while lowering himself inside the tank to pick up the water, an insurgent used the opportunity to attack by throwing two enemy grenades inside the tank; and

WHEREAS, Sgt. Tschida could hear the grenades fall in the tank and instantly found one, yelling "grenade!" to his crew members while retrieving one grenade to put into the tank's breach to absorb the blast. In this process, the grenade exploded and amputated Sgt. Tschida's left hand. Moments later the second grenade exploded inside the tank, severely wounding Sgt. Tschida and two of the other crew members; and

WHEREAS, still conscious, Sgt. Tschida began assessing the damage inside the tank, but was unable to see because of the smoke and fire caused by the grenade. Sgt. Tschida attempted to key the microphone on his radio to call for support and report the enemy attack when he noticed his left hand was missing. Sgt. Tschida wrapped the stump of his hand into his shirt and began checking the status of his tank and fellow soldiers. At first glance Sgt. Tschida saw his Lieutenant slumped over and unconscious with his head resting on the .50 caliber sight. The Lieutenant was bleeding heavily from his eye socket and appeared to be dead; and

WHEREAS, Sgt. Tschida then noticed his loader, hanging half-way out of the tank's turret, missing both legs from the knees down. Sgt. Tschida shook his Lieutenant to see if he was alive, at which time the Lieutenant let out a gasp of air that confirmed he was not dead; and

WHEREAS, an evaluation of the tank also confirmed the ammunition bay had been busted open from the grenade blast and the tank ammunition was at risk of catching fire and exploding. Knowing he and his fellow soldiers were not safe inside the tank, Sgt. Tschida pulled himself out of the hatch and then began pulling his loader out of the tank. Once his loader was safely out of the tank, Sgt. Tschida began pulling his Lieutenant out of the commander's hatch of the tank. Once both soldiers were safely out of the tank, Sgt. Tschida began administering first aid by tying a tourniquet on both of the loader's legs and by stuffing a field bandage inside of the eye socket of the Lieutenant to stop the bleeding from his head; and

WHEREAS, while caring for both soldiers, Sgt. Tschida did a security check of his area. At this time an enemy insurgent, believed to be the one who attacked Sgt. Tschida's tank, engaged Sgt. Tschida while he was administering first aid to his fellow soldiers. Sgt. Tschida was able to repel the enemy assault with his M9 service pistol, killing the hostile force; and

WHEREAS, knowing they were in imminent danger, Sgt. Tschida attempted to get the driver of the tank to respond to his commands, but the soldier was in shock and unresponsive. After beating on the hatch and pleading with the driver to respond, the driver opened the driver's hatch and began receiving commands from Sgt. Tschida. At this time, Sgt. Tschida commanded the driver to return them and the tank with its munitions back to the nearest security gate to get help. Sgt. Tschida then shielded both soldiers with his body on the surface of the tank until they arrived at a safe location; and

WHEREAS, all four crew members, including Sgt. Tschida, survived the injuries they sustained on May 15, 2005, and the tank was returned and repaired for future use. To this day, Sgt. Chris Tschida has not received recognition or accolades for his heroism and steadfast leadership on May 15, 2005.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge President Barack Obama, in the name of Congress, to award Retired Sergeant Chris Tschida the Medal of Honor for distinguishing himself through conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty, or the highest appropriate recognition.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and

directed to forward a copy of this Memorial to President Barack Obama, 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.

HOUSE JOINT MEMORIAL NO. 8 BY EDUCATION 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 House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, putting our children first is both an economic imperative and a moral necessity, and a strong education system is vital to a strong economy; and

WHEREAS, public education is clearly an area left to the states under the Tenth Amendment to the United States Constitution; and

WHEREAS, the federal No Child Left Behind law requires unrealistic expectations as nearly one-half of the public schools in the United States did not meet federal achievement standards in 2011, including eighty-nine percent of Florida's public schools; and

WHEREAS, the federal No Child Left Behind law constricts the definition of education into a narrow test-based approach where repetition and memorization are more important than application, and it discourages creativity by students and teachers; and

WHEREAS, the federal No Child Left Behind law's emphasis on math and reading means less attention for other very important subjects such as history, art, music, vocational education and physical education; and

WHEREAS, the federal No Child Left Behind law is insufficiently funded to bring about its intended effect and it has imposed what is essentially an unfunded educational mandate on the states; and

WHEREAS, the ongoing recession has forced the State of Idaho to make difficult decisions regarding the funding of public education and these decisions have resulted in larger class sizes, layoffs of educational staff, curtailment of extracurricular activities and school sponsored programs and a shorter school year; and

WHEREAS, economic recovery and development depend upon an educated workforce that possesses the skills that are necessary to handle the jobs of the 21st century; the State of Idaho cannot achieve and maintain prosperity if it does not properly fund secondary and post-secondary education; and Republicans and Democrats agree that burdensome regulations prevent our schools, our teachers and our students from achieving their potential.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Congress of the United States of America is respectfully urged to repeal the No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425).

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of

Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

[HJM 7](#) and [HJM 8](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

**HOUSE BILL NO. 439
BY HEALTH AND WELFARE COMMITTEE**

AN ACT

RELATING TO DISPENSING OF CONTROLLED SUBSTANCES PRESCRIPTIONS; AMENDING SECTION 37-2726, IDAHO CODE, TO CLARIFY THAT PRACTITIONERS AND PHARMACISTS LICENSED BY STATES OTHER THAN IDAHO MAY ACCESS THE CONTROLLED SUBSTANCES PRESCRIPTIONS DATABASE FOR TREATMENT PURPOSES, TO REVISE THE PENALTY FOR IMPROPER ACCESSING OR USE OF INFORMATION IN THE CONTROLLED SUBSTANCES PRESCRIPTIONS DATABASE FROM A MISDEMEANOR TO A FELONY AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 37-2730A, IDAHO CODE, TO CLARIFY THAT THE BOARD MAY PROVIDE UNSOLICITED REPORTS TO PHARMACISTS AND PRACTITIONERS.

**HOUSE BILL NO. 440
BY HEALTH AND WELFARE COMMITTEE**

AN ACT

RELATING TO INSURANCE FUNDING; AMENDING SECTION 41-406, IDAHO CODE, TO REVISE A PROVISION AUTHORIZING AVAILABLE FUNDING TO BE USED TO COVER PROGRAM EXPENDITURES; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 441
BY HEALTH AND WELFARE COMMITTEE**

AN ACT

RELATING TO HEALTH CARE FOR INDIGENT PERSONS; AMENDING SECTION 31-3503, IDAHO CODE, TO AUTHORIZE COUNTY COMMISSIONERS TO PAY FOR AUTHORIZED EXPENSES TO MANAGE HEALTH CARE COSTS FOR INDIGENT PERSONS; AMENDING SECTION 31-3503A, IDAHO CODE, TO AUTHORIZE THE BOARD OF THE CATASTROPHIC HEALTH CARE COST PROGRAM TO PAY FOR AUTHORIZED EXPENSES TO MANAGE HEALTH CARE COSTS FOR INDIGENT PERSONS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**HOUSE BILL NO. 442
BY HEALTH AND WELFARE COMMITTEE**

AN ACT

RELATING TO NURSING HOME ADMINISTRATORS-IN-TRAINING; AMENDING SECTION 54-1610, IDAHO CODE, TO PROVIDE FOR AN APPLICANT TO BEGIN TRAINING PRIOR TO COMPLETION OF A BACCALAUREATE DEGREE.

**HOUSE BILL NO. 443
BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO FLAGS; AMENDING SECTION 67-2303, IDAHO CODE, TO REVISE PROVISIONS RELATING TO

THE LOCATION AND DISPLAY OF POW/MIA FLAGS; AND AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2303A, IDAHO CODE, TO AUTHORIZE THE DIVISION OF VETERANS SERVICES TO PROMULGATE RULES DIRECTING THE PROPER PROTOCOL FOR THE LOCATION AND DISPLAY OF FLAGS FLOWN ON STATE PROPERTY.

**HOUSE BILL NO. 444
BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1342, IDAHO CODE, TO REVISE PROVISIONS RELATING TO COMPUTATION OF CERTAIN SERVICE RETIREMENT ALLOWANCES AS THEY RELATE TO THE IDAHO LEGISLATURE AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 59-1346, IDAHO CODE, TO REVISE PROVISIONS RELATING TO COMPUTATION OF CERTAIN EARLY RETIREMENT ALLOWANCES AS THEY RELATE TO THE IDAHO LEGISLATURE.

**HOUSE BILL NO. 445
BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1302, IDAHO CODE, TO REVISE THE DEFINITION OF "EMPLOYEE" AND TO REVISE PROVISIONS RELATING TO THOSE THAT DO NOT MEET THE DEFINITION OF "EMPLOYEE"; AND DECLARING AN EMERGENCY.

[H 439](#), [H 440](#), [H 441](#), [H 442](#), [H 443](#), [H 444](#), and [H 445](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1237](#), by Education Committee, was introduced, read the first time by title, and referred to the Education Committee.

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

Second Reading of Bills and Joint Resolutions

[H 417](#), by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

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

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

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Wednesday, February 1, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:14 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**TWENTY-FOURTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 1, 2012**

House of Representatives

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

Roll call showed 69 members present.
Absent and excused – Nielsen. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Jordan Wright, Page.

Approval of Journal

February 1, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-third Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

January 31, 2012

Mr. Speaker:

I return herewith [H 360](#), [H 361](#), and [H 362](#) which have passed the Senate.

NOVAK, Secretary

[H 360](#), [H 361](#), and [H 362](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 1, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HJM 7](#), [HJM 8](#), [H 439](#), [H 440](#), [H 441](#), [H 442](#), [H 443](#), [H 444](#), and [H 445](#).

WILLS, Chairman

[HJM 7](#) was filed for second reading.

[HJM 8](#) was referred to the Education Committee.

[H 439](#), [H 440](#), [H 441](#), and [H 442](#) were referred to the Health and Welfare Committee.

[H 443](#), [H 444](#), and [H 445](#) were referred to the State Affairs Committee.

January 31, 2012

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration [H 418](#) and recommend that it do pass.

BLOCK, Chairman

[H 418](#) was filed for second reading.

February 1, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 371](#) and recommend that it do pass.

LOERTSCHER, Chairman

[H 371](#) was filed for second reading.

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

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 31 BY BUSINESS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE DIVISION OF BUILDING SAFETY RELATING TO RULES GOVERNING THE USE OF NATIONAL ELECTRICAL CODE.

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 docket of the Division of Building Safety relating to Rules Governing the Use of National Electrical Code 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 Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 07.01.06, Division of Building Safety Rules Governing the Use of National Electrical Code, adopted as a pending rule under Docket Number 07-0106-1101, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

[HCR 31](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

HOUSE BILL NO. 446 BY RESOURCES AND CONSERVATION COMMITTEE AN ACT

RELATING TO STATE PARKS; AMENDING SECTION 49-401B, IDAHO CODE, TO PROVIDE THAT APPLICATIONS FOR MOTOR VEHICLE REGISTRATION SHALL CONTAIN A PROVISION ALLOWING AN OWNER TO CHOOSE TO PARTICIPATE IN THE IDAHO STATE PARKS PASSPORT PROGRAM, TO PROVIDE THAT FEES COLLECTED FOR THE IDAHO STATE PARKS PASSPORT PROGRAM SHALL BE SEPARATELY IDENTIFIED AND

ACCOUNTED FOR, TO PROVIDE FOR PAYMENT TO THE STATE TREASURER AND TO PROVIDE FOR THE DEPOSIT OF SUCH FEES INTO THE PARK AND RECREATION FUND; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE FOR THE VOLUNTARY PAYMENT OF A FEE TO PURCHASE AN IDAHO STATE PARKS PASSPORT; TO PROVIDE FOR FEES FOR ONE OR TWO YEAR PERIODS OF TIME, TO PROVIDE FOR DEPOSIT OF FEES INTO THE PARK AND RECREATION FUND WHICH SHALL BE SUBJECT TO APPROPRIATION AND TO PROVIDE THAT FEES ASSOCIATED WITH IDAHO STATE PARKS PASSPORTS SHALL NOT BE CONSIDERED MOTOR VEHICLE REGISTRATION FEES; AND AMENDING CHAPTER 42, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4223A, IDAHO CODE, TO PROVIDE FOR THE IDAHO STATE PARKS PASSPORT PROGRAM, TO PROVIDE FOR FEES AND TO PROVIDE THAT THE DEPARTMENT SHALL NOT BE PRECLUDED FROM CONTINUING TO SELL CERTAIN DAILY AND ANNUAL MOTOR VEHICLE ENTRANCE PASSES.

HOUSE BILL NO. 447
BY BUSINESS COMMITTEE
AN ACT

RELATING TO MODULAR BUILDINGS; AMENDING SECTION 39-4301, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 39-4304, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PLACEMENT OF AN INSIGNIA OF APPROVAL; AMENDING CHAPTER 43, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-4304B, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO CERTAIN PERMITS AND INSPECTIONS RELATING TO MODULAR BUILDING INSTALLATIONS.

HOUSE BILL NO. 448
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT

RELATING TO FEES; AMENDING SECTION 31-3201B, IDAHO CODE, TO INCREASE A CERTAIN FEE FOR PEACE OFFICERS STANDARDS AND TRAINING PURPOSES.

HOUSE BILL NO. 449
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT

RELATING TO PENALTIES; AMENDING SECTION 18-7804, IDAHO CODE, TO REQUIRE THE COURT TO IMPOSE A CERTAIN FEE AGAINST CERTAIN DEFENDANTS TO BE PAID TO THE IDAHO STATE POLICE FOR DEPOSIT INTO THE DRUG AND DRIVING WHILE UNDER THE INFLUENCE ENFORCEMENT DONATION FUND; AMENDING SECTION 18-8201, IDAHO CODE, TO REQUIRE THE COURT TO IMPOSE A CERTAIN FEE AGAINST CERTAIN DEFENDANTS TO BE PAID TO THE IDAHO STATE POLICE FOR DEPOSIT INTO THE DRUG AND DRIVING WHILE UNDER THE INFLUENCE ENFORCEMENT DONATION FUND; AMENDING SECTION 37-2732, IDAHO CODE, TO REQUIRE THE COURT TO IMPOSE A CERTAIN FEE AGAINST CERTAIN DEFENDANTS TO BE PAID TO THE IDAHO STATE POLICE FOR DEPOSIT INTO THE DRUG AND DRIVING WHILE UNDER THE INFLUENCE ENFORCEMENT DONATION FUND AND TO MAKE TECHNICAL CORRECTIONS;

AMENDING SECTION 37-2732C, IDAHO CODE, TO REQUIRE THE COURT TO IMPOSE A CERTAIN FEE AGAINST CERTAIN DEFENDANTS TO BE PAID TO THE IDAHO STATE POLICE FOR DEPOSIT INTO THE DRUG AND DRIVING WHILE UNDER THE INFLUENCE ENFORCEMENT DONATION FUND AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 37-2733, IDAHO CODE, TO REQUIRE THE COURT TO IMPOSE A CERTAIN FEE AGAINST CERTAIN DEFENDANTS TO BE PAID TO THE IDAHO STATE POLICE FOR DEPOSIT INTO THE DRUG AND DRIVING WHILE UNDER THE INFLUENCE ENFORCEMENT DONATION FUND; AMENDING SECTION 37-2734A, IDAHO CODE, TO REQUIRE THE COURT TO IMPOSE A CERTAIN FEE AGAINST CERTAIN DEFENDANTS TO BE PAID TO THE IDAHO STATE POLICE FOR DEPOSIT INTO THE DRUG AND DRIVING WHILE UNDER THE INFLUENCE ENFORCEMENT DONATION FUND; AMENDING SECTION 37-2734B, IDAHO CODE, TO REQUIRE THE COURT TO IMPOSE A CERTAIN FEE AGAINST CERTAIN DEFENDANTS TO BE PAID TO THE IDAHO STATE POLICE FOR DEPOSIT INTO THE DRUG AND DRIVING WHILE UNDER THE INFLUENCE ENFORCEMENT DONATION FUND AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 37-2734C, IDAHO CODE, TO REQUIRE THE COURT TO IMPOSE A CERTAIN FEE AGAINST CERTAIN DEFENDANTS TO BE PAID TO THE IDAHO STATE POLICE FOR DEPOSIT INTO THE DRUG AND DRIVING WHILE UNDER THE INFLUENCE ENFORCEMENT DONATION FUND; AND AMENDING SECTION 37-2739A, IDAHO CODE, TO REQUIRE THE COURT TO IMPOSE A CERTAIN FEE AGAINST CERTAIN DEFENDANTS TO BE PAID TO THE IDAHO STATE POLICE FOR DEPOSIT INTO THE DRUG AND DRIVING WHILE UNDER THE INFLUENCE ENFORCEMENT DONATION FUND AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 450
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT

RELATING TO ALCOHOLIC BEVERAGES; AMENDING SECTION 23-940, IDAHO CODE, TO CREATE THE ALCOHOL BEVERAGE CONTROL FUND, TO PROVIDE MONEYS FOR THE ALCOHOL BEVERAGE CONTROL FUND, TO PROVIDE THAT EXPENDITURES FROM SUCH FUND SHALL BE SUBJECT TO LEGISLATIVE APPROPRIATION, TO PROVIDE FOR THE TRANSFER OF CERTAIN EXCESS MONEYS TO THE GENERAL FUND AND TO SPECIFY THAT OTHER CERTAIN MONEYS SHALL BE DEPOSITED IN THE GENERAL FUND; AMENDING CHAPTER 10, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-1025, IDAHO CODE, TO PROVIDE THAT CERTAIN MONEYS COLLECTED BY THE DIRECTOR OF THE IDAHO STATE POLICE SHALL BE DEPOSITED IN THE ALCOHOL BEVERAGE CONTROL FUND AND OTHER CERTAIN MONEYS SHALL BE DEPOSITED IN THE GENERAL FUND; AND AMENDING CHAPTER 13, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-1324, IDAHO CODE, TO PROVIDE THAT CERTAIN MONEYS COLLECTED BY THE DIRECTOR OF THE IDAHO STATE POLICE SHALL BE DEPOSITED IN THE ALCOHOL BEVERAGE CONTROL FUND AND OTHER CERTAIN MONEYS SHALL BE DEPOSITED IN THE GENERAL FUND.

HOUSE BILL NO. 451
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO STATE SYMBOLS; AMENDING CHAPTER 45, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4513, IDAHO CODE, TO PROVIDE FINDINGS AND A DECLARATION REGARDING NATURAL RESOURCE INDUSTRIES IN IDAHO AND TO PROVIDE FOR THE DESIGNATION OF A STATE POEM.

HOUSE BILL NO. 452
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO BOND ELECTIONS; REPEALING SECTION 34-439, IDAHO CODE, RELATING TO DISCLOSURES IN ELECTIONS TO AUTHORIZE BONDED INDEBTEDNESS; AMENDING CHAPTER 4, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-439, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO DISCLOSURES IN ELECTIONS TO AUTHORIZE BONDED INDEBTEDNESS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 453
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO LEVY ELECTIONS; AMENDING CHAPTER 4, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-439A, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO DISCLOSURES IN ELECTIONS IN ANY TAXING DISTRICT THAT PROPOSES TO SUBMIT A QUESTION TO ELECTORS THAT WOULD AUTHORIZE A LEVY; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 454
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-402, IDAHO CODE, TO REVISE QUALIFICATIONS OF ELECTORS; AMENDING SECTION 34-1002, IDAHO CODE, TO PROVIDE A WRITTEN WARNING ON THE APPLICATION FOR AN ABSENT ELECTOR'S BALLOT FORM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-1008, IDAHO CODE, TO REVISE PROCEDURES FOR COUNTING ABSENTEE BALLOTS; AMENDING CHAPTER 14, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1414, IDAHO CODE, TO PROVIDE RESIDENCY REQUIREMENTS AND TO PROVIDE PROCEDURES; AND PROVIDING SEVERABILITY.

[H 446](#), [H 447](#), [H 448](#), [H 449](#), [H 450](#), [H 451](#), [H 452](#), [H 453](#), and [H 454](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

Second Reading of Bills and Joint Resolutions

[H 367](#), [H 368](#), and [H 369](#), by Transportation and Defense Committee, were read the second time by title and filed for third reading.

[H 388](#) and [H 405](#), by Health and Welfare Committee, were read the second time by title and filed for third reading.

[H 382](#) and [H 384](#), by Education Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Loertscher asked unanimous consent that [H 424](#) be returned to the State Affairs Committee. There being no objection, it was so ordered.

Mr. Moyle asked unanimous consent that [H 366](#) retain its place on the Third Reading Calendar until Monday, February 6, 2012. There being no objection, it was so ordered.

Mr. Palmer asked unanimous consent that [H 368](#) be placed on General Orders for consideration. There being no objection it was so ordered.

[H 402](#) - BRAND BOARD

[H 402](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. McMillan to open debate.

The question being, "Shall [H 402](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Higgins, Nielsen. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 402](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[SJR 102](#) - CONTROL OVER STATE PRISONS

[SJR 102](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wills to open debate.

The question being, "Shall [SJR 102](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – Harwood, McMillan, Smith(24). Total – 3.
Absent and excused – Higgins, Nielsen. Total – 2.
Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, [SJR 102](#) was adopted by the House. Title was approved and the resolution ordered returned to the Senate.

[H 412](#) - GRAPE GROWERS - WINE PRODUCERS

[H 412](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

Pursuant to Rule 38(3), Mrs. Batt disclosed a conflict of interest regarding [H 412](#).

The question being, "Shall [H 412](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Higgins, Nielsen. Total – 2.
Total – 70.

Whereupon the Speaker declared that [H 412](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 417](#) - SALES TAX

[H 417](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Henderson to open debate.

The question being, "Shall [H 417](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Nielsen. Total – 1.
Total – 70.

Whereupon the Speaker declared that [H 417](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

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

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Thursday, February 2, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:31 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

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SIXTY-FIRST LEGISLATURE

TWENTY-FIFTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 2, 2012

House of Representatives

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

Roll call showed 69 members present.
Absent and excused – Higgins. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Abigail Morris, Page.

Approval of Journal

February 2, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-fourth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO

CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that Kathleen Sims, State Representative, District 4, House Seat B, Kootenai County, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated Gary John Ingram of Coeur d' Alene, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint Gary John Ingram, Acting State Representative, District 4, House Seat B, Kootenai County, State of Idaho, for a term commencing on February 2, 2012, and continuing until the incumbent shall resume the performance of the 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 30th day of January, in the year of our Lord two thousand and twelve and of the

Independence of the United States of America, the two hundred and thirty-sixth year.

/s/ C.L. "BUTCH" OTTER
Governor
/s/ BEN T. YSURSA
Secretary of State

The Certificate of Appointment was ordered filed in the office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Gary John Ingram.

February 1, 2012

Mr. Speaker:

I transmit herewith [S 1225](#) which has passed the Senate.

NOVAK, Secretary

[S 1225](#) was filed for first reading.

February 1, 2012

Mr. Speaker:

I return herewith [H 356](#) which has passed the Senate.

NOVAK, Secretary

[H 356](#) was referred to the Judiciary, Rules, and Administration Committee for enrolling.

February 1, 2012

Mr. Speaker:

I return herewith enrolled [H 355](#) which has been signed by the President.

NOVAK, Secretary

Enrolled [H 355](#) was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

Report of Standing Committees

February 2, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 31](#), [H 446](#), [H 447](#), [H 448](#), [H 449](#), [H 450](#), [H 451](#), [H 452](#), [H 453](#), and [H 454](#).

WILLS, Chairman

[HCR 31](#) was filed for second reading.

[H 446](#) was referred to the Resources and Conservation Committee.

[H 447](#) was referred to the Business Committee.

[H 448](#), [H 449](#), and [H 450](#) were referred to the Judiciary, Rules, and Administration Committee.

[H 451](#), [H 452](#), [H 453](#), and [H 454](#) were referred to the State Affairs Committee.

February 2, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 360](#), [H 361](#), and [H 362](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 360](#), [H 361](#), and [H 362](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 1, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 383](#), [H 385](#), [H 386](#), and [H 393](#) and recommend that they do pass.

NONINI, Chairman

[H 383](#), [H 385](#), [H 386](#), and [H 393](#) were filed for second reading.

February 1, 2012

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [H 374](#) and [H 375](#) and recommend that they do pass.

BLACK, Chairman

[H 374](#) and [H 375](#) were filed for second reading.

February 2, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 437](#) and [H 438](#) and recommend that they do pass.

LAKE, Chairman

[H 437](#) and [H 438](#) were filed for second reading.

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

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

**HOUSE BILL NO. 455
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT**

RELATING TO DIVORCE ACTIONS; AMENDING SECTION 32-717D, IDAHO CODE, TO DELETE PROVISIONS PROHIBITING A CERTAIN RETAINER AND TO REVISE LANGUAGE REGARDING PAYMENT OF CERTAIN FEES AND COSTS OF THE PARENTING COORDINATOR.

**HOUSE BILL NO. 456
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT**

RELATING TO FISH AND GAME; AMENDING SECTION 36-1508, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CHILDREN WITH FIREARMS FOR HUNTING.

**HOUSE BILL NO. 457
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT**

RELATING TO FISH AND GAME; AMENDING SECTION 36-405, IDAHO CODE, TO PROVIDE FOR THE DESIGNATION OF CONTROLLED HUNT TAGS AND CONTROLLED HUNT PERMITS TO CERTAIN MINOR CHILDREN OR GRANDCHILDREN BY PARENTS AND GRANDPARENTS AND TO PROVIDE THAT SUCH DESIGNATED TAGS AND PERMITS CANNOT BE SOLD.

**HOUSE BILL NO. 458
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT**

RELATING TO FISH AND GAME; AMENDING SECTION 36-406, IDAHO CODE, TO PROVIDE THAT

A WOLF TAG WILL BE INCLUDED WITH TAGS ISSUED WITH LICENSES OF THE EIGHTH CLASS; AND AMENDING SECTION 36-416, IDAHO CODE, TO INCREASE THE FEE FOR SPORTSMAN'S PAK LICENSES.

**HOUSE BILL NO. 459
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT**

RELATING TO FISH AND GAME; AMENDING SECTION 36-407, IDAHO CODE, TO PROVIDE FOR NONRESIDENT HUNTING WITH THREE DAY FISHING LICENSES; AND AMENDING SECTION 36-416, IDAHO CODE, TO REVISE A NONRESIDENT FEE AND TO PROVIDE A FEE FOR NONRESIDENT HUNTING WITH THREE DAY FISHING LICENSES.

**HOUSE BILL NO. 460
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT**

RELATING TO OIL AND GAS WELLS; AMENDING SECTION 47-320, IDAHO CODE, TO REQUIRE CERTAIN NOTICE AND PERMIT RELATING TO TREATING WELLS FOR OIL OR GAS AND TO REVISE FEE PROVISIONS RELATING TO PERMITS FOR DRILLING AND TREATING WELLS FOR OIL OR GAS; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 461
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT**

RELATING TO FISH AND GAME; AMENDING SECTION 36-408, IDAHO CODE, TO PROVIDE THAT QUALIFIED ORGANIZATIONS THAT CERTIFY DISABLED MILITARY VETERANS ELIGIBLE IN REGARD TO ISSUANCE OF FREE BIG GAME PERMITS OR TAGS MAY INCLUDE NONPROFIT ORGANIZATIONS THAT ARE QUALIFIED UNDER SECTION 501(c)(19) OF THE INTERNAL REVENUE CODE.

**HOUSE BILL NO. 462
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT**

RELATING TO PUBLIC UTILITY REGULATION; AMENDING SECTION 61-114, IDAHO CODE, TO REVISE THE DEFINITION OF "PIPELINE" AND TO DEFINE "GATHERING LINES"; AMENDING SECTION 61-129, IDAHO CODE, TO PROVIDE THAT THE TERM "PUBLIC UTILITY" SHALL COVER CASES RELATING TO CERTAIN PIPELINES AND TO PROVIDE THAT SUCH PIPELINES SHALL BE SUBJECT TO THE SAFETY SUPERVISION AND REGULATION OF THE PUBLIC UTILITIES COMMISSION; AMENDING SECTION 61-1004, IDAHO CODE, TO PROVIDE AN EXCEPTION TO CERTAIN FEE PROVISIONS FOR PIPELINE CORPORATIONS AND TO PROVIDE THAT FEES FOR PIPELINE CORPORATIONS SHALL BE CALCULATED TO RECOVER THE COMMISSION'S TIME AND EXPENSE DEVOTED TO THE SAFETY SUPERVISION AND REGULATION OF EACH PIPELINE CORPORATION; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 463
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT**

RELATING TO OIL AND GAS; AMENDING SECTION 47-318, IDAHO CODE, TO REVISE DEFINITIONS, TO DEFINE TERMS AND TO MAKE A TECHNICAL

CORRECTION; AMENDING SECTION 47-319, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE AUTHORITY OF THE OIL AND GAS CONSERVATION COMMISSION, TO REVISE PROVISIONS RELATING TO THE CONFIDENTIALITY OF CERTAIN EXPLORATORY AND WILDCAT WELLS, TO PROVIDE FOR THE USE OF WELL LOGS AND DIRECTIONAL SURVEYS IN ACTIONS TO ENFORCE SPECIFIED PROVISIONS, TO CLARIFY THAT CERTAIN SPECIFIC AUTHORITY OF THE COMMISSION SHALL NOT LIMIT ITS GENERAL AUTHORITY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-325, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE ISSUANCE OF ATTACHMENTS BY DISTRICT COURTS, TO PROVIDE FOR THE ASSESSMENT OF CIVIL PENALTIES BY THE COMMISSION, TO PROVIDE THAT THE COMMISSION MAY BRING CIVIL ACTIONS FOR CERTAIN VIOLATIONS AND THREATS TO VIOLATE, TO PROVIDE FOR CERTAIN DAMAGES, TO REMOVE PROVISIONS RELATING TO THE SUBSTITUTION OF THE COMMISSION FOR PERSONS WHO HAVE BROUGHT SUITS, TO PROVIDE THAT CERTAIN CONDUCT SHALL CONSTITUTE A MISDEMEANOR, TO PROVIDE FOR PENALTIES, TO PROVIDE FOR THE DISCRETION OF THE COMMISSION RELATING TO MINOR VIOLATIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 47-326, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO ACTIONS AGAINST THE COMMISSION AND APPEALS, TO REVISE PENALTY PROVISIONS RELATING TO THE FALSIFICATION OF CERTAIN RECORDS AND TO CLARIFY APPLICABILITY RELATING TO LIMITATIONS ASSOCIATED WITH THE COMMENCEMENT OF CERTAIN ACTIONS; AMENDING SECTION 47-328, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE CONSTRUCTION OF SPECIFIED LAW AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 464

BY RESOURCES AND CONSERVATION COMMITTEE AN ACT

RELATING TO OIL AND GAS; AMENDING SECTION 47-315, IDAHO CODE, TO PROVIDE ADDITIONAL PROVISIONS RELATING TO THE PUBLIC INTEREST; AMENDING SECTION 47-317, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT TO OCCUPY THE FIELD OF THE REGULATION OF OIL AND GAS EXPLORATION AND PRODUCTION, TO PROVIDE AN EXCEPTION, TO PROVIDE PROVISIONS LIMITING LOCAL RESTRICTIONS RELATING TO OIL AND GAS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-319, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE AUTHORITY OF THE OIL AND GAS CONSERVATION COMMISSION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 42-233, IDAHO CODE, TO PROVIDE THAT CERTAIN USES OF LOW TEMPERATURE GEOTHERMAL RESOURCES ARE NOT SUBJECT TO THE PROVISIONS OF A CERTAIN IDAHO CODE CHAPTER AND TO GRANT THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES THE AUTHORITY TO INITIATE A CONTESTED CASE UPON CERTAIN CONDITIONS; AMENDING SECTION 42-3902, IDAHO CODE, TO FURTHER DEFINE TERMS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 42-4003, IDAHO CODE, TO PROVIDE THAT CERTAIN USES OF GROUND WATER CLASSIFIED AS

A GEOTHERMAL RESOURCE OR MATERIAL MEDIUM ARE NOT SUBJECT TO THE PROVISIONS OF A CERTAIN IDAHO CODE CHAPTER, TO GRANT THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES THE AUTHORITY TO INITIATE A CONTESTED CASE UPON CERTAIN CONDITIONS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 465 BY BUSINESS COMMITTEE AN ACT

RELATING TO PUBLIC WORKS CONTRACTORS' LICENSES; AMENDING SECTION 54-1904, IDAHO CODE, TO REVISE THE NUMBER OF CLASSES OF LICENSES, TO REVISE A LICENSE FEE AND TO PROVIDE PROVISIONS RELATING TO A CLASS "CC" LICENSE AND RELATED FEES.

HOUSE BILL NO. 466 BY BUSINESS COMMITTEE AN ACT

RELATING TO PLUMBING AND PLUMBERS; AMENDING SECTION 54-2601, IDAHO CODE, TO REVISE PROVISIONS RELATING TO POLICY AND PURPOSE, TO REVISE PROVISIONS RELATING TO THE UNIFORM PLUMBING CODE, TO ESTABLISH PROVISIONS RELATING TO THE IDAHO STATE PLUMBING CODE, TO ESTABLISH PROVISIONS RELATING TO CITIES ELECTING TO IMPLEMENT A PLUMBING CODE ENFORCEMENT PROGRAM, TO ESTABLISH PROVISIONS RELATING TO CITIES AND THE IDAHO STATE PLUMBING CODE, TO PROVIDE FOR A PUBLIC HEARING AND NOTICE; TO REVISE PROVISIONS RELATING TO APPLICATION OF LAWS AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 467 BY BUSINESS COMMITTEE AN ACT

RELATING TO HEATING, VENTILATION AND AIR CONDITIONING CONTRACTORS; AMENDING SECTION 54-5003, IDAHO CODE, TO REVISE A DEFINITION.

HOUSE BILL NO. 468 BY BUSINESS COMMITTEE AN ACT

RELATING TO MOBILE AND MANUFACTURED HOMES; AMENDING SECTION 44-2201, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE INSTALLATION OF MOBILE AND MANUFACTURED HOMES; AND AMENDING SECTION 44-2202, IDAHO CODE, TO PROVIDE FOR AN INSTALLATION TAG, TO ESTABLISH PROVISIONS RELATING TO THE REQUIREMENT OF INSTALLATION TAGS, TO ESTABLISH PROVISIONS RELATING TO AN INSTALLATION TAG FEE, TO ESTABLISH PROVISIONS RELATING TO INSTALLATION PERMITS, TO ESTABLISH PROVISIONS RELATING TO INSPECTION OF INSTALLATIONS AND TO ESTABLISH PROVISIONS RELATING TO PERMIT FEES.

HOUSE BILL NO. 469 BY BUSINESS COMMITTEE AN ACT

RELATING TO CONVEYANCES IN BUILDINGS; AMENDING SECTION 39-8606, IDAHO CODE, TO REVISE REGULATION AND STANDARDS FOR CERTAIN

BUILDINGS AND TO MAKE A TECHNICAL CORRECTION;
AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 470
BY BUSINESS COMMITTEE
AN ACT

RELATING TO LOANS; AMENDING SECTION 28-46-412, IDAHO CODE, TO PROVIDE FOR A MAXIMUM FEE FOR A PAYDAY LOAN AND TO PROVIDE FOR DISCLOSURE OF ALL FEES; AMENDING SECTION 28-46-504, IDAHO CODE, TO PROVIDE FOR DISCLOSURE OF ALL FEES AND INTEREST IN THE TITLE LOAN AGREEMENT; AND AMENDING SECTION 28-46-508, IDAHO CODE, TO PROVIDE FOR A MAXIMUM INTEREST RATE FOR A TITLE LOAN AND TO PROHIBIT A LENDER FROM FAILING TO DISCLOSE ALL FEES AND INTEREST.

HOUSE BILL NO. 471
BY BUSINESS COMMITTEE
AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-1003, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 41-1004, IDAHO CODE, TO PROVIDE FOR AN EXEMPTION FROM A LICENSE FOR A PERSON ACTING UNDER A LICENSED BUSINESS ENTITY AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1081, IDAHO CODE, TO PROVIDE FOR FINDINGS OF THE LEGISLATURE AND PURPOSE; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1082, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1083, IDAHO CODE, TO PROVIDE FOR A LIMITED LINES LICENSE FOR A VENDOR SELLING PORTABLE ELECTRONICS INSURANCE; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1084, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR THE SALE OF PORTABLE ELECTRONICS INSURANCE; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1085, IDAHO CODE, TO PROVIDE FOR THE AUTHORITY OF A VENDOR HOLDING A LIMITED LINES LICENSE TO SELL PORTABLE ELECTRONICS INSURANCE; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1086, IDAHO CODE, TO PROVIDE FOR A VENDOR'S RESPONSIBILITY FOR THE ACTIONS OF ITS EMPLOYEES AND AUTHORIZED REPRESENTATIVES ACTING UNDER THE VENDOR'S LICENSE; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1087, IDAHO CODE, TO PROVIDE FOR PENALTIES FOR A VENDOR VIOLATING THE REQUIREMENTS FOR THE SALE OR OFFERING OF PORTABLE ELECTRONICS INSURANCE; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1088, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR THE TERMINATION OR MODIFICATION OF A POLICY OF PORTABLE ELECTRONICS INSURANCE; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1089, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR A VENDOR APPLYING FOR A LIMITED LINES LICENSE TO SELL OR OFFER PORTABLE ELECTRONICS INSURANCE;

AMENDING SECTION 41-1102, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM PORTABLE CONSUMER ELECTRONIC INSURANCE ADJUSTER LICENSURE FOR A CLERICAL PERSON; AMENDING SECTION 41-1103, IDAHO CODE, TO PROVIDE THE MANNER IN WHICH CANADIAN RESIDENTS MAY BE LICENSED TO ADJUST CLAIMS; AMENDING SECTION 41-1104, IDAHO CODE, TO PROVIDE FOR BACKGROUND MATERIAL FOR CERTAIN PERSONS WITHIN ENTITIES APPLYING FOR ADJUSTER LICENSURE AND TO MAKE TECHNICAL CORRECTIONS; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

HOUSE JOINT RESOLUTION NO. 1
BY STATE AFFAIRS COMMITTEE
A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 15, ARTICLE III, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE MANNER OF PASSING BILLS; TO PROVIDE THAT NO BILL THAT PROVIDES FOR A NET INCREASE IN REVENUE, WHETHER THROUGH FEES OR TAXES, SHALL BECOME LAW WITHOUT THE CONCURRENCE OF TWO-THIRDS OF THE MEMBERS OF EACH HOUSE OF THE LEGISLATURE; 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.

[H 455](#), [H 456](#), [H 457](#), [H 458](#), [H 459](#), [H 460](#), [H 461](#), [H 462](#), [H 463](#), [H 464](#), [H 465](#), [H 466](#), [H 467](#), [H 468](#), [H 469](#), [H 470](#), [H 471](#), and [HJR 1](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1225](#), by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Business Committee.

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

Second Reading of Bills and Joint Resolutions

[HJM 7](#) and [H 371](#), by State Affairs Committee, were read the second time by title and filed for third reading.

[H 418](#), by Commerce and Human Resources Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mrs. McGeachin asked unanimous consent that [H 388](#) retain its place on the Third Reading Calendar until Monday, February 6, 2012. There being no objection, it was so ordered.

[H 367](#) - FEDERAL TRANSIT AUTHORITY

[H 367](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wills to open debate.

The question being, "Shall [H 367](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – Schaefer. Total – 1.

Absent and excused – Higgins, Rusche. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 367](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 369](#) - MILITARY DIVISION

[H 369](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bateman to open debate.

The question being, "Shall [H 369](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Higgins, Rusche. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 369](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 405](#) - ELECTRONIC CIGARETTES

[H 405](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

The question being, "Shall [H 405](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick,

Pence, Perry, Raybould, Ringo, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Higgins, Rusche. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 405](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 382](#) - EDUCATION - PROFESSIONAL STUDIES ACCOUNT

[H 382](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Shirley to open debate.

The question being, "Shall [H 382](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Higgins, Rusche. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 382](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 384](#) - HIGHER EDUCATION

[H 384](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

The question being, "Shall [H 384](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Higgins, Rusche. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 384](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

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

Adjournment

Mr. Moyle moved that the House adjourn until 8:30 a.m., Friday, February 3, 2012. Seconded by Mr. Cronin. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:46 a.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**TWENTY-SIXTH LEGISLATIVE DAY
FRIDAY, FEBRUARY 3, 2012**

House of Representatives

The House convened at 8:30 a.m., the Speaker in the Chair.

Roll call showed 61 members present.

Absent and excused – DeMordaunt, Hart, Lake, Loertscher, Nielsen, Roberts, Schaefer, Smith(24), Thompson. Total – 9.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Ian Richter, Page.

Approval of Journal

February 3, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-fifth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

February 2, 2012

Mr. Speaker:

I transmit herewith [S 1227](#), [S 1228](#), [S 1257](#), [S 1258](#), [S 1267](#), [S 1213](#), [S 1219](#), [S 1222](#), [S 1232](#), and [S 1233](#) which have passed the Senate.

NOVAK, Secretary

[S 1227](#), [S 1228](#), [S 1257](#), [S 1258](#), [S 1267](#), [S 1213](#), [S 1219](#), [S 1222](#), [S 1232](#), and [S 1233](#) were filed for first reading.

February 2, 2012

Mr. Speaker:

I return herewith [H 395](#) which has passed the Senate.

NOVAK, Secretary

[H 395](#) was referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 3, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 455](#), [H 456](#),

[H 457](#), [H 458](#), [H 459](#), [H 460](#), [H 461](#), [H 462](#), [H 463](#), [H 464](#), [H 465](#), [H 466](#), [H 467](#), [H 468](#), [H 469](#), [H 470](#), [H 471](#), and [HJR 1](#).
WILLS, Chairman

[H 455](#) was referred to the Judiciary, Rules, and Administration Committee.

[H 456](#), [H 457](#), [H 458](#), [H 459](#), [H 460](#), [H 461](#), [H 462](#), [H 463](#), and [H 464](#) were referred to the Resources and Conservation Committee.

[H 465](#), [H 466](#), [H 467](#), [H 468](#), [H 469](#), [H 470](#), and [H 471](#) were referred to the Business Committee.

[HJR 1](#) was referred to the State Affairs Committee.

February 3, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 356](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 356](#) and, when so signed, ordered it transmitted to the Senate for the signature of the President.

February 3, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 355](#) to the Governor at 12:10 p.m., as of this date, February 2, 2012.

WILLS, Chairman

February 2, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 394](#) and [S 1223](#) and recommend that they do pass.

NONINI, Chairman

[H 394](#) and [S 1223](#) were filed for second reading.

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

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 32 BY ENVIRONMENT, ENERGY, AND TECHNOLOGY COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE BUREAU OF OCCUPATIONAL LICENSES RELATING TO RULES OF THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS.

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 Bureau of Occupational Licenses relating to Rules of the Board of Drinking Water and Wastewater Professionals 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 Sixty-first Idaho Legislature,

the House of Representatives and the Senate concurring therein, that IDAPA 24.05.01, Bureau of Occupational Licenses, Rules of the Board of Drinking Water and Wastewater Professionals, Section 375, Substitutions, Subsection 02, Substituting Experience for Education, Paragraph c, At least 50% of education is mandatory and cannot be substituted by experience, only, adopted as a pending rule under Docket Number 24-0501-1101, be, and the same is hereby rejected and declared null, void and of no force and effect.

[HCR 32](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

HOUSE BILL NO. 472

**BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT**

RELATING TO SPECIAL MOTOR VEHICLE LICENSE PLATES; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE A CODE REFERENCE; AND AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-420L, IDAHO CODE, TO ESTABLISH THE IDAHO TERRITORY SESQUICENTENNIAL SPECIAL LICENSE PLATE PROGRAM.

HOUSE BILL NO. 473

**BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT**

RELATING TO DRIVER'S LICENSES AND IDENTIFICATION CARDS; AMENDING SECTION 49-313, IDAHO CODE, TO REVISE PROVISIONS RELATING TO AN EXAMINATION; AMENDING SECTION 49-319, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EXPIRATION AND RENEWAL OF CERTAIN DRIVER'S LICENSES, TO REVISE PROVISIONS RELATING TO EXTENSION OF CERTAIN DRIVER'S LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-2444, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EXPIRATION AND RENEWAL OF CERTAIN IDENTIFICATION CARDS, TO ESTABLISH PROVISIONS RELATING TO THE EXTENSION OF CERTAIN IDENTIFICATION CARDS, TO ESTABLISH PROVISIONS RELATING TO IDENTIFICATION CARDS FOR CERTAIN OUT-OF-STATE PERSONS AND TO ESTABLISH PROVISIONS REGARDING IDENTIFICATION CARDS ISSUED TO CERTAIN PERSONS RELATED TO ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES.

HOUSE BILL NO. 474

**BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT**

RELATING TO AERONAUTICS; AMENDING CHAPTER 5, TITLE 21, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 21-515A, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE MARKING AND LIGHTING OF CERTAIN TOWERS, TO PROVIDE FOR DEFINITIONS AND TO PROVIDE FOR A MISDEMEANOR.

HOUSE BILL NO. 475

**BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT**

RELATING TO SUSPENSION OF JUDGMENT AND SENTENCE; AMENDING SECTION 19-2601, IDAHO CODE, TO PROVIDE THE COURT AUTHORITY TO EXTEND A PERIOD OF PROBATION FOR CERTAIN PERSONS; AND AMENDING SECTION 19-3921, IDAHO CODE, TO PROVIDE THE COURT AUTHORITY TO EXTEND A PERIOD OF PROBATION FOR CERTAIN PERSONS.

HOUSE BILL NO. 476

**BY ENVIRONMENT, ENERGY, AND TECHNOLOGY
COMMITTEE
AN ACT**

RELATING TO LICENSURE OF ELECTRICAL CONTRACTORS AND JOURNEYMEN; AMENDING SECTION 54-1001, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM LICENSURE FOR CERTAIN ACTIVITIES AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 477

**BY LOCAL GOVERNMENT COMMITTEE
AN ACT**

RELATING TO LEASES OF STATE-OWNED RECREATIONAL COTTAGE SITE AND HOMESITE LANDS; AMENDING SECTION 58-310, IDAHO CODE, TO REMOVE AN EXCEPTION RELATING TO SPECIFIED LAW AND TO PROVIDE THAT THE SUCCESSFUL BIDDER SHALL BE REQUIRED TO PROVIDE SPECIFIED RENTAL ON THE LEASE AT THE CLOSE OF THE AUCTION; REPEALING SECTION 58-310A, IDAHO CODE, RELATING TO AN EXEMPTION FROM SPECIFIED CONFLICT APPLICATION AND AUCTION PROVISIONS FOR SINGLE FAMILY, RECREATIONAL COTTAGE SITES AND HOMESITES; AND REPEALING SECTION 58-310B, IDAHO CODE, RELATING TO THE AUCTION OF LEASES REGARDING CERTAIN STATE-OWNED LAND.

HOUSE BILL NO. 478

**BY LOCAL GOVERNMENT COMMITTEE
AN ACT**

RELATING TO RETAIL SALE OF LIQUOR BY THE DRINK; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-958, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF LICENSES TO OWNERS, OPERATORS AND LESSEES OF CERTAIN RESORT CITY INNS, TO DEFINE A TERM, TO PROVIDE FOR RENEWAL AND TO PROVIDE THAT SUCH LICENSES SHALL NOT BE TRANSFERABLE TO ANY OTHER LOCATION.

[H 472](#), [H 473](#), [H 474](#), [H 475](#), [H 476](#), [H 477](#), and [H 478](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1227](#) and [S 1228](#), by Commerce and Human Resources Committee, were introduced, read the first time by title, and referred to the Business Committee.

[S 1257](#), [S 1258](#), and [S 1267](#), by Finance Committee, were introduced, read the first time by title, and filed for second reading.

[S 1213](#), [S 1219](#), [S 1222](#), [S 1232](#), and [S 1233](#), by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

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

Second Reading of Bills and Joint Resolutions

[HCR 31](#), [H 374](#), and [H 375](#), by Business Committee, were read the second time by title and filed for third reading.

[H 383](#), [H 385](#), [H 386](#), and [H 393](#), by Education Committee, were read the second time by title and filed for third reading.

[H 437](#) and [H 438](#), by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that all bills on the Third Reading Calendar retain their places until Monday, February 6, 2012. There being no objection, it was so ordered.

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

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Monday, February 6, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 8:48 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

TWENTY-NINTH LEGISLATIVE DAY
MONDAY, FEBRUARY 6, 2012

House of Representatives

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

Roll call showed all 70 members present.

Prayer was offered by Pastor Gary Moore.

The Pledge of Allegiance was led by Cristian Magallon, Page.

Approval of Journal

February 6, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-sixth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

February 3, 2012

Mr. Speaker:

I transmit herewith enrolled [SJR 102](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [SJR 102](#) and, when so signed, ordered it returned to the Senate.

February 3, 2012

Mr. Speaker:

I return herewith enrolled [H 360](#), [H 361](#), and [H 362](#) which have been signed by the President.

NOVAK, Secretary

Enrolled [H 360](#), [H 361](#), and [H 362](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 3, 2012

Mr. Speaker:

I transmit herewith [S 1226](#) and [S 1243](#) which have passed the Senate.

NOVAK, Secretary

[S 1226](#) and [S 1243](#) were filed for first reading.

February 3, 2012

Mr. Speaker:

I return herewith [H 357](#) and [H 363](#) which have passed the Senate.

NOVAK, Secretary

[H 357](#) and [H 363](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 6, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 32](#), [H 472](#), [H 473](#), [H 474](#), [H 475](#), [H 476](#), [H 477](#), and [H 478](#).

WILLS, Chairman

[HCR 32](#) and [H 476](#) were referred to the Environment, Energy, and Technology Committee.

[H 472](#), [H 473](#), and [H 474](#) were referred to the Transportation and Defense Committee.

[H 475](#) was referred to the Judiciary, Rules, and Administration Committee.

[H 477](#) was referred to the Local Government Committee.

[H 478](#) was referred to the State Affairs Committee.

February 6, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 395](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 395](#) and, when so signed, ordered it transmitted to the Senate for the signature of the President.

February 6, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 391](#) and recommend that it do pass.

LOERTSCHER, Chairman

[H 391](#) was filed for second reading.

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

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

[S 1226](#), by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Business Committee.

[S 1243](#), by Transportation Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

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

Second Reading of Bills and Joint Resolutions

[H 394](#), by Education Committee, was read the second time by title and filed for third reading.

[S 1223](#), by Education Committee, was read the second time by title and filed for third reading.

[S 1257](#), [S 1258](#), and [S 1267](#), by Finance Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that [H 366](#) be returned to the Revenue and Taxation Committee. There being no objection, it was so ordered.

Mrs. McGeachin asked unanimous consent that [H 388](#) be placed on General Orders for consideration. There being no objection it was so ordered.

Mr. Moyle asked unanimous consent that [H 393](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

[HJM 7](#) - MEDAL OF HONOR

[HJM 7](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hagedorn to open debate.

The question being, "Shall [HJM 7](#) be adopted?"

Whereupon the Speaker declared [HJM 7](#) adopted by voice vote and ordered the memorial transmitted to the Senate.

[H 418](#) - PUBLIC EMPLOYEE RETIREMENT SYSTEM

[H 418](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Lake to open debate.

The question being, "Shall [H 418](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 70.

NAYS – None.

Whereupon the Speaker declared that [H 418](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 371](#) - VETERANS SERVICES

[H 371](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bilbao to open debate.

The question being, "Shall [H 371](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, Ellsworth, Gibbs, Guthrie, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, McGeachin, Moyle, Nessel, Nonini, Pence, Raybould, Ringo, Roberts, Rusche, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 49.

NAYS – Barbieri, Barrett, Boyle, DeMordaunt, Eskridge, Hagedorn, Hart, Hartgen, Harwood, Marriott, McMillan, Nielsen, Palmer, Patrick, Perry, Schaefer, Shepherd, Sims(Ingram), Thayn, Thompson, Wood(35). Total – 21.

Total – 70.

Whereupon the Speaker declared that [H 371](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[HCR 31](#) - NATIONAL ELECTRIC CODE - RULE

[HCR 31](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Black to open debate.

The question being, "Shall [HCR 31](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Chadderdon, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – Burgoyne, Chew, Ringo. Total – 3.

Total – 70.

Whereupon the Speaker declared [HCR 31](#) adopted and ordered the resolution transmitted to the Senate.

[H 383](#) - IDAHO OPPORTUNITY SCHOLARSHIP PROGRAM

[H 383](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Cronin to open debate.

The question being, "Shall [H 383](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail,

Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker.
Total – 65.

NAYS – Barbieri, Barrett, Hart, Hartgen, McMillan.
Total – 5.

Total – 70.

Whereupon the Speaker declared that [H 383](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 385](#) - COMMUNITY COLLEGES

[H 385](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Pence to open debate.

The question being, "Shall [H 385](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Anderson. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 385](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 386](#) - SCHOLARSHIPS

[H 386](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Marriott to open debate.

The question being, "Shall [H 386](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Marriott, McGeachin, Moyle, Nessel, Nielsen, Nonini, Palmer, Pence, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – Barbieri, Barrett, Hart, Harwood, Luker, McMillan, Patrick, Perry. Total – 8.

Absent and excused – Anderson. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 386](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Lake, having voted on the prevailing side, served notice that he may ask for reconsideration of the vote by which [H 386](#) passed the House.

[H 386](#) was ordered held at the Desk.

[H 374](#) - ENGINEERS AND SURVEYORS

[H 374](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Patrick to open debate.

The question being, "Shall [H 374](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 65.

NAYS – Barbieri, DeMordaunt, Harwood, Wood(35).
Total – 4.

Absent and excused – Anderson. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 374](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 375](#) - PLATS AND VACATIONS

[H 375](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Patrick to open debate.

The question being, "Shall [H 375](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Anderson. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 375](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 437](#) - INCOME TAX CREDITS

[H 437](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

The question being, "Shall [H 437](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – Barrett, Luker, Thayne. Total – 3.

Absent and excused – Anderson. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 437](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 438](#) - INVESTMENT TAX CREDIT

[H 438](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Harwood to open debate.

The question being, "Shall [H 438](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Anderson. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 438](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

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

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Tuesday, February 7, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:06 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**THIRTIETH LEGISLATIVE DAY
TUESDAY, FEBRUARY 7, 2012**

House of Representatives

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

Roll call showed all 70 members present.

Prayer was offered by Pastor Gary Moore.

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

Approval of Journal

February 7, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-ninth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

February 6, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bill, to wit:

H 355

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

February 6, 2012

Mr. Speaker:

I return herewith enrolled **H 356** which has been signed by the President.

NOVAK, Secretary

Enrolled **H 356** was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 6, 2012

Mr. Speaker:

I transmit herewith **SCR 113**, **S 1253**, and **S 1269** which have passed the Senate.

NOVAK, Secretary

SCR 113, **S 1253**, and **S 1269** were filed for first reading.

February 6, 2012

Mr. Speaker:

I return herewith **H 364** which has passed the Senate.

NOVAK, Secretary

H 364 was referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 7, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 357** and **H 363**.

WILLS, Chairman

The Speaker announced he was about to sign enrolled **H 357** and **H 363** and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 7, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 360**, **H 361**, and **H 362** to the Governor at 1:55 p.m., as of this date, February 6, 2012.

WILLS, Chairman

February 6, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **H 426** and recommend that it do pass.

NONINI, Chairman

H 426 was filed for second reading.

February 7, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **S 1237** and recommend that it do pass.

NONINI, Chairman

S 1237 was filed for second reading.

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

Motions, Memorials, and Resolutions

Notice having been served and having voted on the prevailing side, Mr. Lake asked unanimous consent that the House reconsider the vote by which **H 386** passed the House. There being no objection, **H 386** was before the House for reconsideration.

Mr. Lake asked unanimous consent that **H 386** be placed on General Orders for consideration. There being no objection it was so ordered.

HOUSE JOINT MEMORIAL NO. 9
BY ENVIRONMENT, ENERGY, AND TECHNOLOGY
COMMITTEE
A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES, AND TO LISA JACKSON, ADMINISTRATOR OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

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

WHEREAS, the United States Environmental Protection Agency (EPA) has, for the past three decades, crippled industrial development in Shoshone County through its Superfund designation, based upon highly questionable scientific data; and

WHEREAS, this designation has resulted in the loss of thousands of well-paying jobs in the natural resource sector, while only creating a significantly lesser number of low-paying, seasonal jobs, which do not provide benefits to employees; and

WHEREAS, the abatement of any alleged local environmental "pollution" or "contamination" is neither necessary nor proper to effect the regulation of interstate commerce and is, therefore, a power reserved to the state or the people of the State of Idaho pursuant to the Tenth Amendment of the United States Constitution; and

WHEREAS, by the EPA's own admission, blood lead testing of local residents has proven that any alleged human health hazard has been effectively eliminated, to the extent that such a hazard ever existed; and

WHEREAS, the EPA is now proposing a plan in which it will perpetuate its unconstitutional, economically paralyzing usurpation of state and local authority for another fifty to ninety years at an estimated cost of nearly one billion dollars; and

WHEREAS, the Idaho Legislature was neither consulted nor given the opportunity to consider the EPA's recent, proposed Record of Decision (ROD) amendment in Shoshone County, as called for by Senate Concurrent Resolution 127, passed by the Second Regular Session of the Sixtieth Idaho Legislature in 2010.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature of the State of Idaho vehemently opposes and rejects the ROD amendment proposed by the EPA, and hereby demands that our local, state and federal elected officials do all in their power in order to ensure that the EPA restore all roads and other infrastructure in Shoshone County to a condition meeting or exceeding that prior to its presence in Shoshone County, and that it then end its presence in Shoshone County and rescind the Superfund designation within the next five years.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, the congressional delegation representing the State of Idaho in the Congress of the United States, and to Lisa Jackson, Administrator of the United States Environmental Protection Agency.

HJM 9 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

SCR 113, by Local Government and Taxation Committee, was introduced, read the first time by title, and held at the Desk.

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

HOUSE BILL NO. 479
BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT

RELATING TO VETERANS; AMENDING CHAPTER 9, TITLE 66, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 66-908, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT OF THE ADMINISTRATOR OF THE DIVISION OF VETERANS SERVICES OR HIS DESIGNEE AS PAYEE, FIDUCIARY OR OTHER AGENT FOR THE PURPOSES OF RECEIVING FUNDS PAYABLE TO A RESIDENT OF A VETERANS HOME, TO PROVIDE FOR NOTICE, TO PROVIDE FOR APPEAL, TO AUTHORIZE RULEMAKING, TO PROVIDE THAT MONEYS SHALL BE KEPT IN TRUST, TO PROVIDE FOR APPLICATION OF FUNDS TO CERTAIN EXPENSES, TO PROVIDE FOR USE OF FUNDS FOR OTHER REASONABLE EXPENSES, TO PROVIDE FOR AN ACCOUNTING OF FUNDS AND TO PROVIDE FOR DISTRIBUTION OF FUNDS UPON DISCHARGE OF A RESIDENT AND PAYMENT OF ALL OUTSTANDING EXPENSES OF THE RESIDENT KNOWN TO THE ADMINISTRATOR.

HOUSE BILL NO. 480
BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT

RELATING TO PARKING METERS; AMENDING SECTION 40-1415, IDAHO CODE, TO PROHIBIT A CITY FROM COLLECTING REVENUE AND ENFORCING ORDINANCES REGULATING THE USE OF PARKING METERS ON, ADJACENT TO OR ADJOINING ANY STATE-OWNED OR STATE-LEASED PROPERTY WHEREIN MEETINGS OF OR RELATED TO THE IDAHO LEGISLATURE ARE HELD DURING ANY SESSION OF THE IDAHO LEGISLATURE AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 481
BY EDUCATION COMMITTEE
AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5203, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE NUMBER OF PUBLIC CHARTER SCHOOLS THAT MAY BEGIN EDUCATIONAL INSTRUCTION IN ANY ONE YEAR, TO PROVIDE A CORRECT CITE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 482
BY LOCAL GOVERNMENT COMMITTEE
AN ACT

RELATING TO REPORTS ON CAPITAL AND SURPLUS; AMENDING SECTION 57-113, IDAHO CODE, TO CLARIFY WHEN THE REPORT ON CAPITAL AND SURPLUS IS TO BE FILED AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 483
BY LOCAL GOVERNMENT COMMITTEE
 AN ACT

RELATING TO THE EXERCISE OF COUNTY POWERS; AMENDING SECTION 31-602, IDAHO CODE, TO ALLOW THE BOARD OF COUNTY COMMISSIONERS TO DELEGATE PURCHASING AUTHORITY BY WAY OF RESOLUTION.

HOUSE BILL NO. 484
BY LOCAL GOVERNMENT COMMITTEE
 AN ACT

RELATING TO BOARDS OF COMMUNITY GUARDIAN; AMENDING SECTION 15-5-602, IDAHO CODE, TO REMOVE REFERENCE TO THE LIMITATION FOR SUCCESSIVE YEARS ON A BOARD OF COMMUNITY GUARDIAN.

HOUSE BILL NO. 485
BY ENVIRONMENT, ENERGY, AND TECHNOLOGY COMMITTEE
 AN ACT

RELATING TO INCOME TAX DEDUCTIONS; AMENDING SECTION 63-3022B, IDAHO CODE, TO REVISE THE ELIGIBILITY CRITERIA FOR TAKING A STATE INCOME TAX DEDUCTION FOR INSTALLING ENERGY EFFICIENCY UPGRADE MEASURES WITHIN EXISTING RESIDENCES; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 486
BY HEALTH AND WELFARE COMMITTEE
 AN ACT

RELATING TO MINORS; AMENDING CHAPTER 15, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-1524, IDAHO CODE, TO DEFINE TERMS, TO PROHIBIT THE USE OF A PHOTOTHERAPY DEVICE, TANNING DEVICE OR ULTRAVIOLET TANNING DEVICE ON MINORS, TO PROVIDE AN EXCEPTION AND TO PROVIDE PENALTIES.

HOUSE BILL NO. 487
BY HEALTH AND WELFARE COMMITTEE
 AN ACT

RELATING TO MENTAL HEALTH COMMITMENT; AMENDING SECTION 66-327, IDAHO CODE, TO REVISE PROVISIONS REGARDING RESPONSIBILITY FOR COSTS OF COMMITMENT AND CARE OF PATIENTS AND TO REVISE A DEFINITION.

HOUSE BILL NO. 488
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO INCOME TAXATION; AMENDING SECTION 63-3029A, IDAHO CODE, AS AMENDED BY SECTION 1, CHAPTER 274, LAWS OF 2010, AND AS AMENDED BY SECTION 2, CHAPTER 354, LAWS OF 2010, TO PROVIDE AN ADDITIONAL ORGANIZATION FOR WHICH AN INCOME TAX CREDIT WILL BE GIVEN AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 63-3029A, IDAHO CODE, AS ADDED BY SECTION 4, CHAPTER 354, LAWS OF 2010, TO PROVIDE AN ADDITIONAL ORGANIZATION FOR WHICH AN INCOME TAX CREDIT WILL BE GIVEN; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 489
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO USE TAX; AMENDING SECTION 63-3621, IDAHO CODE, TO PROVIDE THAT USE TAX SHALL NOT APPLY TO CERTAIN FREE TASTINGS OF BEVERAGES; AND DECLARING AN EMERGENCY.

[H 479](#), [H 480](#), [H 481](#), [H 482](#), [H 483](#), [H 484](#), [H 485](#), [H 486](#), [H 487](#), [H 488](#), and [H 489](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1253](#), by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

[S 1269](#), by Education Committee, was introduced, read the first time by title, and referred to the Education Committee.

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

Second Reading of Bills and Joint Resolutions

[H 391](#), by State Affairs Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Nonini asked unanimous consent that [H 393](#) be placed on General Orders for consideration. There being no objection it was so ordered.

[H 394](#) - EDUCATION

[H 394](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thayn to open debate.

The question being, "Shall [H 394](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Lake, Roberts. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 394](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[S 1223](#) - SCHOOL PROPERTY

[S 1223](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Boyle to open debate.

The question being, "Shall [S 1223](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 70.

NAYS – None.

Whereupon the Speaker declared that [S 1223](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1257](#) - APPROPRIATION - DEPARTMENT OF ADMINISTRATION

[S 1257](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall [S 1257](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 64.

NAYS – Barbieri, Barrett, Harwood, McMillan, Schaefer, Wood(35). Total – 6.

Total – 70.

Whereupon the Speaker declared that [S 1257](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1258](#) - APPROPRIATIONS - LIBRARIES

[S 1258](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Bell to open debate.

The question being, "Shall [S 1258](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould,

Ringo, Roberts, Rusche, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 63.

NAYS – Barbieri, Barrett, Hart, Harwood, Lake, Schaefer, Wood(35). Total – 7.

Total – 70.

Whereupon the Speaker declared that [S 1258](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1267](#) - APPROPRIATION - VOCATIONAL REHABILITATION

[S 1267](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wood(27) to open debate.

The question being, "Shall [S 1267](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 70.

NAYS – None.

Whereupon the Speaker declared that [S 1267](#) passed the House. Title was approved and the bill ordered returned to the Senate.

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

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Wednesday, February 8, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:39 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**THIRTY-FIRST LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 8, 2012**

House of Representatives

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

Roll call showed 69 members present.
Absent and excused – Killen. Total – 1.
Total – 70.

Prayer was offered by Pastor Gary Moore.

The Pledge of Allegiance was led by Alexander Baca, Page.

Approval of Journal

February 8, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirtieth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

February 8, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bill, to wit:

H 361

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

February 7, 2012

Mr. Speaker:

I return herewith enrolled **H 395** which has been signed by the President.

NOVAK, Secretary

Enrolled **H 395** was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 7, 2012

Mr. Speaker:

I transmit herewith **S 1270** which has passed the Senate.
NOVAK, Secretary

S 1270 was filed for first reading.

February 7, 2012

Mr. Speaker:

I return herewith **H 365** which has passed the Senate.
NOVAK, Secretary

H 365 was referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 8, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed **HJM 9**, **H 479**, **H 480**, **H 481**, **H 482**, **H 483**, **H 484**, **H 485**, **H 486**, **H 487**, **H 488**, and **H 489**.

WILLS, Chairman

HJM 9 was referred to the Environment, Energy, and Technology Committee.

H 479 and **H 480** were referred to the Transportation and Defense Committee.

H 481 was referred to the Education Committee.

H 482, **H 483**, and **H 484** were referred to the Local Government Committee.

H 485, **H 488**, and **H 489** were referred to the Revenue and Taxation Committee.

H 486 and **H 487** were referred to the Health and Welfare Committee.

February 8, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 364**.

WILLS, Chairman

The Speaker announced he was about to sign enrolled **H 364** and, when so signed, ordered it transmitted to the Senate for the signature of the President.

February 8, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 356** to the Governor at 11:50 a.m., as of this date, February 7, 2012.

WILLS, Chairman

February 7, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 443** and recommend that it do pass.

LOERTSCHER, Chairman

H 443 was filed for second reading.

February 7, 2012

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [H 446](#) and recommend that it do pass.

STEVENSON, Chairman

[H 446](#) was filed for second reading.

February 7, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [H 449](#), [S 1213](#), [S 1219](#), and [S 1222](#) and recommend that they do pass.

WILLS, Chairman

[H 449](#), [S 1213](#), [S 1219](#), and [S 1222](#) were filed for second reading.

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

Motions, Memorials, and Resolutions

HOUSE RESOLUTION NO. 4 BY STATE AFFAIRS COMMITTEE

A HOUSE RESOLUTION

STATING FINDINGS OF THE HOUSE OF REPRESENTATIVES AND PROVIDING FOR THE ADDITION OF A NEW RULE 78 TO THE RULES OF THE HOUSE OF REPRESENTATIVES.

Be It Resolved by the House of Representatives of the State of Idaho:

WHEREAS, the House of Representatives deems it necessary and desirable to add a new Rule 78 to the Rules of the House of Representatives.

NOW, THEREFORE, BE IT RESOLVED by the members of the House of Representatives, assembled in the Second Regular Session of the Sixty-first Idaho Legislature, that the Rules of the House of Representatives shall be amended by the addition thereto of a new Rule 78 to read as follows:

RULE 78

Leadership and Committee Chairmen and Vice Chairmen and Driving Under the Influence. Any member of majority or minority party leadership or a committee chairman or vice chairman who is convicted, found guilty, pleads guilty or receives a withheld judgment for driving a motor vehicle under the influence of alcohol or drugs pursuant to chapter 80, title 18, Idaho Code, or a similar statute in another state or province shall be ineligible to serve in such leadership post or committee chairman or vice chairman post for the remainder of the legislative term.

[HR 4](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

HOUSE BILL NO. 490 BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE STATE SUNSHINE LAW; AMENDING SECTION 31-2012, IDAHO CODE, TO

PROVIDE APPLICATION OF THE CAMPAIGN REPORTING LAW TO COUNTYWIDE MEASURES INCLUDING COUNTYWIDE RECALL ELECTIONS; AMENDING SECTION 50-420, IDAHO CODE, TO PROVIDE APPLICATION OF THE CAMPAIGN REPORTING LAW TO CITYWIDE RECALL ELECTIONS; AMENDING SECTION 67-6602, IDAHO CODE, TO FURTHER DEFINE THE TERM "MEASURE" AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 67-6610A, IDAHO CODE, TO PROVIDE THAT RECALL ELECTIONS SHALL BE TREATED THE SAME AS GENERAL ELECTIONS FOR CONTRIBUTION LIMITS.

HOUSE BILL NO. 491 BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO VOTING MACHINE APPROVAL; AMENDING SECTION 34-2409, IDAHO CODE, TO PROVIDE THAT ANY VOTING MACHINE OR VOTE TALLY SYSTEM SHALL BE CERTIFIED BY THE SECRETARY OF STATE FOR USE IN IDAHO.

HOUSE BILL NO. 492 BY BUSINESS COMMITTEE

AN ACT

RELATING TO THE UNIFORM SECURITIES ACT OF 2004; AMENDING SECTION 30-14-102, IDAHO CODE, TO PROVIDE A CORRECT CITATION; AMENDING SECTION 30-14-202, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 30-14-302, IDAHO CODE, TO PROVIDE CORRECT CITATIONS, TO REMOVE REFERENCE TO DOCUMENTS INCLUDED IN A NOTICE FILING, TO REMOVE A REFERENCE TO A LATE FEE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 30-14-402, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE, TO PROVIDE A CORRECT CITATION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 30-14-412, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 30-14-501, IDAHO CODE, TO PROHIBIT THE DIVERSION OF INVESTOR FUNDS FROM THEIR INTENDED USE IN CONNECTION WITH A SECURITIES TRANSACTION; AMENDING SECTION 30-14-502, IDAHO CODE, TO PROHIBIT THE DIVERSION OF INVESTOR FUNDS FROM THEIR INTENDED USE BY ONE PROVIDING INVESTMENT ADVICE; AMENDING SECTION 30-14-603, IDAHO CODE, TO PROVIDE A STATUTE OF LIMITATION FOR CIVIL SECURITIES ACTIONS BY THE DEPARTMENT OF FINANCE; AND AMENDING SECTION 30-14-611, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 493 BY BUSINESS COMMITTEE

AN ACT

RELATING TO PRODUCT LIABILITY; AMENDING CHAPTER 14, TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 6-1411, IDAHO CODE, TO PROVIDE THAT A MANUFACTURER SHALL NOT BE LIABLE IF THE CLAIMANT FAILS TO PROVE BY A PREPONDERANCE OF THE EVIDENCE THAT THE DEFENDANT MANUFACTURED, OR HAD MANUFACTURED ON HIS BEHALF, THE ACTUAL PRODUCT THAT WAS THE CAUSE OF HARM FOR WHICH THE CLAIMANT SEEKS TO RECOVER COMPENSATORY DAMAGES.

HOUSE BILL NO. 494**BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT**

RELATING TO THE IDAHO BOARD OF SCALING PRACTICES; AMENDING SECTION 38-1203, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE COMPOSITION OF THE IDAHO BOARD OF SCALING PRACTICES AND TO PROVIDE THAT UPON EXPIRATION OF A TERM OF OFFICE, A MEMBER SHALL CONTINUE TO SERVE UNTIL A SUCCESSOR HAS BEEN APPOINTED; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 495**BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT**

RELATING TO STATE ENDOWMENT LANDS; AMENDING CHAPTER 1, TITLE 58, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 58-104, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS; AMENDING SECTION 58-104, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE THE PROCEDURES BY WHICH THE STATE BOARD OF LAND COMMISSIONERS EXERCISES CERTAIN POWERS AND DUTIES BY PROVIDING THAT, EXCEPT WHERE STATE ENDOWMENT LAND IS USED BY A PUBLIC ENTITY FOR A PUBLIC PURPOSE, ALL NONAGRICULTURAL IMPROVEMENTS SHALL BE LEASED OR SOLD TO PRIVATE PERSONS, NATURAL OR ARTIFICIAL, AND ALL NONAGRICULTURAL BUSINESS OPERATIONS SHALL BE SOLD TO PRIVATE PERSONS, NATURAL OR ARTIFICIAL; AMENDING SECTION 58-104A, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 58-133, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE ACQUISITION OF LAND AND TO REVISE PROVISIONS RELATING TO AUTHORIZATION FOR THE STATE BOARD OF LAND COMMISSIONERS TO HOLD PROCEEDS FROM THE SALE OF LAND FOR A SPECIFIED TIME; AND AMENDING SECTION 5-246, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 496**BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT**

RELATING TO FISH AND GAME; AMENDING SECTION 36-411, IDAHO CODE, TO EXEMPT MEMBERS OF THE ARMED FORCES OR RESERVES OF THE UNITED STATES, THE NATIONAL GUARD OF ANY STATE, THE MILITARY RESERVES OF ANY STATE, THE NAVAL MILITIA OF ANY STATE, AND VETERANS THEREOF, FROM HUNTER EDUCATION REQUIREMENTS.

HOUSE BILL NO. 497**BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT**

RELATING TO DNA TESTING; AMENDING SECTION 19-4902, IDAHO CODE, TO PROVIDE CONDITIONS RELATING TO CERTAIN DNA TESTING AND TO PROVIDE THAT THE IDAHO STATE POLICE SHALL NOT BE REQUIRED TO OUTSOURCE OR PAY FOR TESTING UNDER CERTAIN CIRCUMSTANCES; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 498**BY EDUCATION COMMITTEE
AN ACT**

RELATING TO THE TRANSPORTATION SUPPORT PROGRAM; AMENDING SECTION 33-1006, IDAHO CODE, TO DELETE LANGUAGE RELATING TO CERTAIN DUTIES OF THE LEGISLATIVE AUDITS SECTION OF THE LEGISLATIVE SERVICES OFFICE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 499**BY EDUCATION COMMITTEE
AN ACT**

RELATING TO SCHOOL BUILDING MAINTENANCE; AMENDING SECTION 33-1019, IDAHO CODE, TO REVISE A PROVISION RELATING TO THE SUBMISSION BY SCHOOL DISTRICTS OF CERTAIN INFORMATION TO THE STATE DEPARTMENT OF EDUCATION; AND AMENDING SECTION 39-8006A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE SUBMISSION BY EACH SCHOOL DISTRICT OF A CERTAIN PLAN TO THE DIVISION OF BUILDING SAFETY AND TO REVISE PROVISIONS RELATING TO THE INFORMATION INCLUDED IN SUCH PLAN.

[H 490](#), [H 491](#), [H 492](#), [H 493](#), [H 494](#), [H 495](#), [H 496](#), [H 497](#), [H 498](#), and [H 499](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1270](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

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

Second Reading of Bills and Joint Resolutions

[H 426](#), by Education Committee, was read the second time by title and filed for third reading.

[S 1237](#), by Education Committee, was read the second time by title and filed for third reading.

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

Consideration of General Orders

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mr. Rusche. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Bedke in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

February 8, 2012

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration [H 387](#), [H 368](#), [H 388](#), and [H 393](#) and report them back without recommendation, amended as follows:

HOUSE AMENDMENT TO H.B. NO. 387**AMENDMENT TO SECTION 1**

On page 4 of the printed bill, in line 34, delete "~~beneficiary's, partner's, member's or share-~~" and insert: ", beneficiary's, partner's, member's or share-"; and in line 35, delete: "~~holder's~~" and insert: "holder's".

On page 5, in line 19, following "owner" insert: "according to the refund provisions of section 63-1305, Idaho Code, with payment or notice of credit delivered to the owner"; and in line 25, following "collected." insert: "If a notice of military, temporary humanitarian or religious service has not been filed, the owner must make a claim for refund within one (1) year after the first day of January following the owner's return to the homestead, and shall be limited to a refund not exceeding the last five (5) years of erroneous collection. If such notice was filed, no time limits shall apply to subsequent erroneous assessments.".

AMENDMENT TO THE BILL

On page 9, following line 12, insert:

"SECTION 3. That Section 63-1305, Idaho Code, be, and the same is hereby amended to read as follows:

63-1305. REFUND OR CREDIT OF PROPERTY TAXES BY ORDER OF COURT OR BOARD OF TAX APPEALS. (1) When any court or the board of tax appeals orders a refund of any property taxes imposed under chapters 1 through 17, title 63, Idaho Code, or a refund is due pursuant to section 63-602G(7), Idaho Code, the county commissioners of the county or counties which collected the taxes may either refund taxes or apply the amount to be refunded as a credit against taxes due from the taxpayer in the following year. The county commissioners may use a combination of both a payment and a credit to effect the refund.

(2) As used in this section, "refund" includes property tax described in subsection (1) of this section found by the court or the board of tax appeals to have been overpaid and not lawfully due, interest due on the refund of such tax, costs and other amounts ordered paid by a court or the board of tax appeals.

(3) In the event a refund is paid, payments must be made by warrants drawn on the county's current expense fund by the county auditor. The auditor shall apportion the amount of property taxes cancelled as credit to the tax collector. The auditor shall charge the various funds and taxing districts with their proportionate share of the refund and credit the current expense account.

(4) If a credit is given the following year, the credit shall be allowed against actual property taxes assessed to the taxpayer by the taxing districts which received the taxes ordered to be refunded.

(5) Amounts equal to the refunds or credits allowed in this section may be included in amounts certified pursuant to sections 63-802 through 63-807, Idaho Code, but shall not be a part of the operating budget within the meaning of section 63-802, Idaho Code."

CORRECTION TO TITLE

On page 1, delete lines 3 through 5, and insert: "TO REVISE PROVISIONS RELATING TO A HOMESTEAD HAVING PREVIOUSLY QUALIFIED FOR EXEMPTION IN THE PRECEDING YEAR, TO PROVIDE THAT A CERTAIN EXEMPTION SHALL NOT BE IMPAIRED"; in line 16, delete "AND"; and in line 17, following "LAW" insert: "; AND AMENDING SECTION 63-1305, IDAHO CODE, TO REVISE PROVISIONS RELATING TO REFUNDS OR CREDITS

OF PROPERTY TAXES AND TO MAKE A TECHNICAL CORRECTION".

HOUSE AMENDMENT TO H.B. NO. 368**AMENDMENT TO SECTION 2**

On page 2 of the printed bill, in line 9, delete "funding sources" and insert: "nonfederal grants".

HOUSE AMENDMENT TO H.B. NO. 388**AMENDMENT TO SECTION 4**

On page 5 of the printed bill, in line 34, delete "nationally accept-"; in line 35, delete "able"; also in line 35, following "standards" insert: "defined in accordance with department rules".

AMENDMENT TO SECTION 7

On page 7, in line 5, delete "pursuant to the provisions of 42 U.S.C. section 9837b(b)"; in line 12, delete "those required by the pro-"; and in line 13, delete "visions of 20 U.S.C. section 1441 and 42 U.S.C. section 9837b(b) and".

AMENDMENT TO SECTION 13

On page 13, in line 3, following "source." insert: "All money in the fund is appropriated continuously for the purpose of carrying out the provisions of this chapter.".

AMENDMENT TO SECTION 14

On page 13, in line 28, following "chapter" insert: "and to support the statewide effort in the development and sustainability of the council and of early childhood services and programs".

AMENDMENT TO SECTION 15

On page 13, delete lines 42 through 44, and insert: "~~1-1990.~~".

HOUSE AMENDMENT TO H.B. NO. 393**AMENDMENT TO SECTION 4**

On page 2 of the printed bill, delete lines 25 through 32, and insert: "There is hereby created in the state treasury a fund known as the "Rural Health Care Access Fund." Subject to appropriation by the legislature, moneys in the fund shall be used exclusively for the purpose of grants for improving access to primary care medical services in areas designated as primary care health professional shortage areas and medically underserved areas and their administration pursuant to this chapter.

(2) There is hereby created in the state treasury a fund known as the "Rural Physician Incentive Fund." Money is payable into the fund as provided for in section 33-3723, Idaho Code. The moneys in the rural physician incentive fund are hereby appropriated for the uses of the fund. The state department of health and welfare may use the moneys in the fund to pay:

(a) The educational debts of rural physicians who practice primary care medicine in medically underserved areas of the state that demonstrate a need for assistance in physician recruitment; and

(b) The expenses of administering the rural physician incentive program. The expenses of administering the program shall not exceed ten percent (10%) of the annual fees assessed pursuant to section 33-3723, Idaho Code."

CORRECTION TO TITLE

On page 1, delete lines 10 through 13, and insert: "IDAHO CODE, TO PROVIDE FOR THE RURAL PHYSICIAN INCENTIVE FUND, TO PROVIDE FOR MONEYS IN THE FUND, TO PROVIDE THAT MONEYS IN THE FUND ARE

HEREBY APPROPRIATED AND TO PROVIDE FOR USES OF THE FUND; AMENDING SECTION 39-5903, IDAHO CODE, TO REVISE DEF-".

We have also had under consideration [H 386](#), report progress and beg leave to sit again.

BEDKE, Chairman

Mr. Bedke moved that the report be adopted. Seconded by Mr. Rusche.

Whereupon the Speaker declared the report adopted.

[H 387](#), as amended, [H 368](#), as amended, [H 388](#), as amended, and [H 393](#), as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

[H 386](#) was retained on General Orders.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

[H 391](#) - PRIMARY ELECTION

[H 391](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Loertscher to open debate.

The question being, "Shall [H 391](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Eskridge, Gibbs, Hart, Hartgen, Higgins, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 56.

NAYS – Barbieri, Barrett, Batt, Crane, Ellsworth, Guthrie, Hagedorn, Harwood, Henderson, McMillan, Perry, Wood(35). Total – 12.

Absent and excused – Burgoyne, Killen. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 391](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

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

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Thursday, February 9, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:43 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

THIRTY-SECOND LEGISLATIVE DAY
THURSDAY, FEBRUARY 9, 2012

House of Representatives

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

Roll call showed all 70 members present.

Prayer was offered by Pastor Gary Moore.

The Pledge of Allegiance was led by Susie McHan, Page.

Approval of Journal

February 9, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-first Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

February 8, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

[H 356](#), [H 360](#), [H 362](#), and [H 395](#)

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

February 8, 2012

Mr. Speaker:

I return herewith enrolled [H 357](#) and [H 363](#) which have been signed by the President.

NOVAK, Secretary

Enrolled [H 357](#) and [H 363](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

Report of Standing Committees

February 9, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HR 4](#), [H 490](#), [H 491](#), [H 492](#), [H 493](#), [H 494](#), [H 495](#), [H 496](#), [H 497](#), [H 498](#), [H 499](#), and House amendments to [H 387](#), [H 368](#), [H 388](#), and [H 393](#).

WILLS, Chairman

[HR 4](#) and [H 497](#) were referred to the Judiciary, Rules, and Administration Committee.

[H 490](#) and [H 491](#) were referred to the State Affairs Committee.

[H 492](#) and [H 493](#) were referred to the Business Committee.

[H 494](#), [H 495](#), and [H 496](#) were referred to the Resources and Conservation Committee.

[H 498](#) and [H 499](#) were referred to the Education Committee.

February 9, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 365](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 365](#) and, when so signed, ordered it transmitted to the Senate for the signature of the President.

February 9, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [H 387](#), as amended, [H 368](#), as amended, [H 388](#), as amended, and [H 393](#), as amended.

WILLS, Chairman

[H 387](#), as amended, [H 368](#), as amended, [H 388](#), as amended, and [H 393](#), as amended, were filed for first reading of engrossed bills.

February 9, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 395](#) to the Governor at 12:05 p.m., as of this date, February 8, 2012.

WILLS, Chairman

February 8, 2012

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 473](#) and recommend that it do pass.

PALMER, Chairman

[H 473](#) was filed for second reading.

February 8, 2012

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [H 389](#) and recommend that it do pass.

ANDRUS, Chairman

[H 389](#) was filed for second reading.

February 9, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 372](#) and recommend that it do pass.

LOERTSCHER, Chairman

[H 372](#) was filed for second reading.

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

Motions, Memorials, and Resolutions

[SCR 113](#), held at the Desk February 7, 2012, was referred to the Ways and Means Committee.

At this time, the Speaker notified the body of a system error that may have affected the recording of roll call votes involving the phone-voting option under specific circumstances. The system error has been resolved. Members may review their roll call votes for any discrepancies and contact the Chief Clerk.

Mr. Moyle asked unanimous consent that the Speaker's notification be printed in the journal. Without objection, it was so ordered.

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

HOUSE BILL NO. 500 BY HEALTH AND WELFARE COMMITTEE AN ACT

RELATING TO THE OCCUPATIONAL THERAPY PRACTICE ACT; AMENDING SECTION 54-3711, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CONTINUING EDUCATION.

HOUSE BILL NO. 501 BY HEALTH AND WELFARE COMMITTEE AN ACT

RELATING TO COUNSELORS AND THERAPISTS; AMENDING SECTION 54-3400, IDAHO CODE, TO REVISE LEGISLATIVE FINDINGS; AMENDING SECTION 54-3401, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE TERMS; AMENDING SECTION 54-3402, IDAHO CODE, TO REVISE PROHIBITED ACTIVITIES, TO REVISE EXEMPTIONS AND TO PROVIDE AN EXEMPTION; AMENDING SECTION 54-3403, IDAHO CODE, TO REMOVE ARCHAIC PROVISIONS, TO REVISE BOARD COMPOSITION REQUIREMENTS, TO REVISE BOARD MEETING PROVISIONS AND TO REMOVE BOARD SECRETARY PROVISIONS; AMENDING SECTION 54-3404, IDAHO CODE, TO REVISE BOARD POWERS; AMENDING CHAPTER 34, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-3405A, IDAHO CODE, TO PROVIDE QUALIFICATION REQUIREMENTS FOR LICENSED CLINICAL PROFESSIONAL COUNSELORS; AMENDING SECTION 54-3405C, IDAHO CODE, TO REVISE QUALIFICATION REQUIREMENT PROVISIONS FOR MARRIAGE AND FAMILY THERAPISTS; AMENDING SECTION 54-3406, IDAHO CODE, TO PROVIDE FOR ENDORSEMENT OF CERTAIN LICENSEES LICENSED IN ANOTHER STATE, TERRITORY OR FOREIGN COUNTRY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-3407, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DISCIPLINE; AMENDING SECTION 54-3408, IDAHO CODE, TO REVISE PROVISIONS RELATING TO UNLAWFUL ACTS;

AMENDING SECTION 54-3410, IDAHO CODE, TO REVISE VERBIAGE; AMENDING SECTION 54-3410A, IDAHO CODE, TO PROVIDE FOR INFORMED CONSENT, TO REVISE PROVISIONS RELATING TO INFORMATION DISCLOSURE AND TO PROVIDE FOR DOCUMENTED RECORDS OF DISCLOSURE; AMENDING SECTION 54-3412, IDAHO CODE, TO REMOVE INCONSISTENT VERBIAGE; AND AMENDING SECTION 54-3414, IDAHO CODE, TO REVISE SPECIFIED POWERS AND DUTIES OF THE BUREAU OF OCCUPATIONAL LICENSES RELATING TO COUNSELORS AND THERAPISTS.

HOUSE BILL NO. 502 BY HEALTH AND WELFARE COMMITTEE AN ACT

RELATING TO UNIFORMED CONTROLLED SUBSTANCES; AMENDING SECTION 37-2705, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SCHEDULE I CONTROLLED SUBSTANCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 37-2709, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SCHEDULE III CONTROLLED SUBSTANCES AND TO PROVIDE A CORRECT CITATION; AMENDING SECTION 37-2711, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SCHEDULE IV CONTROLLED SUBSTANCES; AND AMENDING SECTION 37-2713, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SCHEDULE V CONTROLLED SUBSTANCES.

HOUSE BILL NO. 503 BY HEALTH AND WELFARE COMMITTEE AN ACT

RELATING TO PRESCRIPTION DRUG ORDERS; AMENDING SECTION 54-1733, IDAHO CODE, TO PROVIDE FOR AN EXCEPTION, TO ESTABLISH PROVISIONS RELATING TO CIRCUMSTANCES WHERE A PRESCRIBER MAY PERFORM CERTAIN ACTIVITIES FOR A PATIENT WITH WHOM THE PRESCRIBER DOES NOT HAVE A PRESCRIBER-PATIENT RELATIONSHIP AND TO ESTABLISH PROVISIONS RELATING TO UNPROFESSIONAL CONDUCT.

HOUSE BILL NO. 504 BY LOCAL GOVERNMENT COMMITTEE AN ACT

RELATING TO URBAN RENEWAL LAW; AMENDING SECTION 50-2006, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO A RESOLUTION FOR THE SELECTION OF A BOARD OF COMMISSIONERS, TO REVISE PROVISIONS RELATING TO A BOARD OF COMMISSIONERS AND TO DELETE PROVISIONS RELATING TO AN ENACTMENT OF AN ORDINANCE.

HOUSE BILL NO. 505 BY LOCAL GOVERNMENT COMMITTEE AN ACT

RELATING TO THE CHARTER OF THE CITY OF BELLEVUE; AMENDING CHAPTER IV, ELECTIONS, SECTION 41, CHARTER OF THE CITY OF BELLEVUE TO PROVIDE FOR THE TERM OF OFFICE TO BE AS SET FORTH IN THE GENERAL LAWS OF THE STATE OF IDAHO APPLICABLE TO ELECTION OF CITY OFFICIALS, INCLUDING SUBSEQUENT AMENDMENTS THERETO AND TO PROVIDE STAGGERED TERMS OF OFFICE.

HOUSE BILL NO. 506
BY LOCAL GOVERNMENT COMMITTEE
 AN ACT

RELATING TO URBAN RENEWAL LAW; AMENDING SECTION 50-2007, IDAHO CODE, TO REVISE PROVISIONS RELATING TO URBAN RENEWAL AGENCY POWERS WITHIN ITS AREA OF OPERATION; AND AMENDING SECTION 50-2010, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE ACQUISITION OF PROPERTY AND TO ELIMINATE PROVISIONS RELATING TO EMINENT DOMAIN AND CONDEMNATION.

HOUSE BILL NO. 507
BY LOCAL GOVERNMENT COMMITTEE
 AN ACT

RELATING TO URBAN RENEWAL LAW; AMENDING SECTION 50-2008, IDAHO CODE, TO REMOVE LANGUAGE RELATING TO INFORMATION TO BE INCLUDED IN CERTAIN URBAN RENEWAL PLANS, TO PROVIDE THAT A PLAN PREPARED OR APPROVED FOR AN URBAN RENEWAL AREA SHALL BE LIMITED TO SPECIFIC PROJECTS AND SHALL INCLUDE CERTAIN SPECIFIC DESCRIPTIONS, TO ESTABLISH THAT MODIFICATIONS TO A PLAN SHALL COMPLY WITH THE SAME PROVISIONS, TO ESTABLISH THAT A PLAN SHALL INCLUDE A TERMINATION DATE AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 508
BY LOCAL GOVERNMENT COMMITTEE
 AN ACT

RELATING TO COUNTIES; AMENDING CHAPTER 8, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-880, IDAHO CODE, TO AUTHORIZE COUNTIES TO ENACT ORDINANCES TO DECLARE WHAT SHALL BE DEEMED NUISANCE WEEDS, TO PREVENT, REMOVE AND ABATE NUISANCE WEEDS AND TO LEVY CERTAIN SPECIAL ASSESSMENTS RELATING TO THE DEFRAID OF COSTS ASSOCIATED WITH THE ABATEMENT OF NUISANCE WEEDS.

HOUSE BILL NO. 509
BY TRANSPORTATION AND DEFENSE COMMITTEE
 AN ACT

RELATING TO AERONAUTICS; AMENDING SECTION 21-501, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 21-502, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN AVIATION HAZARDS; REPEALING SECTION 21-503, IDAHO CODE, RELATING TO AIRPORT ZONING REGULATION; AMENDING CHAPTER 5, TITLE 21, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 21-503, ESTABLISHING PROVISIONS RELATING TO AVIATION HAZARD MITIGATION, TO ESTABLISH PROVISIONS RELATING TO THE MARKING OF AVIATION HAZARDS, TO ESTABLISH PROVISIONS RELATING TO THE DETERMINATION OF AVIATION HAZARDS, TO ESTABLISH PROVISIONS RELATING TO CERTAIN PROCEDURES, TO ESTABLISH PROVISIONS RELATING TO VARIANCES, TO ESTABLISH PROVISIONS RELATING TO JUDICIAL REVIEW, TO ESTABLISH PROVISIONS RELATING TO RULES AND REGULATIONS AND TO ESTABLISH PROVISIONS RELATING TO ENFORCEMENT AND REMEDIES; REPEALING SECTION 21-504, IDAHO CODE, RELATING TO PROCEDURES FOR ZONING AN AVIATION HAZARD AREA; REPEALING SECTION

21-505, IDAHO CODE, RELATING TO AIRPORT ZONING REQUIREMENTS; REPEALING SECTION 21-505A, IDAHO CODE, RELATING TO PERMITS AND VARIANCES, MARKING AND LIGHTING; REPEALING SECTION 21-505B, IDAHO CODE, RELATING TO COMPREHENSIVE ZONING REGULATIONS; REPEALING SECTION 21-506, IDAHO CODE, RELATING TO JUDICIAL REVIEW; REPEALING SECTION 21-507, IDAHO CODE, RELATING TO ENFORCEMENT AND REMEDIES; REPEALING SECTION 21-508, IDAHO CODE, RELATING TO ACQUISITION OF AIR RIGHTS; REPEALING SECTION 21-510, IDAHO CODE, RELATING TO A SHORT TITLE; REPEALING SECTION 21-513, IDAHO CODE, RELATING TO A DECLARATION OF POLICY; REPEALING SECTION 21-515, IDAHO CODE, RELATING TO MARKING OF HAZARDS TO AIR FLIGHT; REPEALING SECTION 21-516, IDAHO CODE, RELATING TO DETERMINATION OF HAZARDS; REPEALING SECTION 21-517, IDAHO CODE, RELATING TO PROCEDURE FOR DETERMINATION OF HAZARDS; REPEALING SECTION 21-518, IDAHO CODE, RELATING TO JUDICIAL REVIEW; REPEALING SECTION 21-519, IDAHO CODE, RELATING TO RULES AND REGULATIONS; REPEALING SECTION 21-520, IDAHO CODE, RELATING TO VIOLATIONS OF ACT, PENALTIES AND INJUNCTIONS; AMENDING SECTION 67-6502, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE PURPOSE OF THE ACT AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-6508, IDAHO CODE, TO ELIMINATE A REFERENCE TO AVIATION AND TO ESTABLISH PROVISIONS RELATING TO PUBLIC AIRPORT FACILITIES IN REGARD TO CERTAIN PLANNING DUTIES; AMENDING SECTION 67-6509, IDAHO CODE, TO REVISE PROVISIONS RELATING TO NOTICE; AMENDING SECTION 67-6511, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN ZONES OR ZONING DISTRICTS AND TO REVISE PROVISIONS RELATING TO CERTAIN ORDINANCES ESTABLISHING ZONING DISTRICTS; AMENDING SECTION 67-6512, IDAHO CODE, TO REVISE PROVISIONS RELATING TO GRANTING A SPECIAL USE PERMIT; AMENDING SECTION 67-6513, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SUBDIVISION ORDINANCES; AMENDING SECTION 67-6515A, IDAHO CODE, TO PROVIDE FOR NOTICE AND HEARING AND TO REVISE PROVISIONS RELATING TO THE TRANSFER OF CERTAIN DEVELOPMENT RIGHTS; AND AMENDING SECTION 67-6516, IDAHO CODE, TO REVISE PROVISIONS RELATING TO NOTICE AND AN OPPORTUNITY TO BE HEARD IN REGARD TO GRANTING A VARIANCE.

HOUSE BILL NO. 510
BY TRANSPORTATION AND DEFENSE COMMITTEE
 AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE A CODE REFERENCE; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-420L, IDAHO CODE, TO PROVIDE FOR A NATIONAL MOTTO LICENSE PLATE PROGRAM.

HOUSE BILL NO. 511
BY TRANSPORTATION AND DEFENSE COMMITTEE
 AN ACT

RELATING TO AERONAUTICS; AMENDING CHAPTER 5, TITLE 21, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 21-515A, IDAHO CODE, TO

ESTABLISH PROVISIONS RELATING TO THE MARKING AND LIGHTING OF CERTAIN TOWERS, TO PROVIDE FOR DEFINITIONS, TO PROVIDE FOR AN EXCEPTION AND TO PROVIDE FOR A MISDEMEANOR.

HOUSE BILL NO. 512
BY AGRICULTURAL AFFAIRS COMMITTEE
 AN ACT

RELATING TO SHEEP; AMENDING SECTION 25-126, IDAHO CODE, TO REVISE THE NAME OF THE STATE BOARD OF SHEEP COMMISSIONERS TO THE IDAHO SHEEP AND GOAT HEALTH BOARD; AMENDING SECTION 25-127, IDAHO CODE, TO REVISE THE NAME OF A BOARD, TO REVISE TERMINOLOGY AND TO REVISE THE NAME OF AN ACCOUNT; AMENDING SECTION 25-128, IDAHO CODE, TO REVISE THE NAME OF A BOARD; AMENDING SECTION 25-129, IDAHO CODE, TO REVISE THE NAME OF AN ACCOUNT, TO REMOVE A REQUIREMENT FOR APPROVAL OF THE GOVERNOR RELATING TO THE BOARD'S APPOINTMENT OF A VETERINARIAN AND TO REVISE THE NAME OF A BOARD; AMENDING SECTION 25-130, IDAHO CODE, TO REVISE THE NAME OF AN ACCOUNT AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 25-131, IDAHO CODE, TO REVISE THE NAME OF AN ACCOUNT, TO REVISE TERMINOLOGY AND TO REVISE ASSESSMENT PROVISIONS; AMENDING SECTION 25-136, IDAHO CODE, TO REVISE THE NAME OF AN ACCOUNT; AMENDING SECTION 25-141B, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 25-141C, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 25-141D, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE FOR THE RECEIPT OF IDAHO SHEEP AND GOAT HEALTH FUNDS INTO THE SHEEP AND GOAT DISEASE INDEMNITY FUND AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTIONS 25-143, 25-144, 25-145, 25-146, 25-148 AND 25-150, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 25-155, IDAHO CODE, TO REVISE TERMINOLOGY AND TO REVISE THE NAME OF A BOARD; AMENDING SECTION 25-156, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO THE DEPOSIT OF CERTAIN MONEYS, TO REMOVE PROVISIONS RELATING TO THE WITHDRAWAL OF MONEYS, TO REMOVE AUDIT PROVISIONS, TO PROVIDE THAT THE BOARD, OR ENTITY THE BOARD HAS CONTRACTED WITH, SHALL FILE CERTAIN REPORTS AND TO REMOVE EXEMPTION PROVISIONS RELATED TO STANDARD TRAVEL AND PAY ALLOWANCES FOR SPECIFIED EXPENDITURES; REPEALING SECTION 25-157, IDAHO CODE, RELATING TO BONDS OF AGENTS AND EMPLOYEES; AMENDING SECTION 25-158, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 25-160, IDAHO CODE, TO PROVIDE FOR THE IDAHO SHEEP AND GOAT HEALTH BOARD AND TO REVISE TERMINOLOGY; AMENDING SECTION 25-201, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 25-218, IDAHO CODE, TO REVISE THE NAME OF A BOARD; AMENDING SECTION 25-232, IDAHO CODE, TO REVISE THE NAME OF A BOARD, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTIONS 25-2612A

AND 67-5303, IDAHO CODE, TO REVISE THE NAME OF A BOARD.

HOUSE BILL NO. 513
BY AGRICULTURAL AFFAIRS COMMITTEE
 AN ACT

RELATING TO HONEY; AMENDING SECTION 22-2802, IDAHO CODE, TO REVISE THE DECLARATION OF POLICY AND PURPOSE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 22-2803, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE TERMS; AMENDING SECTION 22-2807, IDAHO CODE, TO REVISE THE DUTIES OF THE IDAHO HONEY ADVERTISING COMMISSION AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 28, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-2808, IDAHO CODE, TO PROVIDE FOR RULEMAKING; AMENDING SECTION 22-2808, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE VERBIAGE, TO REVISE A CODE REFERENCE, TO REMOVE PROVISIONS RELATING TO RULEMAKING AND TO REMOVE PROVISIONS RELATING TO VIOLATIONS AND PENALTIES; AMENDING CHAPTER 28, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-2810, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS MAY ENTER ANY FACTORY, WAREHOUSE OR ESTABLISHMENT IN WHICH HONEY IS PROCESSED, PACKED OR HELD FOR DISTRIBUTION OR ANY VEHICLE BEING USED TO TRANSPORT HONEY FOR THE PURPOSE OF SAMPLING THE HONEY, TO PROVIDE FOR INSPECTIONS, TO PROVIDE FOR SAMPLING AND ANALYSIS METHODS, TO PROVIDE FOR DETERMINATIONS OF ADULTERATION BASED ON OFFICIAL SAMPLES, TO PROVIDE FOR WARRANTS DIRECTING THAT PREMISES BE SUBMITTED TO INSPECTION, TO PROVIDE FOR ENTRY UPON ANY PUBLIC OR PRIVATE PREMISES INCLUDING VEHICLES OF TRANSPORT FOR THE PURPOSE OF SAMPLING HONEY AND EXAMINING AND COPYING CERTAIN RECORDS, TO PROVIDE FOR FORWARDING OF RESULTS OF ANALYSES OF OFFICIAL SAMPLES TO PACKERS, PURCHASERS AND RETAILERS AND TO PROVIDE THAT PORTIONS OF SAMPLES SHALL BE FURNISHED TO CERTAIN PACKERS, PURCHASERS AND RETAILERS; AMENDING CHAPTER 28, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-2811, IDAHO CODE, TO PROVIDE PENALTIES FOR VIOLATIONS AND TO PROVIDE FOR WARNINGS AND OTHER ADMINISTRATIVE ACTION IN REGARD TO MINOR VIOLATIONS; AMENDING CHAPTER 28, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-2812, IDAHO CODE, TO PROVIDE FOR STOP SALE, USE, OR REMOVAL ORDERS, TO PROVIDE FOR THE SEIZURE OF CERTAIN HONEY, TO PROVIDE FOR THE DISPOSAL OF CONDEMNED HONEY AND TO PROVIDE THAT CLAIMANTS SHALL BE GIVEN AN OPPORTUNITY TO APPLY TO THE COURT FOR RELEASE OF HONEY OR FOR PERMISSION TO PROCESS OR RELABEL HONEY; AMENDING SECTION 22-2809, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE VERBIAGE; AMENDING SECTION 22-2810, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE VERBIAGE AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 22-2811, IDAHO CODE, TO REDESIGNATE THE SECTION.

HOUSE BILL NO. 514
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
 AN ACT

RELATING TO DISTURBING THE PEACE; AMENDING SECTION 18-6409, IDAHO CODE, TO PROVIDE ADDITIONAL PROVISIONS RELATING TO DISTURBING THE PEACE.

HOUSE BILL NO. 515
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO COPIES OF CERTAIN REPORTS; AMENDING SECTION 67-1903, IDAHO CODE, TO PROVIDE FOR STRATEGIC PLANS TO BE IN AN ELECTRONIC FORMAT AND TO PROVIDE FOR A CERTAIN AMOUNT OF PAPER COPIES; AND AMENDING SECTION 67-1904, IDAHO CODE, TO PROVIDE FOR PERFORMANCE REPORTS AND OTHER DOCUMENTS TO BE IN AN ELECTRONIC FORMAT AND TO PROVIDE FOR A CERTAIN AMOUNT OF PAPER COPIES.

HOUSE BILL NO. 516
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO THE STATE LIQUOR DIVISION; AMENDING SECTION 23-105, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 23-201, IDAHO CODE, TO CORRECT A CODE REFERENCE AND TO REVISE PROVISIONS RELATING TO THE DIVISION AND THE DIRECTOR OF THE DIVISION; REPEALING SECTION 23-204, IDAHO CODE, RELATING TO SUCCESSORS TO PROPERTY OF FORMER ADMINISTRATORS; REPEALING SECTION 23-205, IDAHO CODE, RELATING TO THE SECRETARY AND THE APPOINTMENT, TERM AND DUTIES; AMENDING SECTION 23-207, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE POWERS OF THE DIRECTOR; AMENDING SECTION 23-211, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE RELATING TO THE POSITION OF SECRETARY; AMENDING SECTION 23-214, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE RELATING TO THE POSITION OF SECRETARY; AMENDING SECTION 23-301, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE ESTABLISHING AND MAINTAINING OF LIQUOR STORES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 23-304, IDAHO CODE, TO DELETE LANGUAGE RELATING TO VENDORS; AMENDING SECTION 23-305, IDAHO CODE, TO REMOVE LANGUAGE RELATING TO VENDORS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 23-306, IDAHO CODE, TO REMOVE LANGUAGE RELATING TO VENDORS; AMENDING SECTION 23-309, IDAHO CODE, TO DELETE LANGUAGE RELATING TO VENDORS; AMENDING SECTION 23-406, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE RELATING TO THE POSITION OF SECRETARY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 23-407, IDAHO CODE, TO REMOVE LANGUAGE RELATING TO VENDORS; AMENDING SECTION 23-607, IDAHO CODE, TO REVISE EXEMPTIONS FROM PROVISIONS RELATING TO CERTAIN ADVERTISING; REPEALING SECTION 23-609, IDAHO CODE, RELATING TO INTERNAL REVENUE RECEIPT AS PRIMA FACIE EVIDENCE;

AMENDING SECTION 23-611, IDAHO CODE, TO PROVIDE A REFERENCE TO THE DIRECTOR OF THE IDAHO STATE POLICE; AND AMENDING SECTION 23-914, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE PURCHASE OF LIQUOR BY LICENSEES AND THEN SOLD BY LICENSEES.

[H 500, H 501, H 502, H 503, H 504, H 505, H 506, H 507, H 508, H 509, H 510, H 511, H 512, H 513, H 514, H 515, and H 516](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

First Reading of Engrossed Bills

[H 387](#), as amended, by Local Government Committee, was introduced, read the first time by title, and filed for second reading.

[H 368](#), as amended, by Transportation and Defense Committee, was introduced, read the first time by title, and filed for second reading.

[H 388](#), as amended, by Health and Welfare Committee, was introduced, read the first time by title, and filed for second reading.

[H 393](#), as amended, by Education Committee, was introduced, read the first time by title, and filed for second reading.

Second Reading of Bills and Joint Resolutions

[H 443](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[H 446](#), by Resources and Conservation Committee, was read the second time by title and filed for third reading.

[H 449](#), by Judiciary, Rules, and Administration Committee, was read the second time by title and filed for third reading.

[S 1213, S 1219, and S 1222](#), by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

[H 426](#) - EDUCATION

[H 426](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thayn to open debate.

The question being, "Shall [H 426](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Black, Block, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Eskridge, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Nessel, Nielsen, Nonini, Palmer, Pence, Perry, Raybould, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(35), Mr. Speaker.
 Total – 58.

NAYS – Bell, Bilbao, Bolz, Ellsworth, Gibbs, Jaquet, King, Moyle, Patrick, Ringo, Smith(30), Wood(27). Total – 12.
Total – 70.

Whereupon the Speaker declared that [H 426](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[S 1237](#) - EDUCATION

[S 1237](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Shirley to open debate.

The question being, "Shall [S 1237](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 70.

NAYS – None.

Whereupon the Speaker declared that [S 1237](#) passed the House. Title was approved and the bill ordered returned to the Senate.

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

Adjournment

Mr. Moyle moved that the House adjourn until 8:30 a.m., Friday, February 10, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:56 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**THIRTY-THIRD LEGISLATIVE DAY
FRIDAY, FEBRUARY 10, 2012**

House of Representatives

The House convened at 8:30 a.m., the Speaker in the Chair.

Roll call showed 60 members present.

Absent and excused – Anderson, Batt, Bilbao, Block, Buckner-Webb, Crane, Harwood, Loertscher, Schaefer, Smith(24). Total – 10.

Total – 70.

Prayer was offered by Pastor Gary Moore.

The Pledge of Allegiance was led by Abigail Prigge, Page.

Approval of Journal

February 10, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-second Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

February 9, 2012

Mr. Speaker:

I transmit herewith enrolled [S 1223](#), [S 1257](#), [S 1258](#), and [S 1267](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1223](#), [S 1257](#), [S 1258](#), and [S 1267](#) and, when so signed, ordered them returned to the Senate.

Report of Standing Committees

February 10, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 500](#), [H 501](#), [H 502](#), [H 503](#), [H 504](#), [H 505](#), [H 506](#), [H 507](#), [H 508](#), [H 509](#), [H 510](#), [H 511](#), [H 512](#), [H 513](#), [H 514](#), [H 515](#), and [H 516](#).

WILLS, Chairman

[H 500](#), [H 501](#), [H 502](#), and [H 503](#) were referred to the Health and Welfare Committee.

[H 504](#), [H 505](#), [H 506](#), [H 507](#), and [H 508](#) were referred to the Local Government Committee.

[H 509](#), [H 510](#), and [H 511](#) were referred to the Transportation and Defense Committee.

[H 512](#) and [H 513](#) were referred to the Agricultural Affairs Committee.

[H 514](#) was referred to the Judiciary, Rules, and Administration Committee.

[H 515](#) was referred to the State Affairs Committee.

[H 516](#) was filed for second reading.

February 10, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 357](#) and [H 363](#) to the Governor at 1:35 p.m., as of this date, February 9, 2012.

WILLS, Chairman

February 9, 2012

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [H 407](#), [H 408](#), [H 409](#), and [H 469](#) and recommend that they do pass.

BLACK, Chairman

[H 407](#), [H 408](#), [H 409](#), and [H 469](#) were filed for second reading.

February 9, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [H 455](#) and [H 475](#) and recommend that they do pass.

WILLS, Chairman

[H 455](#) and [H 475](#) were filed for second reading.

February 9, 2012

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [H 379](#), [H 460](#), [H 462](#), [H 463](#), and [H 464](#) and recommend that they do pass.

STEVENSON, Chairman

[H 379](#), [H 460](#), [H 462](#), [H 463](#), and [H 464](#) were filed for second reading.

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

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 33 BY REVENUE AND TAXATION COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE STATE TAX COMMISSION RELATING TO INCOME TAX ADMINISTRATIVE RULES.

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

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

WHEREAS, it is the finding of the Legislature that a certain rule of the State Tax Commission relating to Income Tax Administrative Rules 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 Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 35.01.01, State Tax Commission, Income Tax Administrative Rules, Section 263, Subsection 04, only, adopted as a pending rule under Docket Number 35-0101-1102, be, and the same is hereby rejected and declared null, void and of no force and effect.

**HOUSE CONCURRENT RESOLUTION NO. 34
BY ENVIRONMENT, ENERGY, AND TECHNOLOGY
COMMITTEE**

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND ADOPTING THE IDAHO ENERGY PLAN APPROVED BY THE LEGISLATIVE COUNCIL INTERIM COMMITTEE ON ENERGY, ENVIRONMENT AND TECHNOLOGY ON JANUARY 10, 2012, AS THE STATE ENERGY PLAN.

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

WHEREAS, in 2011, the members of the First Regular Session of the Sixty-first Idaho Legislature adopted House Concurrent Resolution No. 4 which authorized the Legislative Council to appoint a committee to undertake and complete a study of the 2007 Integrated State Energy Plan that provides for the state's power generation needs and protects the health and safety of the citizens of Idaho and the products produced in this state, and to make any recommendations for necessary changes in both state law and the plan regarding energy in the state and to monitor other energy, environment and technology related issues; and

WHEREAS, the Legislative Council Interim Committee on Energy, Environment and Technology met on ten separate days and received testimony and input from stakeholders and citizens during the legislative interim in 2011; and

WHEREAS, the Legislative Council Interim Committee on Energy, Environment and Technology adopted the Idaho Energy Plan on January 10, 2012; and

WHEREAS, it is the desire of the Legislature to ratify this plan, while at the same time making it a living, breathing plan with the intent that it be revisited at a minimum of once every five years.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that we formally adopt the Idaho Energy Plan as adopted by the Legislative Council Interim Committee on Energy, Environment and Technology on January 10, 2012, as the State Energy Plan and that the Legislature update this plan at a minimum of once every five years.

BE IT FURTHER RESOLVED that the Legislative Council Interim Committee on Energy, Environment and Technology shall cause to have printed 200 copies of the plan from funds from the Legislative Account. The Office of Energy Resources is requested to make an electronic copy of the plan available on its website.

HCR 33 and **HCR 34** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

**HOUSE BILL NO. 517
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO ADJUSTMENTS TO IDAHO TAXABLE INCOME; AMENDING SECTION 63-3022O, IDAHO CODE, TO REMOVE LANGUAGE DISALLOWING DEDUCTION OF CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS AND TO MAKE TECHNICAL CORRECTIONS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**HOUSE BILL NO. 518
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO CIGARETTE ROLLING MACHINES; AMENDING CHAPTER 84, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-8420, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS AND INTENT; AMENDING CHAPTER 84, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-8421, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 84, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-8422, IDAHO CODE, TO PROVIDE CERTIFICATION FOR CIGARETTE ROLLING MACHINE OPERATORS; AMENDING CHAPTER 84, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-8423, IDAHO CODE, TO ESTABLISH REQUIREMENTS FOR CERTIFICATION; AMENDING CHAPTER 84, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-8424, IDAHO CODE, TO PROVIDE THE ATTORNEY GENERAL AND DISTRICT COURT AUTHORITY TO ENFORCE AND ENTER ORDERS FOR VIOLATIONS OF THIS ACT; AND AMENDING CHAPTER 84, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-8425, IDAHO CODE, TO PROVIDE FOR RULEMAKING.

**HOUSE BILL NO. 519
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO TAXATION; AMENDING SECTION 63-602W, IDAHO CODE, TO PROVIDE THAT CERTAIN SITE IMPROVEMENTS SHALL BE EXEMPT FROM PROPERTY TAXATION; AMENDING SECTION 63-301A, IDAHO CODE, TO PROVIDE FOR A REDUCTION IN VALUE TO BE ADDED TO THE NEW CONSTRUCTION ROLL FOR THE EXEMPTION FOR SITE IMPROVEMENTS AND TO PROVIDE CORRECT CODE CITATIONS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**HOUSE BILL NO. 520
BY ENVIRONMENT, ENERGY, AND TECHNOLOGY
COMMITTEE
AN ACT**

RELATING TO ELECTRICAL CONTRACTORS AND JOURNEYMEN; AMENDING SECTION 54-1016, IDAHO CODE, TO PROVIDE AN ADDITIONAL EXEMPTION.

**HOUSE BILL NO. 521
BY EDUCATION COMMITTEE
AN ACT**

RELATING TO EDUCATION; AMENDING SECTION 33-118A, IDAHO CODE, TO REMOVE CERTAIN LANGUAGE RELATING TO A COMPLETE AND CATALOGED LIBRARY OF CURRICULAR MATERIALS.

HOUSE BILL NO. 522
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
 AN ACT

RELATING TO PUBLIC ASSISTANCE BENEFIT CARDS; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-227F, IDAHO CODE, TO PROVIDE FOR PROHIBITED USES OF PUBLIC ASSISTANCE BENEFIT CARDS BY RECIPIENTS, TO REQUIRE CERTAIN BUSINESSES TO COMPLY WITH PROHIBITED USES OF PUBLIC ASSISTANCE BENEFIT CARDS, TO AUTHORIZE THE DEPARTMENT TO NOTIFY A BUSINESS AND A LICENSING AUTHORITY IF A BUSINESS DOES NOT COMPLY WITH THE PROHIBITED USES OF PUBLIC ASSISTANCE BENEFIT CARDS, TO PROVIDE THAT ONLY A RECIPIENT OR AUTHORIZED USER CAN USE A PUBLIC ASSISTANCE BENEFIT CARD, TO REQUIRE THE DEPARTMENT TO PROVIDE NOTICE TO RECIPIENTS, TO PROVIDE FOR A PENALTY, TO DEFINE TERMS AND TO PROVIDE FOR ENFORCEMENT.

HOUSE BILL NO. 523
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
 AN ACT

RELATING TO THE EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1352A, IDAHO CODE, TO PROVIDE THAT CERTAIN REGISTRATIONS REGARDING ELECTIONS TO BE EXEMPT FROM UNEMPLOYMENT INSURANCE COVERAGE SHALL REMAIN IN EFFECT FOR AT LEAST TWO CONSECUTIVE CALENDAR YEARS, TO PROVIDE AN EFFECTIVE DATE FOR REGISTRATIONS RECEIVED WITHIN A SPECIFIED TIME FRAME AND TO PROVIDE THAT SUCH REGISTRATIONS SHALL REMAIN IN EFFECT FOR AT LEAST TWO CONSECUTIVE CALENDAR YEARS, TO PROVIDE THAT WITH THE EXCEPTION OF SPECIFIED EXEMPTIONS, OTHER EXEMPTIONS SHALL NOT BE RETROACTIVE AND TO PROVIDE FOR REGISTRATIONS REGARDING NEWLY FORMED CORPORATIONS RELATING TO EXEMPTIONS FROM UNEMPLOYMENT INSURANCE COVERAGE; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 524
BY BUSINESS COMMITTEE
 AN ACT

RELATING TO THE PUBLIC DEPOSITORY LAW; AMENDING SECTION 57-128, IDAHO CODE, TO REVISE WHAT QUALIFIES AS A PUBLIC DEPOSITORY; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 525
BY RESOURCES AND CONSERVATION COMMITTEE
 AN ACT

RELATING TO GAME TAGS; AMENDING SECTION 36-409, IDAHO CODE, TO PROVIDE FOR FISH AND GAME COMMISSION RULES TO ALLOW EXCEPTION FROM REQUIRED TAG POSSESSION FOR DISABLED HUNTERS UPON CERTAIN CIRCUMSTANCES OCCURRING.

HOUSE BILL NO. 526
BY RESOURCES AND CONSERVATION COMMITTEE
 AN ACT

RELATING TO OIL AND GAS; AMENDING SECTION 47-325, IDAHO CODE, AS AMENDED IN SECTION 3 OF HOUSE BILL NO. 463, AS ENACTED BY THE SECOND REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE, TO PROVIDE THAT CERTAIN VIOLATIONS MAY BE PUNISHABLE BY OTHER LIKE CIVIL PENALTIES AS DETERMINED BY THE OIL AND GAS CONSERVATION COMMISSION, TO PROVIDE THAT CERTAIN CIVIL PENALTIES SHALL BEGIN TO ACCRUE NO EARLIER THAN THE DATE NOTICE OF VIOLATION AND OPPORTUNITY FOR A HEARING ARE GIVEN AND TO PROVIDE THAT ANY PERSON WHO KNOWINGLY FAILS OR REFUSES TO COMPLY WITH CERTAIN SPECIFIED REQUIREMENTS OR WHO KNOWINGLY INTERFERES WITH THE COMMISSION, ITS AGENTS, DESIGNEES OR EMPLOYEES IN THE EXECUTION OR ON ACCOUNT OF THE EXECUTION OF CERTAIN DUTIES SHALL BE GUILTY OF A MISDEMEANOR AND SUBJECT TO SPECIFIED PENALTIES.

H 517, H 518, H 519, H 520, H 521, H 522, H 523, H 524, H 525, and H 526 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

Second Reading of Bills and Joint Resolutions

H 473 and H 368, as amended, by Transportation and Defense Committee, were read the second time by title and filed for third reading.

H 389, by Agricultural Affairs Committee, was read the second time by title and filed for third reading.

H 372, by State Affairs Committee, was read the second time by title and filed for third reading.

H 387, as amended, by Local Government Committee, was read the second time by title and filed for third reading.

H 388, as amended, by Health and Welfare Committee, was read the second time by title and filed for third reading.

H 393, as amended, by Education Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that the bills on the Third Reading Calendar retain their places until Monday, February 13, 2012. There being no objection, it was so ordered.

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

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Monday, February 13, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 8:47 a.m. LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

THIRTY-SIXTH LEGISLATIVE DAY
MONDAY, FEBRUARY 13, 2012

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused – Nielsen. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Ian Richter, Page.

Approval of Journal

February 13, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-third Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO

CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that Marge Chadderdon, State Representative, District 4, House Seat A, Kootenai County, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated Luke Malek of Coeur d'Alene, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint Luke Malek, Acting State Representative, District 4, House Seat A, Kootenai County, State of Idaho, for a term commencing on February 13, 2012, and continuing until the incumbent shall resume the performance of the 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 9th day of February, in the year of our Lord two thousand and twelve and of the

Independence of the United States of America, the two hundred and thirty-sixth year.

/s/ C.L. "BUTCH" OTTER
Governor
/s/ BEN T. YSURSA
Secretary of State

The Certificate of Appointment was ordered filed in the office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Luke Malek.

February 10, 2012

Mr. Speaker:

I return herewith enrolled [H 364](#) and [H 365](#) which have been signed by the President.

NOVAK, Secretary

Enrolled [H 364](#) and [H 365](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

Report of Standing Committees

February 13, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 33](#), [HCR 34](#), [H 517](#), [H 518](#), [H 519](#), [H 520](#), [H 521](#), [H 522](#), [H 523](#), [H 524](#), [H 525](#), and [H 526](#).

WILLS, Chairman

[HCR 33](#) and [H 526](#) were filed for second reading.

[HCR 34](#) was referred to the Environment, Energy, and Technology Committee.

[H 517](#), [H 518](#), and [H 519](#) were referred to the Revenue and Taxation Committee.

[H 520](#) and [H 524](#) were referred to the Business Committee.

[H 521](#) was referred to the Education Committee.

[H 522](#) and [H 523](#) were referred to the Commerce and Human Resources Committee.

[H 525](#) was referred to the Resources and Conservation Committee.

February 10, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [H 450](#) and recommend that it do pass.

WILLS, Chairman

[H 450](#) was filed for second reading.

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

Motions, Memorials, and Resolutions

HOUSE JOINT MEMORIAL NO. 10 BY HEALTH AND WELFARE 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 House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Patient Protection and Affordable Care Act (PPACA), passed by the United States Congress in 2010, created a new nationwide requirement for health plans; and

WHEREAS, the PPACA does not allow insurers, purchasers and other stakeholders with religious or moral objections to specific items or services required under the PPACA to decline to provide or obtain coverage of such items or services, or allow health care providers with such objections to decline to provide them; and

WHEREAS, by not allowing those with religious or moral objections to decline to provide or obtain coverage with items or services that conflict with their beliefs, the PPACA infringes on the rights of conscience of insurers, purchasers and other stakeholders; and

WHEREAS, Congress is considering the Respect for Rights of Conscience Act of 2011, H.R. 1179, S. 1467, that would amend the PPACA and ensure that health care stakeholders retain the right to provide, purchase or enroll in health coverage that is consistent with their religious beliefs and moral convictions without fear of being penalized or discriminated against under the PPACA and would ensure that no requirement in the PPACA creates new pressures to exclude those exercising such conscientious objection from health plans or other programs under the PPACA.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Legislature urges the United States Congress to pass the Respect for Rights of Conscience Act of 2011 and allow Americans to retain the right to provide, purchase and enroll in health coverage that is consistent with their religious beliefs and moral convictions.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

HJM 10 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

**HOUSE BILL NO. 527
BY LOCAL GOVERNMENT COMMITTEE
AN ACT**

RELATING TO A MORATORIUM ON CERTAIN INDUSTRIAL WIND FARMS AND WIND TURBINES FOR A TIME CERTAIN; AMENDING TITLE 61, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 18, TITLE 61, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS AND INTENT, TO PROVIDE A MORATORIUM FOR A TIME CERTAIN ON THE PERMITTING OR LICENSING OR CONSTRUCTION OF CERTAIN INDUSTRIAL WIND FARMS AND WIND TURBINES AND TO PROVIDE FOR CREATION OF A LEGISLATIVE TASK FORCE;

DECLARING AN EMERGENCY AND PROVIDING A SUNSET DATE.

**HOUSE BILL NO. 528
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT**

RELATING TO DOMESTIC VIOLENCE AND CRIME PREVENTION; AMENDING SECTION 39-6301, IDAHO CODE, TO REVISE THE SHORT TITLE OF THE ACT; AMENDING SECTION 39-6303, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE TERMS; AMENDING SECTION 39-6304, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ACTIONS FOR PROTECTION ASSOCIATED WITH DOMESTIC VIOLENCE AND TO PROVIDE FOR ACTIONS FOR PROTECTION ASSOCIATED WITH SEXUAL ASSAULT, SEXUAL ABUSE AND STALKING; AMENDING SECTION 39-6306, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE TIME IN WHICH COURTS MUST HOLD HEARINGS ON PETITIONS FOR PROTECTION ORDERS, TO REVISE PROVISIONS RELATING TO PROTECTION ORDERS ASSOCIATED WITH DOMESTIC VIOLENCE, TO PROVIDE FOR PROTECTION ORDERS ASSOCIATED WITH SEXUAL ASSAULT, SEXUAL ABUSE AND STALKING, TO REMOVE A TIME LIMITATION PROVISION RELATING TO PROTECTION ORDERS, TO PROVIDE THAT RELIEF SHALL NOT BE DENIED IN THE EVENT OF SPECIFIED CIRCUMSTANCES IN MATTERS INVOLVING SEXUAL ASSAULT, SEXUAL ABUSE AND STALKING, TO PROVIDE THAT PROOF OF PHYSICAL INJURY SHALL NOT BE REQUIRED IN MATTERS RELATING TO SEXUAL ASSAULT, TO PROVIDE THAT A COURT MAY CONSIDER WHETHER A PETITIONER'S AFFIDAVIT IS CONSISTENT WITH ANY PHYSICAL INJURIES PRESENT IN REGARD TO SEXUAL ASSAULT PROTECTION ORDERS, TO REMOVE A TIME LIMITATION PROVISION RELATING TO RELIEF GRANTED BY A PROTECTION ORDER, TO PROVIDE FOR NONDISCLOSURE OF ADDRESSES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-6308, IDAHO CODE, TO REVISE PROVISIONS RELATING TO EX PARTE TEMPORARY PROTECTION ORDERS IN REGARD TO DOMESTIC VIOLENCE, TO PROVIDE FOR EX PARTE TEMPORARY PROTECTION ORDERS IN REGARD TO MATTERS INVOLVING SEXUAL ASSAULT, SEXUAL ABUSE AND STALKING, TO REVISE PROVISIONS RELATING TO SITUATIONS CONSTITUTING IRREPARABLE INJURY, TO REVISE PROVISIONS RELATING TO THE DURATION OF EX PARTE TEMPORARY PROTECTION ORDERS, TO REVISE PROVISIONS RELATING TO THE TIME IN WHICH COURTS MUST HOLD HEARINGS ON EX PARTE TEMPORARY PROTECTION ORDERS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-6311, IDAHO CODE, TO REMOVE A TIME LIMITATION PROVISION RELATING TO RENEWED PROTECTION ORDERS; AND AMENDING SECTION 16-1602, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

**HOUSE BILL NO. 529
BY HEALTH AND WELFARE COMMITTEE
AN ACT**

RELATING TO OVERSIGHT OF FEDERAL HEALTH CARE REFORM; AMENDING CHAPTER 90, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-9005, IDAHO CODE, TO PROVIDE LEGISLATIVE

FINDINGS, TO PROVIDE OVERSIGHT OF FEDERAL HEALTH CARE REFORM AND TO DEFINE A TERM; AND AMENDING SECTION 67-456, IDAHO CODE, TO REVISE THE NAME OF A CERTAIN COMMITTEE, TO REVISE PROVISIONS RELATING TO MEETINGS OF THE SPECIAL OVERSIGHT COMMITTEE ON HEALTH CARE REFORM, TO REVISE THE DUTIES OF SUCH COMMITTEE AND TO REQUIRE CERTAIN REPORTS.

HOUSE BILL NO. 530
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO DISABILITY INSURANCE POLICIES; AMENDING CHAPTER 21, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-2147, IDAHO CODE, TO PROVIDE FOR LIMITATION OF BENEFITS FOR ABORTIFACIENTS, STERILIZATION AND CONTRACEPTION IN DISABILITY INSURANCE POLICIES AND TO DEFINE A TERM; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 531
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-202, IDAHO CODE, TO ESTABLISH A FEE FOR THE TRANSFER OF EVERY CERTIFICATE OF TITLE ON A VEHICLE, TO REQUIRE THAT SUCH FEE BE DEPOSITED INTO A CERTAIN FUND AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 19-5202, IDAHO CODE, TO REQUIRE THAT CERTAIN FEES BE PAID INTO THE PUBLIC SAFETY AND SECURITY INFORMATION FUND.

HOUSE BILL NO. 532
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT

RELATING TO THE PEACE OFFICER STANDARDS AND TRAINING COUNCIL; AMENDING CHAPTER 51, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-5118, IDAHO CODE, TO GRANT THE PEACE OFFICER STANDARDS AND TRAINING COUNCIL THE AUTHORITY TO ESTABLISH AND ASSESS CERTAIN FEES, TO REQUIRE THE COUNCIL TO DEPOSIT SUCH FEES INTO A CERTAIN FUND AND TO GRANT THE COUNCIL THE AUTHORITY TO EXPEND MONEYS TO COVER THE COSTS FOR CERTAIN USES.

[H 527](#), [H 528](#), [H 529](#), [H 530](#), [H 531](#), and [H 532](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

Second Reading of Bills and Joint Resolutions

[H 516](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[H 407](#), [H 408](#), [H 409](#), and [H 469](#), by Business Committee, were read the second time by title and filed for third reading.

[H 455](#) and [H 475](#), by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

[H 379](#), [H 460](#), [H 462](#), [H 463](#), and [H 464](#), by Resources and Conservation Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

[H 443](#) - FLAGS

[H 443](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hagedorn to open debate.

The question being, "Shall [H 443](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Barrett, McGeachin, Nielsen, Pence, Smith(24), Wills. Total – 6.

Total – 70.

Whereupon the Speaker declared that [H 443](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 446](#) - STATE PARKS

[H 446](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Roberts to open debate.

The question being, "Shall [H 446](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Nielsen, Pence, Wills. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 446](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 449](#) - STATE POLICE - FINES

[H 449](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Killen to open debate.

The question being, "Shall [H 449](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Bateman, Bedke, Bell, Bilbao, Block, Bolz, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hart, Henderson, Higgins, Jaquet, Killen, King, Lacey, Luker, McMillan, Nessel, Patrick, Perry, Raybould, Ringo, Rusche, Schaefer, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Trail, Wood(27). Total – 42.

NAYS – Andrus, Barbieri, Barrett, Batt, Bayer, Boyle, Crane, Hagedorn, Hartgen, Harwood, Lake, Loertscher, Marriott, McGeachin, Moyle, Nonini, Palmer, Roberts, Shepherd, Simpson, Thompson, Vander Woude, Wood(35), Mr. Speaker. Total – 24.

Absent and excused – Black, Nielsen, Pence, Wills. Total – 4.
Total – 70.

Whereupon the Speaker declared that [H 449](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[S 1213](#) - PROCEEDINGS IN MAGISTRATE'S DIVISION

[S 1213](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ellsworth to open debate.

The question being, "Shall [S 1213](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Black, Nielsen, Pence, Roberts, Wills. Total – 5.

Total – 70.

Whereupon the Speaker declared that [S 1213](#) passed the House. Title was approved and the bill ordered returned to the Senate.

At this time, the Speaker put the House at ease.

LINCOLN DAY PROGRAM

Opening Remarks Representative Linden Bateman

"Hector the Hero"

Joe and Jaci Sites, Rick Youngblood
Violin and Guitar

"The End of Lincoln: A Reading from Carl Sandberg"
By David Leroy

"Lincoln: His Language and Ideas"
Representative Stephen Hartgen

"Old Time Fiddle Medley"

Joe and Jaci Sites, Rick Youngblood
Violin and Guitar

Remarks by President and Mrs. Abraham Lincoln

Closing Remarks..... Representative Linden Bateman

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

At this time, Mr. Moyle took the Chair.

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

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

Adjournment

Mr. Bedke moved that the House adjourn until 10:30 a.m., Tuesday, February 14, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 11:54 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

THIRTY-SEVENTH LEGISLATIVE DAY
TUESDAY, FEBRUARY 14, 2012

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused – Black, Nielsen. Total – 2.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Benjamin Ovard, Page.

Approval of Journal

February 14, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-sixth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

February 13, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

[H 357](#) and [H 363](#)

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

February 13, 2012

Mr. Speaker:

I transmit herewith enrolled [S 1237](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1237](#) and, when so signed, ordered it returned to the Senate.

February 13, 2012

Mr. Speaker:

I transmit herewith [SCR 114](#) and [SCR 115](#) which have passed the Senate.

NOVAK, Secretary

[SCR 114](#) and [SCR 115](#) were filed for first reading.

February 13, 2012

Mr. Speaker:

I transmit herewith [S 1265](#) and [S 1266](#) which have passed the Senate.

NOVAK, Secretary

[S 1265](#) and [S 1266](#) were filed for first reading.

February 13, 2012

Mr. Speaker:

I return herewith [H 384](#) which has passed the Senate.

NOVAK, Secretary

[H 384](#) was referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 14, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HJM 10](#), [H 527](#), [H 528](#), [H 529](#), [H 530](#), [H 531](#), and [H 532](#).

WILLS, Chairman

[HJM 10](#), [H 529](#), and [H 530](#) were referred to the Health and Welfare Committee.

[H 527](#) was referred to the Environment, Energy, and Technology Committee.

[H 528](#), [H 531](#), and [H 532](#) were referred to the Judiciary, Rules, and Administration Committee.

February 14, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 364](#) and [H 365](#) to the Governor at 1:25 p.m., as of this date, February 13, 2012.

WILLS, Chairman

February 13, 2012

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration [HCR 32](#) and recommend that it do pass.

RAYBOULD, Chairman

[HCR 32](#) was filed for second reading.

February 13, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 488](#) and report it back with amendments attached to be placed on General Orders for consideration.

LAKE, Chairman

[H 488](#) was placed on General Orders for consideration.

February 13, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [H 448](#), [H 497](#), [S 1232](#), [S 1233](#), and [S 1253](#) and recommend that they do pass.

WILLS, Chairman

[H 448](#), [H 497](#), [S 1232](#), [S 1233](#), and [S 1253](#) were filed for second reading.

Mr. Wills asked unanimous consent that [S 1233](#) be returned to the Judiciary, Rules, and Administration Committee. There being no objection, it was so ordered.

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

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 35 BY COMMERCE AND HUMAN RESOURCES COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DEPARTMENT OF ADMINISTRATION RELATING TO RULES GOVERNING GROUP INSURANCE.

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 Administration relating to Rules Governing Group Insurance 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 Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 38.03.01, Department of Administration, Rules Governing Group Insurance, Section 040, Subsection 02.a, only, adopted as a pending rule under Docket Number 38-0301-1101, be, and the same is hereby rejected and declared null, void and of no force and effect.

[HCR 35](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[SCR 114](#), by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

[SCR 115](#), by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Commerce and Human Resources Committee.

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

HOUSE BILL NO. 533 BY EDUCATION COMMITTEE

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5205, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A PETITION SUBMITTED TO THE BOARD OF TRUSTEES, TO

REVISE PROVISIONS RELATING TO PETITIONS RECEIVED BY AN AUTHORIZED CHARTERING ENTITY, TO REVISE PROVISIONS RELATING TO A PUBLIC HEARING, TO REVISE CERTAIN TIMING PROVISIONS, TO PROVIDE FOR AN AGREEMENT, TO PROVIDE FOR A PRIMARY ATTENDANCE AREA, TO REVISE PROVISIONS RELATING TO ADMISSION PROCEDURES, TO REVISE PROVISIONS RELATING TO TRANSPORTATION SERVICES, TO ESTABLISH PROVISIONS RELATING TO A CHARTER FOR A PUBLIC VIRTUAL SCHOOL, TO ELIMINATE LANGUAGE RELATING TO A PUBLIC CHARTER SCHOOL WORKSHOP AND TO ELIMINATE LANGUAGE RELATING TO A CHARTER FOR A PUBLIC VIRTUAL CHARTER SCHOOL; AMENDING SECTION 33-5205A, IDAHO CODE, TO REVISE TERMINOLOGY RELATING TO THE TRANSFER OF A CHARTER AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-5206, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ATTENDANCE AREA, TO ESTABLISH PROVISIONS RELATING TO REVISION OF A CHARTER AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-5207, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE REVIEW OF A CHARTER PETITION; AMENDING SECTION 33-5208, IDAHO CODE, TO ELIMINATE OBSOLETE LANGUAGE AND TO REMOVE A CODE REFERENCE; AMENDING SECTION 33-5209, IDAHO CODE, TO ELIMINATE LANGUAGE RELATING TO THE REVISION OF A CHARTER; AMENDING SECTION 33-5210, IDAHO CODE, TO PROVIDE THAT CERTAIN PUBLIC CHARTER SCHOOLS ARE SUBJECT TO RULES; AMENDING SECTION 33-5211, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ASSISTANCE PROVIDED BY THE STATE DEPARTMENT OF EDUCATION; AMENDING SECTION 33-5213, IDAHO CODE, TO REVISE PROVISIONS RELATING TO TERMS OF OFFICE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1619, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AND AMENDING SECTION 33-5202A, IDAHO CODE, TO REMOVE A CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 534 BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1004I, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN LEADERSHIP AWARDS; AND PROVIDING A CONTINGENT SUNSET DATE.

HOUSE BILL NO. 535 BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE IDAHO STATE HISTORICAL SOCIETY; AMENDING SECTION 67-4126, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE POWERS AND DUTIES OF THE BOARD; AMENDING CHAPTER 41, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4129C, IDAHO CODE, TO ESTABLISH THE RECORDS MANAGEMENT SERVICES FUND; AMENDING CHAPTER 41, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4131, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO RECORDS MANAGEMENT SERVICES AND RULES, GUIDELINES AND PROCEDURES; REPEALING SECTION

67-5751, IDAHO CODE, RELATING TO RECORDS MANAGEMENT; REPEALING SECTION 67-5751A, IDAHO CODE, RELATING TO HISTORICAL RECORDS; REPEALING SECTION 67-5752, IDAHO CODE, RELATING TO A RECORDS MANAGEMENT MANUAL; AND REPEALING SECTION 67-5753, IDAHO CODE, RELATING TO MICROFILMING SERVICES.

HOUSE BILL NO. 536
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO PARI-MUTUEL BETTING; AMENDING SECTION 54-2512, IDAHO CODE, TO REVISE PENALTIES FOR CERTAIN ACTS, TO PROVIDE REQUIREMENTS TO RECEIVE AN ADVANCE DEPOSIT WAGERING LICENSE, TO PROVIDE REQUIREMENTS OF LICENSEES REGARDING INTERSTATE SIMULCAST SIGNALS, TO PROVIDE AUTHORITY TO THE COMMISSION TO SUSPEND OR REVOKE LICENSES FOR CERTAIN CONDUCT AND TO ALLOW FOR CIVIL PENALTIES.

HOUSE BILL NO. 537
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING SECTION 49-403B, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE GOLD STAR SPECIALTY LICENSE PLATE PROGRAM AND TO ESTABLISH PROVISIONS RELATING TO A GOLD STAR - PURPLE HEART MEDAL SPECIALTY LICENSE PLATE.

HOUSE BILL NO. 538
BY BUSINESS COMMITTEE
AN ACT

RELATING TO LEGAL NOTICES IN NEWSPAPERS; AMENDING SECTION 60-106, IDAHO CODE, TO REVISE A PROVISION RELATING TO THE AMOUNT OF TIME OF CONTINUOUS AND UNINTERRUPTED PUBLISHING REQUIRED FOR A WEEKLY NEWSPAPER THAT PUBLISHES LEGAL NOTICES.

HOUSE BILL NO. 539
BY BUSINESS COMMITTEE
AN ACT

RELATING TO THE IDAHO VIDEO SERVICE ACT; AMENDING TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 30, TITLE 50, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR FRANCHISING AUTHORITY, TO PROVIDE FOR MODIFICATIONS OF EXISTING FRANCHISE AGREEMENTS, TO PROVIDE FOR A HOLDER OF CERTIFICATE, TO PROVIDE FOR AMENDMENT OF THE CERTIFICATE OF FRANCHISE AUTHORITY, TO PROVIDE FOR PROVISION OF ACCESS TO VIDEO SERVICE WITHIN A CERTAIN PERIOD, TO PROVIDE FOR SUSPENSION OF AUTHORITY FOR NONCOMPLIANCE WITH CERTAIN REQUIREMENTS, TO PROVIDE FOR FEES, TO PROVIDE FOR THE USE OF PUBLIC RIGHTS-OF-WAY, TO PROVIDE FOR A VIDEO SERVICE PROVIDER FEE, TO PROHIBIT DISCRIMINATION AMONG POTENTIAL RESIDENTIAL SUBSCRIBERS AND TO PROVIDE FOR VIOLATIONS, TO PROVIDE FOR CUSTOMER SERVICE STANDARDS, TO PROVIDE FOR DESIGNATION AND USE OF CHANNEL CAPACITY FOR PUBLIC, EDUCATIONAL OR GOVERNMENTAL USE AND TO PROVIDE FOR

APPLICABILITY OF OTHER LAW; AND PROVIDING SEVERABILITY.

HOUSE BILL NO. 540
BY BUSINESS COMMITTEE
AN ACT

RELATING TO MOTOR VEHICLE FINANCIAL RESPONSIBILITY; AMENDING CHAPTER 12, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1234, IDAHO CODE, TO PROVIDE FOR THE ONLINE INSURANCE VERIFICATION SYSTEM, TO EXEMPT CERTAIN INFORMATION FROM DISCLOSURE, TO REQUIRE THAT PEACE OFFICERS ACCESS CERTAIN INFORMATION FROM SUCH SYSTEM AND TO GRANT THE IDAHO TRANSPORTATION DEPARTMENT RULEMAKING AUTHORITY; AMENDING SECTION 9-340C, IDAHO CODE, TO EXEMPT CERTAIN INFORMATION FROM DISCLOSURE; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 541
BY BUSINESS COMMITTEE
AN ACT

RELATING TO HEALTH CARE ORGANIZATIONS; AMENDING CHAPTER 13, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-1392g, IDAHO CODE, TO PROHIBIT ECONOMIC CREDENTIALING OF MEDICAL STAFF MEMBERSHIP IN HEALTH CARE ORGANIZATIONS.

HOUSE BILL NO. 542
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO TAKING OF WILDLIFE; AMENDING SECTION 36-1101, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE PROHIBITION ON HUNTING FROM A MOTORIZED VEHICLE, TO ESTABLISH PROVISIONS RELATING TO RESTRICTIONS ON RULEMAKING AND POLICY RELATING TO MOTORIZED VEHICLE USE ON TRAILS OR ROADS ON CERTAIN LANDS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 36-1401, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

HOUSE BILL NO. 543
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1508, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CHILDREN WITH FIREARMS FOR HUNTING.

HOUSE BILL NO. 544
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO WOLVES; AMENDING CHAPTER 4, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-409B, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE FOR THE DEPOSIT OF CERTAIN PROCEEDS, TO PROVIDE FOR THE WOLF DEPREDATION ACCOUNT, TO PROVIDE FOR THE TRANSFER OF PROCEEDS BY THE DEPARTMENT OF FISH AND GAME, TO PROVIDE THAT MONEYS ARE SUBJECT TO APPROPRIATION, TO PROVIDE FOR THE RETURN OF INTEREST EARNED TO THE ACCOUNT, TO PROVIDE FOR THE DIVISION AND USE OF MONEYS

AND TO PROVIDE FOR THE ADMINISTRATION OF DEPREDATION PAYMENTS TO LIVESTOCK PRODUCERS BY THE GOVERNOR'S OFFICE OF SPECIES CONSERVATION; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 545
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT**

RELATING TO WOLVES; AMENDING SECTION 36-416, IDAHO CODE, TO REVISE GRAY WOLF TAG FEES; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 546
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
AN ACT**

RELATING TO THE GLOBAL ENTREPRENEURIAL MISSION GRANT FUND; AMENDING SECTION 67-4725, IDAHO CODE, TO CREATE THE GLOBAL ENTREPRENEURIAL MISSION GRANT FUND, TO PROVIDE MONEYS FOR THE FUND AND TO PROVIDE FOR A TRANSFER OF MONEYS FROM THE FUND; AMENDING SECTION 67-4726, IDAHO CODE, TO CREATE THE IDAHO GLOBAL ENTREPRENEURIAL MISSION COUNCIL AND TO PROVIDE MEMBERSHIP OF THE COUNCIL; AMENDING CHAPTER 47, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4729, IDAHO CODE, TO PROVIDE FOR DEPARTMENT OF COMMERCE AND IDAHO GLOBAL ENTREPRENEURIAL MISSION COUNCIL RULES AND RESPONSIBILITIES; AMENDING CHAPTER 47, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4730, IDAHO CODE, TO PROVIDE THE IDAHO GLOBAL ENTREPRENEURIAL MISSION RESEARCH; AND AMENDING CHAPTER 47, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4731, IDAHO CODE, TO PROVIDE FOR COMMERCIALIZATION REVENUE DISTRIBUTION.

[H 533](#), [H 534](#), [H 535](#), [H 536](#), [H 537](#), [H 538](#), [H 539](#), [H 540](#), [H 541](#), [H 542](#), [H 543](#), [H 544](#), [H 545](#), and [H 546](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1265](#) and [S 1266](#), by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

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

Second Reading of Bills and Joint Resolutions

[HCR 33](#), by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

[H 526](#), by Resources and Conservation Committee, was read the second time by title and filed for third reading.

[H 450](#), by Judiciary, Rules, and Administration Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that [H 372](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

[S 1219](#) - JUVENILE CORRECTIONS ACT

[S 1219](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Smith(24) to open debate.

The question being, "Shall [S 1219](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Black, Moyle, Nielsen. Total – 3.

Total – 70.

Whereupon the Speaker declared that [S 1219](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1222](#) - JUDGES

[S 1222](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bateman to open debate.

The question being, "Shall [S 1222](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Black, Nielsen. Total – 2.

Total – 70.

Whereupon the Speaker declared that [S 1222](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[H 473](#) - MOTOR VEHICLE DRIVER'S LICENSES - IDENTIFICATION CARDS

[H 473](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Guthrie to open debate.

The question being, "Shall [H 473](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Black, Killen, Nielsen. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 473](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 389](#) - WEIGHTS AND MEASURES

[H 389](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Trail to open debate.

The question being, "Shall [H 389](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – Sims. Total – 1.

Absent and excused – Black, Nielsen. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 389](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 387](#), as amended, - HOMEOWNER'S EXEMPTION

[H 387](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Luker to open debate.

The question being, "Shall [H 387](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Patrick, Pence, Perry,

Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Black, Nielsen, Palmer. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 387](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 368](#), as amended, - MILITARY DIVISION

[H 368](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hagedorn to open debate.

The question being, "Shall [H 368](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Black, Nielsen. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 368](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 388](#), as amended, - EARLY CHILDHOOD AND EARLY INTERVENTION SERVICES

[H 388](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. King to open debate.

The question being, "Shall [H 388](#), as amended, pass?"

Roll call resulted as follows:

AYES – Bateman, Bell, Bilbao, Block, Bolz, Buckner-Webb, Burgoyne, Chew, Cronin, Ellsworth, Eskridge, Guthrie, Higgins, Jaquet, Killen, King, Lacey, Lake, Nessel, Pence, Perry, Raybould, Ringo, Rusche, Shirley, Smith(30), Smith(24), Stevenson, Trail, Wills, Wood(27). Total – 31.

NAYS – Anderson, Andrus, Barbieri, Barrett, Batt, Bayer, Bedke, Boyle, Chadderdon(Malek), Collins, Crane, DeMordaunt, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nonini, Palmer, Patrick, Roberts, Schaefer, Shepherd, Simpson, Sims, Thayne, Thompson, Vander Woude, Wood(35), Mr. Speaker. Total – 37.

Absent and excused – Black, Nielsen. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 388](#), as amended, failed to pass the House and ordered the bill filed in the office of the Chief Clerk.

[H 393](#), as amended, - RURAL HEALTH CARE ACCESS AND PHYSICIAN INCENTIVE

[H 393](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Block to open debate.

The question being, "Shall [H 393](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – Harwood, Schaefer. Total – 2.

Absent and excused – Black, Nielsen. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 393](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 516](#) - LIQUOR DIVISION

[H 516](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Batt to open debate.

The question being, "Shall [H 516](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Black, Nielsen, Simpson, Smith(24). Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 516](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 407](#) - BUILDING SAFETY

[H 407](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

The question being, "Shall [H 407](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Black, Nielsen, Simpson, Smith(24). Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 407](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 408](#) - ELECTRICAL BOARD

[H 408](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Malek to open debate.

The question being, "Shall [H 408](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Black, Nielsen, Simpson. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 408](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 409](#) - BUILDING SAFETY DIVISION

[H 409](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Smith(30) to open debate.

The question being, "Shall [H 409](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – McMillan. Total – 1.

Absent and excused – Black, Nielsen. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 409](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 469](#) - CONVEYANCES IN BUILDINGS

[H 469](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Guthrie to open debate.

Pursuant to Rule 38(3), Mr. Crane disclosed a conflict of interest regarding [H 469](#).

The question being, "Shall [H 469](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Chadderdon(Malek), Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 59.

NAYS – Buckner-Webb, Burgoyne, Chew, Cronin, Higgins, Killen, King, Ringo, Rusche. Total – 9.

Absent and excused – Black, Nielsen. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 469](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 455](#) - DIVORCE ACTIONS

[H 455](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ellsworth to open debate.

The question being, "Shall [H 455](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin,

DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Black, Nielsen, Stevenson. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 455](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 475](#) - PROBATION

[H 475](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Shirley to open debate.

The question being, "Shall [H 475](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Black, Nielsen. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 475](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 379](#) - OIL AND GAS

[H 379](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Boyle to open debate.

The question being, "Shall [H 379](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – Burgoyne, Killen. Total – 2.

Absent and excused – Black, Buckner-Webb, Nielsen.
Total – 3.
Total – 70.

Whereupon the Speaker declared that [H 379](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

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

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

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Wednesday, February 15, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:01 p.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**THIRTY-EIGHTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 15, 2012**

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 69 members present.

Absent and excused – Simpson. Total – 1.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Jordan Wright, Page.

Approval of Journal

February 15, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-seventh Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

OFFICE OF THE GOVERNOR
Boise

February 14, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

[H 364](#) and [H 365](#)

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

February 14, 2012

Mr. Speaker:

I transmit herewith [SCR 118](#), [S 1236](#), [S 1259](#), [S 1214](#), [S 1272](#), [S 1279](#), [S 1278](#), and [S 1280](#) which have passed the Senate.

NOVAK, Secretary

[SCR 118](#), [S 1236](#), [S 1259](#), [S 1214](#), [S 1272](#), [S 1279](#), [S 1278](#), and [S 1280](#) were filed for first reading.

February 14, 2012

Mr. Speaker:

I return herewith [H 404](#), as amended in the Senate, which has passed the Senate.

NOVAK, Secretary

[H 404](#), as amended in the Senate, was ordered held at the Desk.

Mr. Bedke asked unanimous consent that the House concur in the Senate amendments to [H 404](#), as amended in the Senate. There being no objection, it was so ordered.

[H 404](#), as amended in the Senate, was referred to the Judiciary, Rules, and Administration Committee for engrossing.

Report of Standing Committees

February 15, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 35](#), [H 533](#), [H 534](#), [H 535](#), [H 536](#), [H 537](#), [H 538](#), [H 539](#), [H 540](#), [H 541](#), [H 542](#), [H 543](#), [H 544](#), [H 545](#), and [H 546](#).

WILLS, Chairman

[HCR 35](#) and [H 546](#) were referred to the Commerce and Human Resources Committee.

[H 533](#) and [H 534](#) were referred to the Education Committee.

[H 535](#) and [H 536](#) were referred to the State Affairs Committee.

[H 537](#) and [H 540](#) were referred to the Transportation and Defense Committee.

[H 538](#) and [H 539](#) were referred to the Business Committee.

[H 541](#) was referred to the Health and Welfare Committee.

[H 542](#), [H 543](#), [H 544](#), and [H 545](#) were referred to the Resources and Conservation Committee.

February 15, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 384](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 384](#) and, when so signed, ordered it transmitted to the Senate for the signature of the President.

February 14, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 490](#) and recommend that it do pass.

LOERTSCHER, Chairman

[H 490](#) was filed for second reading.

February 14, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 491](#) and report it back with amendments attached to be placed on General Orders for consideration.

LOERTSCHER, Chairman

[H 491](#) was placed on General Orders for consideration.

February 14, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [HJM 8](#) and recommend that it do pass.

NONINI, Chairman

[HJM 8](#) was filed for second reading.

February 14, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, request that [H 518](#) be returned to the Desk for re-referral.

LAKE, Chairman

[H 518](#) was referred to the State Affairs committee.

February 14, 2012

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 439](#), [H 441](#), and [H 442](#) and recommend that they do pass.

MCGEACHIN, Chairman

[H 439](#), [H 441](#), and [H 442](#) were filed for second reading.

February 14, 2012

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 479](#) and [S 1243](#) and report them back with amendments attached to be placed on General Orders for consideration.

PALMER, Chairman

[H 479](#) and [S 1243](#) were placed on General Orders for consideration.

February 14, 2012

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration [H 506](#) and recommend that it do pass.

BARRETT, Chairman

[H 506](#) was filed for second reading.

February 14, 2012

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration [H 507](#) and report it back with amendments attached to be placed on General Orders for consideration.

BARRETT, Chairman

[H 507](#) was placed on General Orders for consideration.

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

Motions, Memorials, and Resolutions

[SCR 118](#), by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Business Committee.

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

HOUSE BILL NO. 547 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO JUDICIAL CONFIRMATION; AMENDING CHAPTER 13, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-1304, IDAHO CODE, TO PROVIDE FOR ELECTIONS RELATING TO PROPOSALS TO BOND OR OBLIGATE, TO PROVIDE OPTIONS FOR A POLITICAL SUBDIVISION FOLLOWING AN ELECTION, TO PROVIDE AN EXCEPTION AND TO PROVIDE FOR FURTHER PROCEEDINGS; AMENDING SECTION 7-1304, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE THAT CERTAIN REQUIREMENTS MUST BE MET OR SPECIFIED PROVISIONS APPLY PRIOR TO THE FILING OF A PETITION FOR JUDICIAL EXAMINATION AND DETERMINATION, TO PROVIDE THAT PETITIONS SHALL INCLUDE A COST/BENEFIT ANALYSIS RELATING TO A PROPOSED EXPENDITURE THAT SHALL INCLUDE AN ANALYSIS OF THE IMPACT SAID EXPENDITURE WOULD HAVE ON CURRENT LEVELS OF ASSESSMENT AND TAX RATES AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 7-1308, IDAHO CODE, TO PROVIDE THAT IN MAKING FINDINGS RELATING TO A JUDICIAL EXAMINATION AND DETERMINATION A COURT SHALL DETERMINE WHETHER A POLITICAL SUBDIVISION HAS SHOWN THE COURT THAT COMPELLING REASONS EXIST FOR A PROPOSED BOND, OBLIGATION OR AGREEMENT AND PROVIDING FOR CERTAIN RECORDKEEPING.

HOUSE BILL NO. 548 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO YOUTH ATHLETES AND CONCUSSIONS; AMENDING SECTION 33-1625, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO LEGISLATIVE FINDINGS AND TO REVISE AND TO PROVIDE ADDITIONAL PROVISIONS RELATING TO YOUTH ATHLETES AND CONCUSSION GUIDELINES AND REQUIREMENTS.

HOUSE BILL NO. 549 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO LIENS; AMENDING SECTION 45-1910, IDAHO CODE, TO PROVIDE WHEN A NOTICE OF STATE LIEN WITH A COUNTY RECORDER FILED ON A DATE CERTAIN SHALL LAPSE, TO PROVIDE WHEN NOTICE OF A STATE LIEN TRANSITIONED TO THE SECRETARY OF STATE SHALL REMAIN IN EFFECT AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 550 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO BUSINESS ENTITY NAMES; AMENDING SECTION 30-6-108, IDAHO CODE, TO PROVIDE THAT THE NAME OF A LIMITED LIABILITY COMPANY MAY NOT CONTAIN LANGUAGE FALSELY STATING OR IMPLYING GOVERNMENT AFFILIATION, TO PROVIDE CORRECT CODE REFERENCES AND

TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 53-2-108, IDAHO CODE, TO PROVIDE THAT THE NAME OF A LIMITED PARTNERSHIP MAY NOT CONTAIN LANGUAGE FALSELY STATING OR IMPLYING GOVERNMENT AFFILIATION AND TO PROVIDE CORRECT CODE REFERENCES; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 551
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE CORONER; AMENDING SECTION 31-2802, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE BURIAL OR CREMATION OF UNCLAIMED BODIES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-3412, IDAHO CODE, TO REVISE A SHORT TITLE; AMENDING SECTION 54-1143, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE RIGHT TO RELY ON CERTAIN AUTHORIZATIONS; AND AMENDING SECTION 14-107, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO BURIAL ARRANGEMENTS AND TO MAKE TECHNICAL CORRECTIONS.

[H 547](#), [H 548](#), [H 549](#), [H 550](#), and [H 551](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1236](#) and [S 1259](#), by Agricultural Affairs Committee, were introduced, read the first time by title, and referred to the Agricultural Affairs Committee.

[S 1214](#) and [S 1272](#), by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

[S 1279](#) and [S 1280](#), by Health and Welfare Committee, were introduced, read the first time by title, and referred to the Health and Welfare Committee.

[S 1278](#), by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Commerce and Human Resources Committee.

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

Second Reading of Bills and Joint Resolutions

[HCR 32](#), by Environment, Energy, and Technology Committee, was read the second time by title and filed for third reading.

[H 448](#) and [H 497](#), by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

[S 1232](#) and [S 1253](#), by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

[H 372](#) - MINERAL EXTRACTION - PENALTIES

[H 372](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Black to open debate.

The question being, "Shall [H 372](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, McMillan, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – Schaefer. Total – 1.

Absent and excused – Crane, Loertscher, Moyle, Roberts, Simpson. Total – 5.

Total – 70.

Whereupon the Speaker declared that [H 372](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 460](#) - OIL AND GAS WELLS

[H 460](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gibbs to open debate.

The question being, "Shall [H 460](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Chadderdon(Malek), Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – Burgoyne, Harwood, McMillan. Total – 3.

Absent and excused – Crane, Loertscher, Simpson. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 460](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 462](#) - PUBLIC UTILITY REGULATION

[H 462](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall [H 462](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson,

Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Crane, Loertscher, Simpson. Total – 3.
Total – 70.

Whereupon the Speaker declared that [H 462](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 463](#) - OIL AND GAS

[H 463](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hagedorn to open debate.

The question being, "Shall [H 463](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Chadderdon(Malek), Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – Burgoyne, Harwood, King. Total – 3.

Absent and excused – Crane, Roberts, Simpson. Total – 3.
Total – 70.

Whereupon the Speaker declared that [H 463](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that [H 526](#) be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

[H 526](#) - OIL AND GAS

[H 526](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Harwood to open debate.

Mr. Harwood asked unanimous consent that, pursuant to Rule 22, discussion of [H 463](#) be allowed in debate of [H 526](#). There being no objection it was so ordered.

The question being, "Shall [H 526](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon(Malek), Chew, Collins, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Schaefer, Shepherd, Shirley, Sims, Smith(24), Stevenson, Thayn, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 58.

NAYS – Buckner-Webb, Burgoyne, Cronin, Jaquet, King, Ringo, Rusche, Smith(30), Trail. Total – 9.

Absent and excused – Crane, Roberts, Simpson. Total – 3.
Total – 70.

Whereupon the Speaker declared that [H 526](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

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

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

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Thursday, February 16, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:57 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

THIRTY-NINTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 16, 2012

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Abigail Morris, Page.

Approval of Journal

February 16, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-eighth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

February 15, 2012

Mr. Speaker:

I transmit herewith enrolled [S 1213](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1213](#) and, when so signed, ordered it returned to the Senate.

February 15, 2012

Mr. Speaker:

I transmit herewith [SCR 119](#) and [S 1263](#) which have passed the Senate.

NOVAK, Secretary

[SCR 119](#) and [S 1263](#) were filed for first reading.

Report of Standing Committees

February 16, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 547](#), [H 548](#), [H 549](#), [H 550](#), and [H 551](#).

WILLS, Chairman

[H 547](#) and [H 548](#) were referred to the State Affairs Committee.

[H 549](#) and [H 550](#) were referred to the Business Committee.

[H 551](#) was referred to the Local Government Committee.

February 16, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [H 404](#), as amended in the Senate.

WILLS, Chairman

[H 404](#), as amended in the Senate, was filed for first reading of engrossed bills.

February 15, 2012

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [H 376](#), [H 419](#), [H 466](#), [H 467](#), and [H 468](#) and recommend that they do pass.

BLACK, Chairman

[H 376](#), [H 419](#), [H 466](#), [H 467](#), and [H 468](#) were filed for second reading.

February 15, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 517](#) and recommend that it do pass.

LAKE, Chairman

[H 517](#) was filed for second reading.

February 15, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 485](#) and report it back with amendments attached to be placed on General Orders for consideration.

LAKE, Chairman

[H 485](#) was placed on General Orders for consideration.

February 15, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [H 532](#), [S 1265](#), and [S 1266](#) and recommend that they do pass.

WILLS, Chairman

[H 532](#), [S 1265](#), and [S 1266](#) were filed for second reading.

February 15, 2012

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [H 396](#), [H 397](#), [H 398](#), [H 399](#), [H 400](#), and [H 401](#) and recommend that they do pass.

STEVENSON, Chairman

[H 396](#), [H 397](#), [H 398](#), [H 399](#), [H 400](#), and [H 401](#) were filed for second reading.

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

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 36
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

HONORING AND COMMENDING STEVEN R. APPLETON FOR HIS PROFESSIONAL AND PERSONAL CONTRIBUTIONS TO THE STATE OF IDAHO.

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

WHEREAS, Steven R. Appleton, a dedicated husband, devoted father, community philanthropist and Chairman and CEO of Micron Technology, Inc., passed away on February 3, 2012; and

WHEREAS, Steve Appleton graduated from Boise State University in 1982, where he excelled in tennis, winning the Big Sky doubles championship his senior year, and received the Distinguished Alumni Award in 1995, the Silver Medallion Award in 2001 and an honorary doctorate from the University in 2007; and

WHEREAS, in 1983, Steve Appleton went to work for Micron Technology on the production line and quickly rose through the ranks to become CEO, president and chairman in 1994; and

WHEREAS, at the age of 34, Steve Appleton became the youngest CEO and Chairman of a Fortune 500 company; and

WHEREAS, in 1999, Steve Appleton established the Micron Foundation, which has donated millions to community, K-12 and higher education needs in the State of Idaho and has grown to become the largest corporate foundation based in Idaho; and

WHEREAS, from 2001 to 2004, in an effort to preserve jobs, Steve Appleton refused to take a salary until the company was once again profitable; and

WHEREAS, Steve Appleton grew Micron Technology into a global company employing more than 23,000 team members worldwide with locations in more than 20 countries in North America, Europe, Asia and the Middle East, and yielding annual revenues of \$8.7 billion; and

WHEREAS, Steve Appleton maintained the company's corporate headquarters in Idaho, ultimately becoming the last United States-based memory chip manufacturer; and

WHEREAS, Steve Appleton was an industry leader serving on the Board of Directors of the Semiconductor Industry Association, the World Semiconductor Council and the National Semiconductor Technology Council; and

WHEREAS, Steve Appleton was recognized for his professional accomplishments with the Intercollegiate Tennis Association's Achievement Award in 2005 and the Semiconductor Industry Association Robert N. Noyce award in 2011; and

WHEREAS, Steve Appleton created thousands of jobs in the Treasure Valley and was a prominent and humble donor to countless Idaho charitable and educational institutions; and

WHEREAS, Steve Appleton was an accomplished pilot, motocross racer, off-road racer, adventurer and one who embraced all life had to offer.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the lifetime achievements of Steven R. Appleton, a leader in the community, the State of Idaho and the global marketplace, be recognized, honored and commended.

HCR 36 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

SCR 119, by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Business Committee.

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

House of Representatives
State of Idaho

February 15, 2012

The Honorable Richard Wills, Chairman
Judiciary, Rules, and Administration Committee

Dear Representative Wills:

I hereby designate the Judiciary, Rules, and Administration Committee a privileged committee on Wednesday, February 15, 2012, for the purpose of introducing RS 21304, (**H 552**).

Sincerely,
/s/ Lawrence Denney
Speaker of the House

**HOUSE BILL NO. 552
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT**

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-202, IDAHO CODE, TO ESTABLISH A CERTAIN FEE, TO REQUIRE THAT SUCH FEE BE DEPOSITED INTO A CERTAIN FUND AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 19-5202, IDAHO CODE, TO REQUIRE THAT CERTAIN FEES BE PAID INTO THE PUBLIC SAFETY AND SECURITY INFORMATION FUND.

**HOUSE BILL NO. 553
BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO CIVIL OFFICES; AMENDING SECTION 59-901, IDAHO CODE, TO PROVIDE FOR VACANCIES IN ELECTIVE CIVIL OFFICES UPON THE OCCURRENCE OF CERTAIN SPECIFIED CONDITIONS AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 554
BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO THE PUBLIC UTILITIES COMMISSION; AMENDING CHAPTER 5, TITLE 61, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 61-502C, IDAHO CODE, TO DEFINE TERMS, TO SPECIFY THE DISCLOSURE OF ELECTRICITY RATE IMPACTS ASSOCIATED WITH LARGE CAPITAL EXPENDITURES ANTICIPATED TO BE SUBMITTED TO THE PUBLIC UTILITIES COMMISSION FOR INCLUSION INTO RATES AND TARIFFS IN IDAHO; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 555
BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO OVERSIGHT OF FEDERAL HEALTH CARE REFORM; AMENDING CHAPTER 90, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-9005, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS, TO PROVIDE OVERSIGHT OF FEDERAL HEALTH CARE REFORM AND TO DEFINE A TERM; AMENDING SECTION 67-456, IDAHO CODE, TO REVISE

THE NAME OF A CERTAIN COMMITTEE, TO REVISE PROVISIONS RELATING TO MEETINGS OF THE SPECIAL OVERSIGHT COMMITTEE ON HEALTH CARE REFORM, TO REVISE THE DUTIES OF SUCH COMMITTEE AND TO REQUIRE CERTAIN REPORTS; AND DECLARING AN EMERGENCY.

[H 552](#), [H 553](#), [H 554](#), and [H 555](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1263](#), by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

First Reading of Engrossed Bills

[H 404](#), as amended in the Senate, by State Affairs Committee, was introduced, read the first time by title, and filed for second reading.

Second Reading of Bills and Joint Resolutions

[H 490](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[HJM 8](#), by Education Committee, was read the second time by title and filed for third reading.

[H 439](#), [H 441](#), and [H 442](#), by Health and Welfare Committee, were read the second time by title and filed for third reading.

[H 506](#), by Local Government Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

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

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

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Friday, February 17, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:07 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**FORTIETH LEGISLATIVE DAY
FRIDAY, FEBRUARY 17, 2012**

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent and excused – Black, Block, Smith(24). Total – 3.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Jakob Goold, Page.

Approval of Journal

February 17, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-ninth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

February 16, 2012

Mr. Speaker:

I transmit herewith enrolled [S 1219](#) and [S 1222](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1219](#) and [S 1222](#) and, when so signed, ordered them returned to the Senate.

February 16, 2012

Mr. Speaker:

I return herewith enrolled [H 384](#) which has been signed by the President.

NOVAK, Secretary

Enrolled [H 384](#) was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

Report of Standing Committees

February 17, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 36](#), [H 552](#), [H 553](#), [H 554](#), and [H 555](#).

WILLS, Chairman

[HCR 36](#) was filed for second reading.

[H 552](#) was referred to the Judiciary, Rules, and Administration Committee.

[H 553](#) and [H 554](#) were referred to the State Affairs Committee.

[H 555](#) was referred to the Health and Welfare Committee.

February 16, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 498](#) and [H 499](#) and recommend that they do pass.

NONINI, Chairman

[H 498](#) and [H 499](#) were filed for second reading.

February 16, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [S 1269](#) and report it back to be placed on General Orders for consideration.

NONINI, Chairman

[S 1269](#) was placed on General Orders for consideration.

February 16, 2012

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration [HCR 34](#) and recommend that it do pass.

RAYBOULD, Chairman

[HCR 34](#) was filed for second reading.

February 16, 2012

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 480](#) and recommend that it do pass.

PALMER, Chairman

[H 480](#) was filed for second reading.

February 16, 2012

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 511](#) and report it back with amendments attached to be placed on General Orders for consideration.

PALMER, Chairman

[H 511](#) was placed on General Orders for consideration.

February 17, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 519](#) and recommend that it do pass.

LAKE, Chairman

[H 519](#) was filed for second reading.

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

Motions, Memorials, and Resolutions

House of Representatives
State of Idaho

February 14, 2012

The Honorable Ken Andrus, Chairman
Agricultural Affairs Committee

Dear Representative Andrus:

I hereby designate the Agricultural Affairs Committee a privileged committee on Thursday, February 16, 2012, for the purpose of introducing RS21270 (**HCR 37**) and RS21272 (**HCR 38**), both rejecting rules, has been granted.

Sincerely,
/s/ Lawrence Denney
Speaker of the House

**HOUSE CONCURRENT RESOLUTION NO. 37
BY AGRICULTURAL AFFAIRS COMMITTEE
A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE BOARD OF VETERINARY MEDICINE 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 Board of Veterinary Medicine 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 Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 46.01.01, Board of Veterinary Medicine, Rules of the State of Idaho Board of Veterinary Medicine, Section 100, Subsection 02.c, only, adopted as a pending rule under Docket Number 46-0101-1101, be, and the same is hereby rejected and declared null, void and of no force and effect.

**HOUSE CONCURRENT RESOLUTION NO. 38
BY AGRICULTURAL AFFAIRS COMMITTEE
A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DEPARTMENT OF AGRICULTURE RELATING TO RULES GOVERNING BRUCELLOSIS.

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 Agriculture relating to Rules Governing Brucellosis 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 Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 02.04.20, Department of Agriculture, Rules Governing Brucellosis, Section 123, Subsection 01, only, adopted as a pending rule under Docket Number 02-0420-1101, be, and

the same is hereby rejected and declared null, void and of no force and effect.

HCR 37 and **HCR 38** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

House of Representatives
State of Idaho

February 15, 2012

The Honorable Lenore Hardy Barrett, Chairman
Local Government Committee

Dear Representative Barrett:

I hereby designate the Local Government Committee a privileged committee on Thursday, February 16, 2012, for the purpose of introducing RS21305C1 (**H 560**), urban renewal, and RS21308 (**H 561**), a moratorium on certain industrial wind farms and wind turbines, has been granted.

Sincerely,
/s/ Lawrence Denney
Speaker of the House

**HOUSE BILL NO. 556
BY EDUCATION COMMITTEE
AN ACT**

RELATING TO THE PERSONNEL SYSTEM; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5333A, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO SICK LEAVE OF CERTAIN EMPLOYEES OF IDAHO COMMUNITY COLLEGES; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5333B, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO SICK LEAVE AND CERTAIN FORMER EMPLOYEES OF SELAND COLLEGE OF APPLIED TECHNOLOGY AT BOISE STATE UNIVERSITY; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 557
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO PORT DISTRICTS; AMENDING SECTION 70-1101, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE AUTHORIZATION OF PORT DISTRICTS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 70-1107, IDAHO CODE, TO REVISE PROVISIONS RELATING TO AN ELECTION AND TO MAKE A TECHNICAL CORRECTION.

**HOUSE BILL NO. 558
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO RESIDENTIAL CARE PROVISIONAL PERMITS; AMENDING SECTION 54-4211, IDAHO CODE, TO REVISE PROVISIONS RELATING TO WHOM A RESIDENTIAL CARE PROVISIONAL PERMIT MAY BE ISSUED AND TO PROVIDE CODE REFERENCES.

HOUSE BILL NO. 559
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO ECONOMIC ESTIMATES; AMENDING SECTION 67-6802, IDAHO CODE, TO REVISE THE DUTIES OF THE ECONOMIC ESTIMATES COMMISSION; AMENDING SECTION 67-6803, IDAHO CODE, TO REVISE PROVISIONS RELATING TO EXPENDITURE LIMITS; AMENDING SECTION 63-3024, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE COMPUTATION OF TAX IMPOSED UPON INDIVIDUALS, TRUSTS AND ESTATES; AMENDING SECTION 63-3025, IDAHO CODE, TO REVISE PROVISIONS RELATING TO TAX ON CORPORATE INCOME; AMENDING SECTION 63-3025A, IDAHO CODE, TO REVISE PROVISIONS RELATING FRANCHISE TAX; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 560
BY LOCAL GOVERNMENT COMMITTEE
 AN ACT

RELATING TO URBAN RENEWAL LAW; REPEALING CHAPTER 20, TITLE 50, IDAHO CODE, RELATING TO URBAN RENEWAL LAW; AMENDING SECTION 50-2904, IDAHO CODE, TO REMOVE LANGUAGE REFERRING TO URBAN RENEWAL PLANS; REPEALING SECTION 50-2905, IDAHO CODE, RELATING TO RECOMMENDATION OF URBAN RENEWAL AGENCY; PROVIDING FOR THE ASSUMPTION OF FIDUCIARY RESPONSIBILITY AND THE RETURN OF CERTAIN UNEXPENDED MONEYS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 561
BY LOCAL GOVERNMENT COMMITTEE
 AN ACT

RELATING TO A MORATORIUM ON CERTAIN INDUSTRIAL WIND FARMS AND WIND TURBINES FOR A TIME CERTAIN; AMENDING CHAPTER 65, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6539, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS AND INTENT; TO PROVIDE A MORATORIUM FOR A TIME CERTAIN ON THE PERMITTING, LICENSING OR CONSTRUCTION OF CERTAIN INDUSTRIAL WIND FARMS AND WIND TURBINES AND TO PROVIDE FOR CREATION OF A LEGISLATIVE TASK FORCE; DECLARING AN EMERGENCY AND PROVIDING A SUNSET DATE.

HOUSE BILL NO. 562
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO THE LOCAL ECONOMIC DEVELOPMENT ACT; AMENDING SECTION 50-2908, IDAHO CODE, TO PROVIDE APPLICATION TO CERTAIN TAX LEVIES OF COMMUNITY COLLEGE DISTRICTS; AMENDING SECTION 63-803, IDAHO CODE, TO PROVIDE A CORRECT CODE CITATION; AND AMENDING SECTION 63-811, IDAHO CODE, TO PROVIDE A CORRECT CODE CITATION.

HOUSE BILL NO. 563
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO INCOME TAXATION; AMENDING SECTION 63-3024, IDAHO CODE, TO REDUCE THE INCOME TAX RATE ON A CERTAIN AMOUNT OF

IDAHO TAXABLE INCOME; AMENDING SECTION 63-3025, IDAHO CODE, TO REDUCE THE CORPORATE INCOME TAX RATE; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

[H 556](#), [H 557](#), [H 558](#), [H 559](#), [H 560](#), [H 561](#), [H 562](#), and [H 563](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

Second Reading of Bills and Joint Resolutions

[H 376](#), [H 419](#), [H 466](#), [H 467](#), and [H 468](#), by Business Committee, were read the second time by title and filed for third reading.

[H 517](#), by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

[H 532](#), by Judiciary, Rules, and Administration Committee, was read the second time by title and filed for third reading.

[S 1265](#) and [S 1266](#), by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

[H 396](#), [H 397](#), [H 398](#), [H 399](#), [H 400](#), and [H 401](#), by Resources and Conservation Committee, were read the second time by title and filed for third reading.

[H 404](#), as amended in the Senate, by State Affairs Committee, was read the second time by title and filed for third reading.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

At this time, Mr. Moyle took the Chair.

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

Third Reading of Bills and Joint Resolutions

[H 464](#) - OIL AND GAS

[H 464](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Stevenson to open debate.

The question being, "Shall [H 464](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Higgins, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 54.

NAYS – Buckner-Webb, Burgoyne, Chew, Cronin, Jaquet, Killen, King, Pence, Perry, Ringo, Rusche, Smith(30), Trail. Total – 13.

Absent and excused – Block, Hart, Smith(24). Total – 3.

Paired Votes:

AYE – Black	NAY – Chew
AYE – Lake	NAY – Buckner-Webb
AYE – DeMordaunt	NAY – Trail
AYE – McGeachin	NAY – Rusche

(Pairs enumerated in roll call above.)
Total – 70.

Whereupon the Speaker Pro Tem declared that [H 464](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Bedke asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, February 20, 2012. There being no objection, it was so ordered.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

At this time, the Speaker took the Chair.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 404](#), as amended in the Senate, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 404](#), as amended in the Senate, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Roberts.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Bolz, Boyle, Chadderdon, Collins, Crane, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Ringo, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Stevenson, Thayn, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 50.

NAYS – Buckner-Webb, Burgoyne, Chew, Cronin, Higgins, Killen, King, Lacey, Pence, Rusche, Smith(30), Trail. Total – 12.

Absent and excused – Black, Block, DeMordaunt, Hart, Jaquet, Lake, McGeachin, Smith(24). Total – 8.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 404](#), as amended in the Senate, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bedke to open debate.

The question being, "Shall [H 404](#), as amended in the Senate, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Collins, Crane, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Loertscher, Luker,

Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Stevenson, Thayn, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 51.

NAYS – Buckner-Webb, Burgoyne, Chew, Cronin, Higgins, Jaquet, Killen, King, Lacey, Pence, Ringo, Rusche, Smith(30), Trail. Total – 14.

Absent and excused – DeMordaunt, Hart, Lake, McGeachin, Smith(24). Total – 5.

Paired Votes:

AYE – Black	NAY – Higgins
AYE – Block	NAY – Trail
AYE – Patrick	NAY – Jaquet

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker declared [H 404](#), as amended in the Senate, passed the House. Title was approved and the bill referred to the Judiciary, Rules, and Administration Committee for enrolling.

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

Miscellaneous and Unfinished Business

OFFICE OF THE SECRETARY OF STATE

January 30, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

Pursuant to Section 72-1508, Idaho Code, I hereby transmit a copy of the new Legislative plan submitted by the Commission for Reapportionment. This report includes the revised plan as directed by the Idaho Supreme Court that was adopted on January 30, 2012.

I thank you for your cooperation in this matter.

/s/ Sincerely,
Ben Yursa
Secretary of State

Pursuant to Section 72-1508 Idaho Code, the Speaker ordered the Final Report of the Commission for Reapportionment spread upon the pages of the journal. (see Appendix)

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

Adjournment

Mr. Moyle moved that the House adjourn until 10 a.m., Monday, February 20, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:25 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FORTY-THIRD LEGISLATIVE DAY
MONDAY, FEBRUARY 20, 2012

House of Representatives

The House convened at 10 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused – Stevenson. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Megan Fox, Page.

Approval of Journal

February 20, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fortieth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

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

Motions, Memorials, and Resolutions

Mr. Moyle moved that the following persons be approved as attaches to serve the House of Representatives for and during the Second Regular Session of the Sixty-first Idaho Legislature. Seconded by Mr. Rusche.

Pages:

Candace Aguirre
Aubrianne Christensen
Morgan Fox
Myleah Keller
Rachel Uhlenkott

Charles Baines
Megan Fox
Dain Johnson
Holly Monaghan
Courtney Wills

Whereupon the Speaker declared the motion carried by voice vote and administered the oath of office to the above named attaches.

At this time, the Speaker put the House at ease.

MEMORIAL SERVICE

Opening Remarks Representative Julie Ellsworth
Invocation Representative John Vander Woude

Violin/Viola Duet
Joseph Lim & Chapman Ellsworth
"How Great Thou Art"

Presentation of Memorials

Allen Andersen Representative Elaine Smith
Lee Barnes Representative Stephen Hartgen
Don Brennan Representative Grant Burgoyne
James Elgin Representative Darrel Bolz
Chris Hooper Representative Max Black

Vocal Soloist
Sarah Hart
"Come Thou Fount"

Israel Merrill Representative Dennis Lake
Pat Takasugi Representative Gayle Batt
Martin Trillhaase Representative Jeff Thompson
Jay Webb Representative Phylis King

Violin/Viola Duet
Joseph Lim & Chapman Ellsworth
"Be Still My Soul"

Benediction Representative Maxine Bell

A HOUSE MEMORIAL

WHEREAS, Representative Allen Andersen has passed on since the close of First Regular Session of the Sixty-first Idaho Legislature; and

WHEREAS, the late Representative Allen Andersen served in this House, in the interest of District 29, during the Fifty-seventh Legislature, covering the years 2003-2004.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-first Legislature draw public attention by this Memorial to the life and works of Allen Andersen.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-first Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Andersen family.

Representative Elaine Smith paid tribute to the former Representative Allen Andersen.

A HOUSE MEMORIAL

WHEREAS, Representative Lee Barnes has passed on since the close of First Regular Session of the Sixty-first Idaho Legislature; and

WHEREAS, the late Representative Lee Barnes served in this House, in the interest of District 23, during the Fiftieth and Fifty-first Legislatures, covering the years 1989-1992.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-first Legislature draw public attention by this Memorial to the life and works of Lee Barnes.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-first Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Barnes family.

Representative Stephen Hartgen paid tribute to the former Representative Lee Barnes.

A HOUSE MEMORIAL

WHEREAS, Representative Don Brennan has passed on since the close of First Regular Session of the Sixty-first Idaho Legislature; and

WHEREAS, the late Representative Don Brennan served in this House, in the interest of District 35, during the Forty-first Legislature, covering the years 1971-1972.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-first Legislature draw public attention by this Memorial to the life and works of Don Brennan.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-first Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Brennan family.

Representative Grant Burgoyne paid tribute to the former Representative Don Brennan.

A HOUSE MEMORIAL

WHEREAS, Representative James H. Elgin has passed on since the close of First Regular Session of the Sixty-first Idaho Legislature; and

WHEREAS, the late Representative James H. Elgin served in this House, in the interest of District 11, during the Forty-first and Forty-second Legislatures, covering the years 1971-1974.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-first Legislature draw public attention by this Memorial to the life and works of James H. Elgin.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-first Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Elgin family.

Representative Darrell Bolz paid tribute to the former Representative James H. Elgin.

A HOUSE MEMORIAL

WHEREAS, Representative Christopher R. Hooper has passed on since the close of First Regular Session of the Sixty-first Idaho Legislature; and

WHEREAS, the late Representative Christopher R. Hooper served in this House, in the interest of District 16, during the Forty-fifth through Forty-ninth Legislatures, covering the years 1979-1988.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-first Legislature draw public attention by this Memorial to the life and works of Christopher R. Hooper.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-first Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Hooper family.

Representative Max C. Black paid tribute to the former Representative Christopher R. Hooper.

A HOUSE MEMORIAL

WHEREAS, Representative W. Israel Merrill has passed on since the close of First Regular Session of the Sixty-first Idaho Legislature; and

WHEREAS, the late Representative W. Israel Merrill served in this House, in the interest of District 27, during the Forty-first through Forty-third Legislatures, covering the years 1971-1976.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-first Legislature draw public attention by this Memorial to the life and works of W. Israel Merrill.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-first Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Merrill family.

Representative Dennis M. Lake paid tribute to the former Representative W. Israel Merrill.

A HOUSE MEMORIAL

WHEREAS, Representative Patrick A. Takasugi has passed on since the close of First Regular Session of the Sixty-first Idaho Legislature; and

WHEREAS, the late Representative Patrick A. Takasugi served in this House, in the interest of District 10, during the Sixtieth and Sixty-first Legislatures, covering the years 2009-2011.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-first Legislature draw public attention by this Memorial to the life and works of Patrick A. Takasugi.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-first Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Takasugi family.

Representative Gayle L. Batt paid tribute to the former Representative Patrick A. Takasugi.

A HOUSE MEMORIAL

WHEREAS, Representative Martin B. Trillhaase has passed on since the close of First Regular Session of the Sixty-first Idaho Legislature; and

WHEREAS, the late Representative Martin B. Trillhaase served in this House, in the interest of District 29, during the Forty-sixth and Forty-seventh Legislatures, covering the years 1981-1984.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-first Legislature draw

public attention by this Memorial to the life and works of Martin B. Trillhaase.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-first Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Trillhaase family.

Representative Jeff Thompson paid tribute to the former Representative Martin B. Trillhaase.

A HOUSE MEMORIAL

WHEREAS, Representative Jay L. Webb has passed on since the close of First Regular Session of the Sixty-first Idaho Legislature; and

WHEREAS, the late Representative Jay L. Webb served in this House, in the interest of District 18, during the Thirty-ninth and Fortieth Legislatures, covering the years 1967-1970.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-first Legislature draw public attention by this Memorial to the life and works of Jay L. Webb.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-first Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Webb family.

Representative Phyllis K. King paid tribute to the former Representative Jay L. Webb.

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

There being no objection, the House returned to the Fourth Order of Business.

Consideration of Messages from the Governor and the Senate

February 17, 2012

Mr. Speaker:

I transmit herewith [S 1268](#) which has passed the Senate.

NOVAK, Secretary

[S 1268](#) was filed for first reading.

Report of Standing Committees

February 20, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 37](#), [HCR 38](#), [H 556](#), [H 557](#), [H 558](#), [H 559](#), [H 560](#), [H 561](#), [H 562](#), and [H 563](#).

WILLS, Chairman

[HCR 37](#) and [HCR 38](#) were filed for second reading.

[H 556](#) was referred to the Education Committee.

[H 557](#), [H 559](#), [H 562](#), and [H 563](#) were referred to the Revenue and Taxation Committee.

[H 558](#) was referred to the Health and Welfare Committee.

[H 560](#) and [H 561](#) were referred to the Local Government Committee.

February 20, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 404](#), as amended in the Senate.

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 404](#), as amended in the Senate, and, when so signed, ordered it transmitted to the Senate for the signature of the President.

February 20, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 384](#) to the Governor at 12:38 p.m., as of this date, February 17, 2012.

WILLS, Chairman

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

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

HOUSE BILL NO. 564 BY EDUCATION COMMITTEE AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1209, IDAHO CODE, TO REVISE PROVISIONS RELATING TO INVESTIGATION BY THE PROFESSIONAL STANDARDS COMMISSION, TO PROVIDE FOR INVESTIGATIONS OF UNETHICAL CONDUCT, TO REVISE PROVISIONS RELATING TO AN ALLEGATION, TO REVISE PROVISIONS RELATING TO NOTIFICATION, TO REVISE PROVISIONS RELATING TO A HEARING PANEL'S SUBMISSION, TO ESTABLISH PROVISIONS RELATING TO CERTAIN NOTIFICATION BY THE PROFESSIONAL STANDARDS COMMISSION AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 33-1210, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A SIGNED STATEMENT FROM APPLICANTS, TO DEFINE CERTAIN TERMS, TO PROVIDE THAT A SCHOOL DISTRICT SHALL REQUEST CERTAIN INFORMATION FROM AN APPLICANT'S PAST PUBLIC SCHOOL EMPLOYERS, TO REVISE PROVISIONS RELATING TO A HIRING DISTRICT'S REQUEST, TO REVISE PROVISIONS RELATING TO EMPLOYMENT ON A CONDITIONAL BASIS, TO PROVIDE FOR EXCEPTIONS, TO ELIMINATE A REFERENCE TO COLLECTIVE BARGAINING AGREEMENT AND INDIVIDUAL EMPLOYMENT CONTRACT, TO REVISE PROVISIONS RELATING TO THE EXPUNGEMENT OF CERTAIN INFORMATION FROM CERTAIN DOCUMENTS, TO REVISE A DATE, TO REVISE PROVISIONS RELATING TO RULES AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 565 BY EDUCATION COMMITTEE AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-2872, IDAHO CODE, TO REVISE AND TO PROVIDE ADDITIONAL CONTRACTUAL OBLIGATIONS OF CERTAIN INSURANCE COMPANIES AND TO PROVIDE AN

EXEMPTION; AND AMENDING SECTION 41-3927, IDAHO CODE, TO REVISE AND TO PROVIDE ADDITIONAL CONTRACTUAL OBLIGATIONS OF MANAGED CARE ORGANIZATIONS AND TO PROVIDE AN EXEMPTION.

HOUSE BILL NO. 566
BY EDUCATION COMMITTEE
AN ACT

RELATING TO MEDICAL SAVINGS ACCOUNTS; AMENDING SECTION 63-3022K, IDAHO CODE, TO INCREASE THE MAXIMUM INCOME TAX DEDUCTION FOR CONTRIBUTIONS MADE TO MEDICAL SAVINGS ACCOUNTS, TO INCREASE THE AMOUNT EMPLOYERS CAN CONTRIBUTE TO MEDICAL SAVINGS ACCOUNTS FOR EMPLOYEES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-3022, IDAHO CODE, TO PROVIDE A DEDUCTION FOR AMOUNTS CONTRIBUTED TO HEALTH SAVINGS ACCOUNTS WITH A MAXIMUM; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 567
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO ADMINISTRATIVE PROCEDURES; AMENDING SECTION 67-5250, IDAHO CODE, TO REVISE THE TYPE OF MATERIALS THAT SHALL CONSTITUTE AGENCY GUIDANCE AND TO PROVIDE THAT ANY STATEMENT IN AN AGENCY GUIDANCE DOCUMENT THAT MEETS THE DEFINITION OF A "RULE" AS SPECIFIED BY LAW SHALL NOT BE FOLLOWED OR APPLIED UNTIL THE STATEMENT IS ADOPTED AS A RULE THROUGH THE RULEMAKING PROCESS.

HOUSE BILL NO. 568
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO VETERANS; AMENDING SECTION 65-501, IDAHO CODE, TO REMOVE REFERENCES TO INITIAL EMPLOYMENT; AMENDING SECTION 65-502, IDAHO CODE, TO REVISE DEFINITIONS AND TO REMOVE THE DEFINITION OF "INITIAL APPOINTMENT"; AMENDING SECTION 65-503A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO APPLICATION FORMS; AND AMENDING SECTION 65-504, IDAHO CODE, TO REMOVE REFERENCES TO INITIAL APPOINTMENT, TO PROVIDE FOR THE ADDITION OF SPECIFIED PERCENTAGE POINTS TO THE EARNED RATING OF CERTAIN SPOUSES OF SERVICE-CONNECTED DISABLED VETERANS, TO REMOVE PROVISIONS RELATING TO CIRCUMSTANCES UNDER WHICH ADDITIONAL POINTS MAY BE USED, TO REVISE PROVISIONS RELATING TO SERVICE-CONNECTED DISABILITIES AND TO REMOVE PROVISIONS RELATING TO THE ADDITION OF POINTS TO THE EARNED RATING OF CERTAIN WIDOWS, WIDOWERS AND SPOUSES.

HOUSE BILL NO. 569
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO UNIFORM CONTROLLED SUBSTANCES; AMENDING SECTION 37-2726, IDAHO CODE, TO REVISE A PROVISION RELATING TO THE DESCRIPTION OF CONTROLLED SUBSTANCES.

[H 564](#), [H 565](#), [H 566](#), [H 567](#), [H 568](#), and [H 569](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1268](#), by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Business Committee.

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

Second Reading of Bills and Joint Resolutions

[HCR 36](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[H 498](#) and [H 499](#), by Education Committee, were read the second time by title and filed for third reading.

[HCR 34](#), by Environment, Energy, and Technology Committee, was read the second time by title and filed for third reading.

[H 480](#), by Transportation and Defense Committee, was read the second time by title and filed for third reading.

[H 519](#), by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

[HCR 33](#) - TAX COMMISSION

[HCR 33](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Collins to open debate.

The question being, "Shall [HCR 33](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao, Block, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Bedke, Black, Boyle, Nonini, Roberts, Stevenson. Total – 6.

Total – 70.

Whereupon the Speaker declared [HCR 33](#) adopted and ordered the resolution transmitted to the Senate.

[H 450](#) - ALCOHOLIC BEVERAGES

[H 450](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Perry and Ms. Jaquet to open debate.

Mr. Vander Woude asked unanimous consent that, pursuant to Rule 38(3), he be excused from voting on [H 450](#) due to a conflict of interest. There being no objection, it was so ordered.

Pursuant to Rule 38(3), Mrs. McGeachin disclosed a conflict of interest regarding [H 450](#).

Pursuant to Rule 38(3), Mrs. Batt disclosed a conflict of interest regarding [H 450](#).

Pursuant to Rule 38(3), Mr. Guthrie disclosed a conflict of interest regarding [H 450](#).

The question being, "Shall [H 450](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bateman, Batt, Bedke, Bell, Bilbao, Black, Block, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, McGeachin, McMillan, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shirley, Simpson, Smith(30), Smith(24), Thayne, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 57.

NAYS – Barbieri, Bayer, Boyle, Crane, Marriott, Moyle, Palmer, Schaefer, Shepherd, Sims, Thompson. Total – 11.

Absent and excused – Stevenson. Total – 1.

Excused from voting – Vander Woude. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 450](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

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

Mr. Moyle asked unanimous consent that beginning Tuesday, February 21, 2012, legislation on the Third Reading Calendar be placed in the following order: House bills, resolutions, and proclamations, Senate bills, and resolutions. There being no objection, it was so ordered.

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

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Tuesday, February 21, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:23 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**FORTY-FOURTH LEGISLATIVE DAY
TUESDAY, FEBRUARY 21, 2012**

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 66 members present.

Absent and excused – Hartgen, Higgins, Nielsen, Stevenson.

Total – 4.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Aubrianne Christensen, Page.

Approval of Journal

February 21, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Forty-third Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

February 20, 2012

Mr. Speaker:

I transmit herewith [SCR 112](#) and [SCR 117](#) which have passed the Senate.

NOVAK, Secretary

[SCR 112](#) and [SCR 117](#) were filed for first reading.

February 20, 2012

Mr. Speaker:

I return herewith [HJM 7](#) and [HJM 4](#) which have passed the Senate.

NOVAK, Secretary

[HJM 7](#) and [HJM 4](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

February 21, 2012

Mr. Speaker:

I return herewith enrolled [H 404](#), as amended in the Senate, which has been signed by the President.

NOVAK, Secretary

Enrolled [H 404](#), as amended in the Senate, was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

Report of Standing Committees

February 21, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 564](#), [H 565](#), [H 566](#), [H 567](#), [H 568](#), and [H 569](#).

WILLS, Chairman

[H 564](#) was referred to the Education Committee.

[H 565](#) was referred to the Business Committee.

[H 566](#) was referred to the Health and Welfare Committee.

[H 567](#), [H 568](#), and [H 569](#) were referred to the State Affairs Committee.

February 20, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 452](#) and recommend that it do pass.

LOERTSCHER, Chairman

[H 452](#) was filed for second reading.

February 20, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 521](#) and recommend that it do pass.

NONINI, Chairman

[H 521](#) was filed for second reading.

February 20, 2012

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration [H 482](#) and [H 484](#) and recommend that they do pass.

BARRETT, Chairman

[H 482](#) and [H 484](#) were filed for second reading.

February 20, 2012

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, request that [SCR 115](#) be returned to the Desk for re-referral.

BLOCK, Chairman

[SCR 115](#) was referred to the Environment, Energy, and Technology committee.

February 20, 2012

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 500](#), [H 501](#), and [HJM 10](#) and recommend that they do pass.

MCGEACHIN, Chairman

[H 500](#), [H 501](#), and [HJM 10](#) were filed for second reading.

February 20, 2012

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 486](#) and report it back with amendments attached to be placed on General Orders for consideration.

MCGEACHIN, Chairman

[H 486](#) was placed on General Orders for consideration.

February 21, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 534](#) and recommend that it do pass.

NONINI, Chairman

[H 534](#) was filed for second reading.

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

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 39 BY EDUCATION COMMITTEE A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND
URGING SUPPORT OF IDAHO STUDENTS LEARNING IN
THE ARTS.

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

WHEREAS, prosperous Idaho communities and profitable Idaho businesses require an educated workforce; and

WHEREAS, by 2018, 61% of all jobs in Idaho will require postsecondary education, growing at twice the rate of jobs that do not require postsecondary education; and

WHEREAS, state and national technological and industrial leadership in global business depends upon ongoing creativity; and

WHEREAS, attainment of that leadership requires a high level of preparation in reading, writing, speaking, mathematics, sciences, literature, history and the arts; and

WHEREAS, study in the arts improves reading and language skills, mathematical skills, critical thinking skills, social skills, motivation to learn and supports a positive school environment; and

WHEREAS, arts learning contributes to developing the creative capacities at the core of innovations that are vital to our economy; and

WHEREAS, students who took four years of arts coursework outperformed their peers who took one-half year or less of arts coursework by 58 points on the verbal portion and 38 points on the math portion of the SAT; and

WHEREAS, Idahoans are committed to our children's education; and

WHEREAS, Idaho parents, educators and other community-minded citizens demonstrate generosity of service and spirit toward the education of our children.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature supports sequential learning in the arts curriculum and the use of arts to enhance learning across the academic curriculum and encourages sharing resources across rural communities that have limited access to arts programs and

that the Legislature supports utilizing innovative instructional modalities to enhance arts learning.

BE IT FURTHER RESOLVED that the Legislature of the State of Idaho supports the use of local resources such as arts organizations, teaching artists, volunteers and interns to enhance arts learning.

HOUSE JOINT MEMORIAL NO. 11 BY STATE AFFAIRS COMMITTEE A JOINT MEMORIAL

TO THE IDAHO SECRETARY OF STATE, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES AND TO THE PRESIDING OFFICERS OF EACH HOUSE OF THE SEVERAL STATE LEGISLATURES, REQUESTING THEIR COOPERATION IN APPLYING FOR THE AMENDMENTS CONVENTION LIMITED TO THE SUBJECT MATTER CONTEMPLATED BY THIS APPLICATION.

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

WHEREAS, Article V of the Constitution of the United States provides authority for a Convention to be called by the Congress of the United States for the purpose of proposing amendments to the Constitution upon application of two-thirds of the legislatures of the several states ("amendments convention"); and

WHEREAS, the Legislature of the State of Idaho favors the proposal and ratification of an amendment to the said Constitution which shall provide that an increase in the federal debt requires approval from a majority of the legislatures of the separate states.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that:

Section 1. That, as provided for in Article V of the Constitution of the United States, the Legislature of the State of Idaho herewith respectfully applies for an amendments convention to be called for the purpose of proposing an amendment which shall provide that an increase in the federal debt requires approval from a majority of the legislatures of the separate states.

Section 2. That the amendments convention contemplated by this application shall be entirely focused upon and exclusively limited to the subject matter of proposing for ratification an amendment to the Constitution providing that an increase in the federal debt requires approval from a majority of the legislatures of the separate states.

Section 3. That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made application for an equivalently limited amendments convention.

Section 4. BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the Idaho Secretary of State, to the President of the United States Senate and the Speaker of the United States House of Representatives, to the congressional delegation representing the State of Idaho in the Congress of the United States, and to the presiding officers of each house of the several state legislatures, requesting their cooperation in applying for the amendments

convention limited to the subject matter contemplated by this application.

**HOUSE JOINT MEMORIAL NO. 12
BY STATE AFFAIRS COMMITTEE**

A JOINT MEMORIAL

TO THE FEDERAL COMMUNICATIONS COMMISSION, 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 House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Idaho's economy depends on the success of our rural communities, and Idaho's diverse terrain and unique culture is why our rural communities have such incredible character; and

WHEREAS, difficult terrain should not impede Idaho citizens from affordable access to broadband technology, because the survival of rural communities depends on continued access to advanced broadband technology; and

WHEREAS, broadband is a critical infrastructure like sewer, water, and electricity; and

WHEREAS, broadband connections from White Bird north to Grangeville do not exist and must be routed out of state; and

WHEREAS, there are not as many access hubs connecting rural communities to existing fiber optic cables throughout rural Idaho, thereby limiting access to effective broadband internet; and

WHEREAS, topographical challenges make internet infrastructure improvements very difficult and expensive; and

WHEREAS, rural municipalities and community facilities including hospitals and libraries are unable to maximize the use of internet technologies to their fullest potential; and

WHEREAS, the Idaho Transportation Department right-of-way is a barrier to some telecom providers, and permitting could be streamlined; and

WHEREAS, the Idaho Public Utilities Commission is encouraged to take the lead role in bringing together state agencies, local governments and tribal governments to facilitate a discussion about shared infrastructure and network openness.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the Federal Communications Commission and the Idaho congressional delegation to support the continued use and economic vitality of the Universal Service Fund, the Connect America Fund and other resources to accelerate broadband telecommunications development in Idaho and other rural and frontier states.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the Federal Communications Commission, to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

**HOUSE CONCURRENT RESOLUTION NO. 40
BY EDUCATION COMMITTEE**

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE, REJECTING THE GOVERNOR'S CHANGE IN EMPLOYEE

COMPENSATION RECOMMENDATION AND STATING POLICY TOWARD FUNDING RECOMMENDATIONS REGARDING PAY POLICIES FOR STATE EMPLOYEES.

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

WHEREAS, the Legislature has by law provided that the Governor and Division of Human Resources report to the Legislature their recommendations for proposed pay policies, together with the estimated costs thereof; and

WHEREAS, the Governor in his 2012 Budget Address to the Legislature proposed in essence a one-time three percent Change in Employee Compensation increase for state employees; and

WHEREAS, the Legislature desires to provide a merit increase component to recognize and reward state employees in the performance of public service to the citizens of Idaho pursuant to section 67-5309C, Idaho Code; and

WHEREAS, the Legislature recognizes the need to maintain a responsible spending pattern.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Governor's recommendation for Change in Employee Compensation contained in his 2012 Budget Address to the Legislature is hereby rejected and that a two percent merit-based ongoing change in employee compensation be adopted for all classified and nonclassified permanent employees.

BE IT FURTHER RESOLVED that appropriations measures to fund nonclassified employees be prepared in as nearly as possible the same manner as for classified employees.

**HOUSE CONCURRENT RESOLUTION NO. 41
BY EDUCATION COMMITTEE**

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE, REJECTING THE GOVERNOR'S CHANGE IN EMPLOYEE COMPENSATION RECOMMENDATION AND STATING POLICY TOWARD FUNDING RECOMMENDATIONS REGARDING PAY POLICIES FOR STATE EMPLOYEES.

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

WHEREAS, the Legislature has by law provided that the Governor and Division of Human Resources report to the Legislature their recommendations for proposed pay policies, together with the estimated costs thereof; and

WHEREAS, the Governor in his 2012 Budget Address to the Legislature proposed in essence a one-time three percent Change in Employee Compensation increase; and

WHEREAS, the Legislature recognizes the need to maintain a responsible spending pattern.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Governor's recommendation for Change in Employee Compensation contained in his 2012 Budget Address to the Legislature is hereby rejected.

BE IT FURTHER RESOLVED that appropriations measures to fund nonclassified employees be prepared in as nearly as possible the same manner as for classified employees.

HCR 39, HJM 11, HJM 12, HCR 40, and HCR 41 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

SCR 112, by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

SCR 117, by Agricultural Affairs Committee, was introduced, read the first time by title, and referred to the Agricultural Affairs Committee.

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

**HOUSE BILL NO. 570
BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO THE PEACE OFFICER AND DETENTION OFFICER TEMPORARY DISABILITY ACT; AMENDING SECTION 72-1104, IDAHO CODE, TO REVISE PROVISIONS RELATING TO COMPENSATION AND COSTS; AND PROVIDING A SUNSET DATE.

**HOUSE BILL NO. 571
BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO ABSENTEE VOTING; AMENDING SECTION 34-1003, IDAHO CODE, TO PROVIDE A DUTY FOR THE COUNTY CLERK; AMENDING SECTION 34-1004, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 34-1007, IDAHO CODE, TO REVISE PROCEDURES FOR TRANSMISSION OF ABSENTEE BALLOTS TO THE POLLS; AMENDING SECTION 34-1008, IDAHO CODE, TO REVISE PROCEDURES REGARDING DEPOSIT OF ABSENTEE BALLOTS; AMENDING CHAPTER 10, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1012, IDAHO CODE, TO PROVIDE ALTERNATIVE PROCEDURES FOR ABSENTEE VOTING AND EARLY VOTING; AND AMENDING CHAPTER 10, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1013, IDAHO CODE, TO PROVIDE PROCEDURES FOR EARLY VOTING BALLOT SECURITY.

**HOUSE BILL NO. 572
BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO CONSOLIDATION OF ELECTIONS; AMENDING SECTION 22-2721, IDAHO CODE, TO REVISE PROCEDURES FOR ELECTION OF SUPERVISORS OF SOIL CONSERVATION DISTRICTS; AMENDING SECTION 34-217, IDAHO CODE, TO REVISE THE YEARS CERTAIN COUNTY RECORDS MUST BE RETAINED AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-411, IDAHO CODE, TO REVISE REQUIREMENTS FOR APPLICATION OF AN ELECTOR'S REGISTRATION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-411A, IDAHO CODE, TO REVISE PROCEDURES FOR CHANGING PARTY AFFILIATION IN PRIMARY ELECTIONS; AMENDING SECTION 34-704, IDAHO CODE, TO REVISE PROCEDURES REGARDING DECLARATION OF CANDIDACY; AMENDING SECTION 34-903, IDAHO CODE, TO PROVIDE THAT NO CANDIDATE'S NAME MAY APPEAR ON A BALLOT FOR MORE THAN ONE PARTISAN OFFICE; AMENDING SECTION 34-1206, IDAHO CODE, TO REVISE WHAT MUST BE INCLUDED IN THE BOARD OF COUNTY CANVASSER'S STATEMENT; AMENDING SECTION 34-1702, IDAHO CODE, TO REVISE INFORMATION ON CERTAIN RECALL PETITIONS; AMENDING SECTION 34-1707, IDAHO CODE, TO REVISE PROCEDURES REGARDING THE SUFFICIENCY OF A RECALL PETITION; AMENDING SECTION 34-2305, IDAHO CODE, TO REVISE BALLOT RECOUNT

PROCEDURES; AMENDING SECTION 34-2307, IDAHO CODE, TO PROVIDE THAT THE COUNTY PROSECUTING ATTORNEY FOR DISTRICT OFFICES SHALL REQUIRE A RECOUNT BE MADE WHEN CERTAIN CIRCUMSTANCES OCCUR; AMENDING SECTION 34-2412, IDAHO CODE, TO REMOVE LANGUAGE REGARDING COMPOSITION OF PRECINCT ELECTION BOARDS; AMENDING SECTION 34-2413, IDAHO CODE, TO REVISE PROCEDURES FOR PREPARATION OF VOTING MACHINES FOR USE; AMENDING SECTION 34-2424, IDAHO CODE, TO REVISE PROCEDURES WHEN PAPER BALLOTS ARE USED IN CONJUNCTION WITH VOTING MACHINES; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 573
BY EDUCATION COMMITTEE
AN ACT**

RELATING TO GROUP INSURANCE; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 57, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5761B, IDAHO CODE, TO PROVIDE FOR HEALTH SAVINGS ACCOUNTS FOR STATE EMPLOYEES, TO DEFINE TERMS, TO PROVIDE FOR CONTRIBUTION OF FUNDS TO A HEALTH SAVINGS ACCOUNT BY STATE EMPLOYEES, TO PROVIDE FOR A CHOICE OF HIGH-DEDUCTIBLE HEALTH PLANS AND TO AUTHORIZE THE DEPARTMENT OF ADMINISTRATION TO PROMULGATE RULES.

**HOUSE BILL NO. 574
BY APPROPRIATIONS COMMITTEE
AN ACT**

APPROPRIATING ADDITIONAL MONEYS FROM THE GENERAL FUND AND DIRECTING A TRANSFER TO THE CATASTROPHIC HEALTH CARE FUND FOR FISCAL YEAR 2012; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 575
BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO TRADEMARKS; AMENDING SECTION 48-504, IDAHO CODE, TO REVISE THE PROVISIONS FOR FILING OF APPLICATIONS FOR TRADEMARKS; AND AMENDING SECTION 48-510, IDAHO CODE, TO REQUIRE TRADEMARK RENEWAL APPLICATIONS TO USE THE INTERNATIONAL CLASSIFICATION OF GOODS AND SERVICES AND TO MAKE A TECHNICAL CORRECTION.

**HOUSE BILL NO. 576
BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO LEVY ELECTIONS; AMENDING CHAPTER 4, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-439A, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO DISCLOSURES IN ELECTIONS IN A TAXING DISTRICT THAT PROPOSES TO SUBMIT A QUESTION TO ELECTORS THAT WOULD AUTHORIZE A LEVY.

**HOUSE BILL NO. 577
BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMS MEDAL OF HONOR; AMENDING SECTION 67-8803, IDAHO CODE, TO REVISE

PROVISIONS RELATING TO WHEN CERTAIN MEDALS ARE AWARDED.

HOUSE BILL NO. 578
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO LEGAL TENDER; PROVIDING LEGISLATIVE FINDINGS AND STATEMENT OF POLICY; AMENDING CHAPTER 46, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-4601, IDAHO CODE, TO PROVIDE A SHORT TITLE; AMENDING CHAPTER 46, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-4602, IDAHO CODE, TO PROVIDE DEFINITIONS; AMENDING CHAPTER 46, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-4603, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE DESIGNATION OF CERTAIN LEGAL TENDER; AMENDING CHAPTER 46, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-4604, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE PROHIBITION OF CERTAIN FORMS OF TAXATION UPON CERTAIN TRANSACTIONS AND TO PROVIDE FOR A CIVIL SUIT AND THE AWARDED OF CERTAIN COSTS; AND PROVIDING SEVERABILITY.

HOUSE BILL NO. 579
BY EDUCATION COMMITTEE
AN ACT

RELATING TO EMPLOYMENT OF RETIRED TEACHERS OR ADMINISTRATORS; REPEALING SECTION 3, CHAPTER 131, LAWS OF 2007, RELATING TO EMPLOYMENT OF CERTAIN RETIREES; AND AMENDING SECTION 59-1356, IDAHO CODE, TO REMOVE A SUNSET PROVISION.

[H 570](#), [H 571](#), [H 572](#), [H 573](#), [H 574](#), [H 575](#), [H 576](#), [H 577](#), [H 578](#), and [H 579](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

Second Reading of Bills and Joint Resolutions

[HCR 37](#) and [HCR 38](#), by Agricultural Affairs Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Raybould asked unanimous consent that [HCR 32](#) be returned to the Environment, Energy, and Technology Committee. There being no objection, it was so ordered.

[H 448](#) - FEES

[H 448](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall [H 448](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Barrett, Bateman, Batt, Bell, Bilbao, Black, Block, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, Eskridge, Gibbs, Hart, Henderson, Jaquet, Killen, King, Lacey, Luker, McMillan, Nessel, Patrick, Pence,

Perry, Raybould, Ringo, Rusche, Shirley, Smith(30), Smith(24), Thompson, Trail, Wills, Wood(27), Mr. Speaker. Total – 40.

NAYS – Andrus, Barbieri, Bayer, Bedke, Boyle, Crane, DeMordaunt, Ellsworth, Hagedorn, Hartgen, Harwood, Lake, Loertscher, Marriott, McGeachin, Moyle, Nielsen, Nonini, Palmer, Roberts, Schaefer, Shepherd, Simpson, Sims, Thayne, Vander Woude, Wood(35). Total – 27.

Absent and excused – Guthrie, Higgins, Stevenson. Total – 3.

Paired Votes:

AYE – Thompson

NAY – Hartgen

AYE – Luker

NAY – Harwood

AYE – Wills

NAY – Nielsen

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker declared that [H 448](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 497](#) - DNA TESTING

[H 497](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hart to open debate.

The question being, "Shall [H 497](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Hagedorn, Hart, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayne, Thompson, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – None.

Absent and excused – Guthrie, Hartgen, Harwood, Higgins, Nielsen, Stevenson, Wills. Total – 7.

Total – 70.

Whereupon the Speaker declared that [H 497](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 490](#) - STATE SUNSHINE LAW

[H 490](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ellsworth to open debate.

The question being, "Shall [H 490](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Hagedorn, Hart, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Thayne, Thompson, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – Smith(24). Total – 1.

Absent and excused – Guthrie, Hartgen, Harwood, Higgins, Nielsen, Stevenson, Wills. Total – 7.

Total – 70.

Whereupon the Speaker declared that [H 490](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 439](#) - UNIFORM CONTROLLED SUBSTANCES

[H 439](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

Mr. Luker moved that [H 439](#) be placed on General Orders for consideration. Seconded by Mr. Bedke.

The question being, "Shall the motion carry?"

Whereupon the Speaker declared the motion carried by voice vote and [H 439](#) was placed on General Orders for consideration.

[H 441](#) - INDIGENT HEALTH CARE

[H 441](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

The question being, "Shall [H 441](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayne, Thompson, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Hartgen, Higgins, Nielsen, Roberts, Stevenson, Wills. Total – 6.

Total – 70.

Whereupon the Speaker declared that [H 441](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 442](#) - NURSING ADMINISTRATOR-IN-TRAINING

[H 442](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Loertscher to open debate.

The question being, "Shall [H 442](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin,

DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayne, Thompson, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Black, Hartgen, Higgins, Nielsen, Stevenson, Wills. Total – 6.

Total – 70.

Whereupon the Speaker declared that [H 442](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 506](#) - URBAN RENEWAL LAW

[H 506](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

The question being, "Shall [H 506](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Harwood, Henderson, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Sims, Thayne, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 47.

NAYS – Bateman, Buckner-Webb, Burgoyne, Chew, Cronin, Jaquet, Killen, King, Lacey, McGeachin, Pence, Ringo, Rusche, Simpson, Smith(30), Smith(24), Thompson, Trail. Total – 18.

Absent and excused – Hartgen, Higgins, Nielsen, Stevenson, Wills. Total – 5.

Total – 70.

Whereupon the Speaker declared that [H 506](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

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

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

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Wednesday, February 22, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 2:39 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**FORTY-FIFTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 22, 2012**

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused – Stevenson. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Candace Aguirre, Page.

Approval of Journal

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Forty-fourth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

February 21, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bill, to wit:

H 404, as amended in the Senate

In addition, I will be communicating with the leadership and attorney from "Occupy Boise" to let them know that I have received and signed the bill, and provide that they have a deadline of 5 PM on Monday, February 27, 2012 to vacate the impacted state properties.

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

February 21, 2012

Mr. Speaker:

I transmit herewith S 1274, S 1215, as amended, S 1292, S 1260, S 1261, S 1262, S 1273, and S 1301 which have passed the Senate.

NOVAK, Secretary

S 1274, S 1215, as amended, S 1292, S 1260, S 1261, S 1262, S 1273, and S 1301 were filed for first reading.

February 21, 2012

Mr. Speaker:

I transmit herewith S 1298, S 1291, S 1310, S 1313, S 1307, S 1308, and S 1314 which have passed the Senate.

NOVAK, Secretary

S 1298, S 1291, S 1310, S 1313, S 1307, S 1308, and S 1314 were filed for first reading.

Report of Standing Committees

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed HCR 39, HJM 11, HJM 12, HCR 40, HCR 41, H 570, H 571, H 572, H 573, H 574, H 575, H 576, H 577, H 578, and H 579.

WILLS, Chairman

HCR 39 and H 574 were filed for second reading.

HJM 11, HJM 12, H 571, H 572, H 575, H 576, and H 578 were referred to the State Affairs Committee.

HCR 40 and HCR 41 were referred to the Commerce and Human Resources Committee.

H 570 and H 577 were referred to the Transportation and Defense Committee.

H 573 was referred to the Health and Welfare Committee.

H 579 was referred to the Education Committee.

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled HJM 7 and HJM 4.

WILLS, Chairman

The Speaker announced he was about to sign enrolled HJM 7 and HJM 4 and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled H 404, as amended in the Senate, to the Governor at 11:07 a.m., as of this date, February 21, 2012.

WILLS, Chairman

February 21, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration H 489 and recommend that it do pass.

LAKE, Chairman

[H 489](#) was filed for second reading.

February 21, 2012

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [H 457](#), [H 459](#), [H 461](#), [H 525](#), and [H 543](#) and recommend that they do pass.

STEVENSON, Chairman

[H 457](#), [H 459](#), [H 461](#), [H 525](#), and [H 543](#) were filed for second reading.

February 21, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [S 1214](#), [S 1263](#), and [S 1272](#) and recommend that they do pass.

WILLS, Chairman

[S 1214](#), [S 1263](#), and [S 1272](#) were filed for second reading.

February 21, 2012

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration [H 546](#) and recommend that it do pass.

BLOCK, Chairman

[H 546](#) was filed for second reading.

February 21, 2012

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration [H 522](#) and report it back with amendments attached to be placed on General Orders for consideration.

BLOCK, Chairman

[H 522](#) was placed on General Orders for consideration.

February 21, 2012

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [H 520](#) and report it back with amendments attached to be placed on General Orders for consideration.

BLACK, Chairman

[H 520](#) was placed on General Orders for consideration.

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 536](#) and recommend that it do pass.

LOERTSCHER, Chairman

[H 536](#) was filed for second reading.

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

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 42

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE

DEPARTMENT OF HEALTH AND WELFARE RELATING TO RULES OF THE EMERGENCY MEDICAL SERVICES (EMS) PHYSICIAN COMMISSION.

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 docket of the Department of Health and Welfare relating to Rules of the Emergency Medical Services (EMS) Physician Commission 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 Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.02.02, Department of Health and Welfare, Rules of the Emergency Medical Services (EMS) Physician Commission, adopted as a pending rule under Docket Number 16-0202-1101, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

HOUSE CONCURRENT RESOLUTION NO. 43

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DEPARTMENT OF HEALTH AND WELFARE RELATING TO RESIDENTIAL HABILITATION AGENCIES.

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 Residential Habilitation Agencies 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 Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.04.17, Department of Health and Welfare, Residential Habilitation Agencies, Section 404, Subsection 04, only, adopted as a pending rule under Docket Number 16-0417-1101, be, and the same is hereby rejected and declared null, void and of no force and effect.

HOUSE CONCURRENT RESOLUTION NO. 44

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND URGING THE DEPARTMENT OF HEALTH AND WELFARE TO PROMULGATE A CERTAIN RULE.

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

WHEREAS, on February 6, 2012, the House Health and Welfare Committee voted to not approve a rulemaking docket of the Department of Health and Welfare governing Medicaid Basic Plan Benefits and relating to Medicaid program coverage of tobacco cessation products for children and pregnant women,

adopted as a temporary rule under Docket No. 16-0309-1201; and

WHEREAS, the temporary rulemaking docket was not approved by the House Health and Welfare Committee because it does not include provisions relating to the safety and effectiveness of tobacco cessation pharmacotherapy in pregnant women; and

WHEREAS, in June 2011, State Medicaid Directors received a report from the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services, which references recommendations regarding tobacco cessation services for pregnant women that are contained in the "Treating Tobacco Use and Dependence: 2008 Update: A Clinical Practice Guideline," published by the Public Health Service in May 2008 (PHS Guideline); and

WHEREAS, the PHS Guideline does not recommend tobacco cessation pharmacotherapy for pregnant women because there is insufficient evidence of the specific safety and effectiveness of pharmacotherapy in pregnant women.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature urges the Department of Health and Welfare to promulgate a rule relating to Medicaid program coverage of tobacco cessation services for children and pregnant women that incorporates the specific recommendations for pregnant women contained in the 2008 PHS Guideline, or any subsequent modification of the Guideline.

[HCR 42](#), [HCR 43](#), and [HCR 44](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

HOUSE BILL NO. 580 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO URBAN RENEWAL LAW; AMENDING SECTION 50-2007, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE POWERS OF URBAN RENEWAL AGENCIES AND TO PROVIDE FOR AN ELECTION; AND AMENDING SECTION 50-2012, IDAHO CODE, TO PROVIDE FOR AN ELECTION TO APPROVE OR DISAPPROVE CERTAIN BONDS OR OBLIGATIONS, TO REVISE PROVISIONS RELATING TO THE AUTHORIZATION OF BONDS AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 581 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO THE STREAMLINED SALES TAX; AMENDING SECTION 50-1046, IDAHO CODE, TO PROVIDE THAT ONE OF THE CITY LOCAL-OPTION NONPROPERTY TAXES SHALL BE A SALES TAX UPON SALES SUBJECT TO TAXATION UNDER THE STATE SALES AND USE TAX ACT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 50-1049, IDAHO CODE, TO REVISE COLLECTION AND ADMINISTRATION PROCEDURES OF LOCAL-OPTION NONPROPERTY TAXES; AMENDING SECTION 63-105,

IDAHO CODE, TO PROVIDE ADDITIONAL POWERS AND AUTHORITY TO THE STATE TAX COMMISSION; AMENDING SECTION 63-3607, IDAHO CODE, TO REVISE THE DEFINITION OF "PERSON"; AMENDING SECTION 63-3608, IDAHO CODE, TO REVISE THE DEFINITION OF "PURCHASE"; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3608A, IDAHO CODE, TO PROVIDE A DEFINITION OF "PURCHASER"; AMENDING SECTION 63-3609, IDAHO CODE, TO REVISE THE DEFINITION OF "RETAIL SALE" OR "SALE AT RETAIL"; AMENDING SECTION 63-3610, IDAHO CODE, TO REVISE THE DEFINITION OF "RETAILER"; AMENDING SECTION 63-3611, IDAHO CODE, TO REVISE THE DEFINITION OF "RETAILER ENGAGED IN BUSINESS IN THIS STATE"; AMENDING SECTION 63-3612, IDAHO CODE, TO REVISE THE DEFINITION OF "SALE"; AMENDING SECTION 63-3613, IDAHO CODE, TO REVISE THE DEFINITION OF "SALES PRICE"; AMENDING SECTION 63-3614, IDAHO CODE, TO REVISE THE DEFINITION OF "SELLER"; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 63-3615B THROUGH 63-3615DD, IDAHO CODE, TO DEFINE "AGENT," TO DEFINE "CERTIFIED AUTOMATED SYSTEM," TO DEFINE "CERTIFIED SERVICE PROVIDER," TO DEFINE "ENTITY-BASED EXEMPTION," TO DEFINE "MODEL 1 SELLER," TO DEFINE "MODEL 2 SELLER," TO DEFINE "MODEL 3 SELLER," TO DEFINE "MODEL 4 SELLER," TO DEFINE "PRODUCT-BASED EXEMPTION," TO DEFINE "REGISTERED UNDER THE STREAMLINED SALES TAX AGREEMENT," TO DEFINE "USE-BASED EXEMPTION," TO DEFINE "STATE," TO DEFINE "BUNDLED TRANSACTION," TO DEFINE "DELIVERY CHARGES," TO DEFINE "DIRECT MAIL," TO DEFINE "LEASE OR RENTAL," TO DEFINE "CLOTHING," TO DEFINE "CLOTHING ACCESSORIES OR EQUIPMENT," TO DEFINE "ESSENTIAL CLOTHING," TO DEFINE "FUR CLOTHING," TO DEFINE "PROTECTIVE EQUIPMENT," TO DEFINE "SPORTS OR RECREATIONAL EQUIPMENT," TO PROVIDE COMPUTER-RELATED DEFINITIONS, TO PROVIDE COMPUTER SOFTWARE MAINTENANCE CONTRACT DEFINITIONS, TO PROVIDE DIGITAL PRODUCTS DEFINITIONS, TO PROVIDE FOOD AND FOOD PRODUCTS DEFINITIONS, TO PROVIDE HEALTH CARE TERMS, TO PROVIDE TELECOMMUNICATIONS TAX BASE AND EXEMPTION TERMS AND TO PROVIDE SALES TAX HOLIDAY DEFINITIONS; AMENDING SECTION 63-3616, IDAHO CODE, TO REVISE THE DEFINITION OF "TANGIBLE PERSONAL PROPERTY"; AMENDING SECTION 63-3619, IDAHO CODE, TO REVISE PROVISIONS FOR IMPOSITION OF THE SALES TAX AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-3621, IDAHO CODE, TO ALLOW THE USE TAX TO APPLY TO TAXABLE SERVICES; AMENDING SECTION 63-3622N, IDAHO CODE, TO REVISE THE EXEMPTION FOR PRESCRIPTIONS AND TO PROVIDE AN EXEMPTION FOR MEDICAL EQUIPMENT; AMENDING SECTION 63-3622UU, IDAHO CODE, TO REVISE THE PROVISIONS FOR APPLICATION OF THE PERSONAL PROPERTY TAX ON RENTALS; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3622AAA, IDAHO CODE, TO PROVIDE A SALES AND USE TAX EXEMPTION FOR ITEMS FORMERLY NOT INCLUDED IN THE DEFINITION OF "SALES PRICE"; AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 46, TITLE

63, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE A STATEMENT OF FINDINGS AND INTENT, TO PROVIDE DUTIES OF THE STATE TAX COMMISSION, TO PROVIDE STATE AND LOCAL TAX BASES, TO PROVIDE THAT THE STREAMLINED SALES TAX AGREEMENT IS NOT TO PREEMPT STATE LAW, TO PROVIDE FOR SELLER REGISTRATION, TO PROVIDE NOTICE FOR STATE TAX CHANGES, TO PROVIDE FOR LOCAL RATE AND BOUNDARY CHANGES, TO PROVIDE FOR RELIEF FROM CERTAIN LIABILITY, TO PROVIDE DATABASE REQUIREMENTS AND EXCEPTIONS, TO PROVIDE FOR STATE AND LOCAL TAX RATES, TO PROVIDE APPLICATION OF GENERAL SOURCING RULES AND EXCLUSIONS FROM THE RULES, TO PROVIDE FOR GENERAL SOURCING RULES, TO PROVIDE AN ELECTION FOR ORIGIN-BASED SOURCING, TO PROVIDE GENERAL SOURCING DEFINITIONS, TO PROVIDE FOR DIRECT MAIL SOURCING, TO PROVIDE AN ELECTION FOR ORIGIN-BASED DIRECT MAIL SOURCING, TO PROVIDE FOR A TELECOMMUNICATION AND RELATED SERVICES SOURCING RULE, TO PROVIDE FOR TELECOMMUNICATION AND RELATED SERVICES SOURCING RULE DEFINITIONS, TO PROVIDE FOR ENACTMENT OF EXEMPTIONS, TO PROVIDE FOR ADMINISTRATION OF EXEMPTIONS, TO PROVIDE FOR UNIFORM TAX RETURNS, TO PROVIDE UNIFORM RULES FOR THE REMITTANCE OF FUNDS, TO PROVIDE UNIFORM RULES FOR RECOVERY OF BAD DEBTS, TO PROVIDE FOR CONFIDENTIALITY AND PRIVACY PROTECTIONS UNDER MODEL 1 AND TO DEFINE A TERM, TO PROVIDE FOR SALES TAX HOLIDAYS, TO PROVIDE THE EFFECTIVE DATE FOR RATE CHANGES, TO PROVIDE FOR BUNDLED TRANSACTIONS, TO PROVIDE CAPS AND THRESHOLDS, TO PROVIDE FOR A ROUNDING RULE, TO PROVIDE CUSTOMER REFUND PROCEDURES, TO PROVIDE FOR DIRECT PAY PERMITS, TO PROVIDE FOR A TAXABILITY MATRIX, TO PROVIDE RELIEF FROM CERTAIN LIABILITY FOR PURCHASERS, TO PROVIDE APPLICATION TO SPECIFIED DIGITAL PRODUCTS, TO PROVIDE FOR USE OF SPECIFIED DIGITAL PRODUCTS, TO PROVIDE FOR PROHIBITED REPLACEMENT TAXES, TO PROVIDE FOR SELLER PARTICIPATION, TO PROVIDE AMNESTY FOR REGISTRATION, TO PROVIDE A METHOD OF REMITTANCE, TO PROVIDE FOR REGISTRATION BY AN AGENT, TO PROVIDE FOR CERTIFICATION OF SERVICE PROVIDERS AND AUTOMATED SYSTEMS, TO PROVIDE FOR REVIEW AND APPROVAL OF CERTIFIED AUTOMATED SYSTEM SOFTWARE AND CERTAIN LIABILITY RELIEF, TO PROVIDE FOR A MONETARY ALLOWANCE UNDER MODEL 1, TO PROVIDE FOR A MONETARY ALLOWANCE FOR MODEL 2 SELLERS, TO PROVIDE VENDOR COMPENSATION DEFINITIONS, TO PROVIDE A COMPENSATION REQUIREMENT, TO PROVIDE A PETITION FOR COLLECTION AUTHORITY AND COMPENSATION COMPLIANCE DETERMINATIONS, TO PROVIDE STANDARDS FOR COMPENSATION, TO PROVIDE AN OBLIGATION TO PAY, TO PROVIDE A SMALL SELLER EXCEPTION, TO PROVIDE FOR REPEAL OF CERTAIN PROVISIONS IF AN EVENT DOES NOT OCCUR, TO PROVIDE FOR VOLUNTARY COMPENSATION FOR REMOTE SELLERS, TO PROVIDE FOR OPTIONAL COMPENSATION FOR REMOTE SELLERS, TO PROVIDE FOR ENTRY INTO THE AGREEMENT; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 582
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO INCOME TAXATION; AMENDING SECTION 63-3022L, IDAHO CODE, TO REVISE PROVISIONS RELATING TO TAXATION OF INCOME OF OWNERS OF AN INTEREST IN A PASS-THROUGH ENTITY, TO DEFINE A TERM AND TO PROVIDE ADMINISTRATIVE PROVISIONS; AMENDING SECTION 63-3036B, IDAHO CODE, TO REVISE PROVISIONS REGARDING BACKUP WITHHOLDING FOR PASS-THROUGH ENTITIES; AMENDING SECTION 63-3082, IDAHO CODE, TO PROVIDE A CORRECT TERM; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

[H 580](#), [H 581](#), and [H 582](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1274](#), by Transportation Committee, was introduced, read the first time by title, and held at the Desk.

[S 1215](#), as amended, and [S 1292](#), by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

[S 1260](#), [S 1261](#), [S 1262](#), and [S 1273](#), by Health and Welfare Committee, were introduced, read the first time by title, and referred to the Health and Welfare Committee.

[S 1301](#) and [S 1314](#), by Education Committee, were introduced, read the first time by title, and referred to the Education Committee.

[S 1298](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

[S 1291](#), by Resources and Environment Committee, was introduced, read the first time by title, and referred to the Resources and Conservation Committee.

[S 1310](#) and [S 1313](#), by Transportation Committee, were introduced, read the first time by title, and referred to the Transportation and Defense Committee.

[S 1307](#), by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Business Committee.

[S 1308](#), by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Education Committee.

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

Second Reading of Bills and Joint Resolutions

[H 452](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[H 521](#) and [H 534](#), by Education Committee, were read the second time by title and filed for third reading.

[H 482](#) and [H 484](#), by Local Government Committee, were read the second time by title and filed for third reading.

[H 500](#), [H 501](#), and [HJM 10](#), by Health and Welfare Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

At this time, Mr. Bedke introduced The Honorable Mike Crapo, United States Senator, who spoke briefly to the members of the House.

Mr. Moyle asked unanimous consent that [H 396](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

[H 376](#) - SUCCESSOR CORPORATION ASBESTOS

[H 376](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bayer to open debate.

The question being, "Shall [H 376](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Chew, Collins, Crane, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Lake, Loertscher, Marriott, McGeachin, McMillan, Moyle, Nielsen, Nonini, Palmer, Patrick, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Thompson, Vander Woude, Wood(35), Mr. Speaker. Total – 47.

NAYS – Bell, Buckner-Webb, Burgoyne, Cronin, DeMordaunt, Hart, Higgins, Jaquet, Killen, King, Lacey, Luker, Nessel, Pence, Perry, Ringo, Rusche, Smith(24), Thayn, Trail, Wills, Wood(27). Total – 22.

Absent and excused – Stevenson. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 376](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the House recess until 1:30 p.m.

Without objection, the Speaker declared the House at recess until 1:30 p.m.

RECESS
Afternoon Session

The House reconvened at 1:30 p.m., the Speaker in the Chair.

Prior to recess, the House was at the Eleventh Order of Business.

[H 419](#) - REAL ESTATE APPRAISERS

[H 419](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thompson to open debate.

The question being, "Shall [H 419](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Eskridge, Gibbs, Guthrie, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – None.

Absent and excused – Bayer, Black, Ellsworth, Hagedorn, Lake, Nonini, Roberts, Shepherd, Stevenson. Total – 9.

Total – 70.

Whereupon the Speaker declared that [H 419](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 466](#) - PLUMBING AND PLUMBERS

[H 466](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Palmer to open debate.

The question being, "Shall [H 466](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Eskridge, Gibbs, Guthrie, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – None.

Absent and excused – Bayer, Black, Ellsworth, Hagedorn, Lake, Nonini, Roberts, Shepherd, Stevenson. Total – 9.

Total – 70.

Whereupon the Speaker declared that [H 466](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

**[H 467](#) - HEATING, VENTILATION AND AIR
CONDITIONING CONTRACTORS**

[H 467](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

The question being, "Shall [H 467](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Eskridge, Gibbs, Guthrie, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Palmer, Pence, Perry, Raybould, Ringo,

Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Black, Ellsworth, Hagedorn, Nonini, Patrick, Roberts, Shepherd, Stevenson. Total – 8.

Total – 70.

Whereupon the Speaker declared that [H 467](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 468](#) - MOBILE AND MANUFACTURED HOMES

[H 468](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Henderson to open debate.

The question being, "Shall [H 468](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – Harwood. Total – 1.

Absent and excused – Black, Nonini, Roberts, Shepherd, Stevenson. Total – 5.

Total – 70.

Whereupon the Speaker declared that [H 468](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 517](#) - INCOME TAX - TEACHER EXPENSES

[H 517](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Moyle to open debate.

The question being, "Shall [H 517](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Black, Roberts, Shepherd, Stevenson. Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 517](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 532](#) - STATE POLICE

[H 532](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Shirley to open debate.

The question being, "Shall [H 532](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Roberts, Shepherd, Stevenson. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 532](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 397](#) - IRRIGATION DISTRICT ELECTIONS

[H 397](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Raybould to open debate.

The question being, "Shall [H 397](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Roberts, Shepherd, Stevenson. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 397](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Crane, Stevenson. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 498](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

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

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

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Thursday, February 23, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 2:37 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FORTY-SIXTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 23, 2012

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 69 members present.

Absent and excused – Henderson. Total – 1.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Holly Monaghan, Page.

Approval of Journal

February 23, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Forty-fifth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

February 22, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bill, to wit:

[H 384](#)

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

February 22, 2012

Mr. Speaker:

I transmit herewith [SCR 116](#) and [S 1302](#) which have passed the Senate.

NOVAK, Secretary

[SCR 116](#) and [S 1302](#) were filed for first reading.

Report of Standing Committees

February 23, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 42](#), [HCR 43](#), [HCR 44](#), [H 580](#), [H 581](#), and [H 582](#).

WILLS, Chairman

[HCR 42](#) and [HCR 43](#) were filed for second reading.

[HCR 44](#) was referred to the Health and Welfare Committee.

[H 580](#) was referred to the Local Government Committee.

[H 581](#) and [H 582](#) were referred to the Revenue and Taxation Committee.

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 481](#) and recommend that it do pass.

NONINI, Chairman

[H 481](#) was filed for second reading.

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 562](#) and report it back with amendments attached to be placed on General Orders for consideration.

LAKE, Chairman

[H 562](#) was placed on General Orders for consideration.

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, request that [H 569](#) be returned to the Desk for re-referral.

LOERTSCHER, Chairman

[H 569](#) was referred to the Health and Welfare committee.

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 472](#) and recommend that it do pass.

PALMER, Chairman

[H 472](#) was filed for second reading.

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 540](#) and report it back with amendments attached to be placed on General Orders for consideration.

PALMER, Chairman

[H 540](#) was placed on General Orders for consideration.

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [H 513](#) and [S 1259](#) and recommend that they do pass.

ANDRUS, Chairman

[H 513](#) and [S 1259](#) were filed for second reading.

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [H 512](#) and report it back with amendments attached to be placed on General Orders for consideration.

ANDRUS, Chairman

[H 512](#) was placed on General Orders for consideration.

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration [H 561](#) and recommend that it do pass.

BARRETT, Chairman

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

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration [SCR 115](#) and recommend that it do pass.

RAYBOULD, Chairman

[SCR 115](#) was filed for second reading.

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 503](#) and [H 555](#) and recommend that they do pass.

MCGEACHIN, Chairman

[H 503](#) and [H 555](#) were filed for second reading.

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 502](#) and report it back with amendments attached to be placed on General Orders for consideration.

MCGEACHIN, Chairman

[H 502](#) was placed on General Orders for consideration.

February 23, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 564](#) and report it back with amendments attached to be placed on General Orders for consideration.

NONINI, Chairman

[H 564](#) was placed on General Orders for consideration.

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

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 45 BY EDUCATION COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING THE PROVIDERS OF HEALTH INSURANCE IN IDAHO TO DEVELOP THEIR OWN

INSURANCE EXCHANGE AS PART OF THE SOLUTION TO HEALTH INSURANCE COSTS.

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

WHEREAS, the Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act of 2010, comprises comprehensive federal health care reform legislation, which is commonly referred to as the Affordable Care Act; and

WHEREAS, the Affordable Care Act is increasing health care costs, raising taxes, negatively affecting senior citizens, reducing the quality of care that Americans are receiving, limiting consumer choice in accessing private health insurance and reducing the ability of American companies to compete; and

WHEREAS, the Affordable Care Act constrains the freedom of individuals to choose their own doctor and interferes with individuals' ability to make personal health care decisions; and

WHEREAS, the Affordable Care Act seeks to force states to implement government-owned health insurance exchanges, dismissing private sector innovations and solutions; and

WHEREAS, a state health insurance exchange created pursuant to the Affordable Care Act would strip the state of its sovereignty over health insurance matters; and

WHEREAS, a government health insurance exchange will cost consumers and taxpayers millions of dollars to set up and operate; and

WHEREAS, the solutions to the challenges facing our country generally spring forward from the private sector and through a robust free-market economic system; and

WHEREAS, companies and organizations in the free market have already created websites and services allowing consumers to pool resources for lower premiums and compare insurance products, prices and coverages at no cost to taxpayers.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the providers of health insurance in Idaho are encouraged to establish their own private health insurance exchange as part of the solution to the rising costs of health insurance.

[HCR 45](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[SCR 116](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the Environment, Energy, and Technology Committee.

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

HOUSE BILL NO. 583 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO HIGHWAYS AND BRIDGES; AMENDING SECTION 40-102, IDAHO CODE, TO PROVIDE FOR A DEFINITION OF "ACCESS EASEMENT"; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 584 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO PROPERTY TAXATION; AMENDING SECTION 63-602G, IDAHO CODE, TO PROVIDE FOR CONTINUATION OF THE HOMESTEAD EXEMPTION FOR A TIME CERTAIN UPON THE OWNER'S, BENEFICIARY'S, PARTNER'S, MEMBER'S OR SHAREHOLDER'S DEATH;

DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 585
BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO REVENUE AND TAXATION; AMENDING CHAPTER 13, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-1305A, IDAHO CODE, TO ESTABLISH PROVISIONS PROVIDING THAT CERTAIN TAXING DISTRICTS MAY CERTIFY A BUDGET REQUEST IN EXCESS OF CERTAIN LIMITATIONS FOR THE PURPOSE OF PAYING A FINAL JUDGMENT, TO PROVIDE FOR CERTAIN CONDITIONS, TO ESTABLISH PROVISIONS RELATING TO THE APPLICATION OF LAW AND THE METHOD OF PAYMENT, TO PROVIDE FOR RULES AND TO ESTABLISH PROVISIONS RELATING TO A LIMITATION; AMENDING SECTION 50-2908, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO LEVIES FOR PAYMENT OF CERTAIN JUDGMENTS, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-803, IDAHO CODE, TO REVISE A CODE REFERENCE; AMENDING SECTION 63-811, IDAHO CODE, TO REVISE A CODE REFERENCE; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 586
BY STATE AFFAIRS 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, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS 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, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS AT LEAST A THREE FOOT SEPARATION, TO PROVIDE THAT A PEDESTRIAN OR THE OPERATOR OF A BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS SHALL TURN OFF OR STEP OFF THE ROADWAY TO ALLOW FOLLOWING VEHICLES TO PASS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-632, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO THE OVERTAKING AND PASSING OF A BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS PROCEEDING IN THE SAME DIRECTION, TO CLARIFY LANGUAGE, TO PROVIDE THAT THE DRIVER OF A VEHICLE OVERTAKING A BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS 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, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS SHALL NOT MAKE A RIGHT TURN UNTIL SAFELY PAST, TO PROVIDE THAT A PEDESTRIAN OR THE OPERATOR OF A BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS 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 A BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS PROCEEDING IN 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, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS, AND TO PROVIDE THAT A PEDESTRIAN OR THE OPERATOR OF A BICYCLE, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS 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, OTHER HUMAN-POWERED VEHICLE, PEDESTRIAN, RUNNER, PERSON ON HORSEBACK OR OTHER HUMAN- OR ANIMAL-POWERED VEHICLES INCLUDING WHEELCHAIRS IN CERTAIN SITUATIONS WHEN PASSING CAN BE MADE IN SAFETY.

HOUSE BILL NO. 587
BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO AUTHORIZATION FOR OUT-OF-STATE INSURERS; AMENDING SECTION 41-305, IDAHO CODE, TO DELETE REFERENCE TO OUT-OF-STATE INSURERS; AMENDING SECTION 41-306, IDAHO CODE, TO PROVIDE EXCEPTIONS TO CERTIFICATE OF AUTHORITY REQUIREMENTS FOR CERTAIN OUT-OF-STATE INSURERS AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 3, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-306A, IDAHO CODE, TO PROVIDE FOR INTERSTATE INSURANCE SALES, TO AUTHORIZE THE DIRECTOR TO DETERMINE IF PLANS SATISFY REQUIREMENTS, TO PROVIDE FOR LANGUAGE TO BE INCLUDED IN PLANS SOLD, TO PROVIDE FOR COMPLIANCE WITH IDAHO CODE ON PREMIUM TAX AND TO AUTHORIZE THE DEPARTMENT TO ADOPT AND PROMULGATE RULES; AMENDING CHAPTER 5, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-515, IDAHO CODE, TO DEFINE A TERM; AND PROVIDING SEVERABILITY.

[H 583](#), [H 584](#), [H 585](#), [H 586](#), and [H 587](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1302](#), by Agricultural Affairs Committee, was introduced, read the first time by title, and referred to the Agricultural Affairs Committee.

[S 1274](#), held at the Desk February 22, 2012, was referred to the Transportation and Defense Committee.

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

Second Reading of Bills and Joint Resolutions

[HCR 39](#), by Education Committee, was read the second time by title and filed for third reading.

[H 574](#), by Appropriations Committee, was read the second time by title and filed for third reading.

[H 489](#), by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

[H 457](#), [H 459](#), [H 461](#), [H 525](#), and [H 543](#), by Resources and Conservation Committee, were read the second time by title and filed for third reading.

[S 1214](#), [S 1263](#), and [S 1272](#), by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

[H 546](#), by Commerce and Human Resources Committee, was read the second time by title and filed for third reading.

[H 536](#), by State Affairs Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

[H 396](#) - WATER - RATHDRUM PRAIRIE AQUIFER

[H 396](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Stevenson to open debate.

The question being, "Shall [H 396](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 61.

NAYS – Barbieri, Barrett, Boyle, Harwood, McMillan, Moyle, Palmer. Total – 7.

Absent and excused – Henderson, Wood(35). Total – 2.
Total – 70.

Whereupon the Speaker declared that [H 396](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 499](#) - SCHOOL BUILDING MAINTENANCE

[H 499](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Chew to open debate.

The question being, "Shall [H 499](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Henderson, Loertscher. Total – 2.
Total – 70.

Whereupon the Speaker declared that [H 499](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mrs. Ellsworth asked unanimous consent that Rule 70, with the exception of smoking, be suspended for the balance of the remainder of session. Mr. Bateman objected.

[H 480](#) - PARKING METERS

[H 480](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Palmer to open debate.

The question being, "Shall [H 480](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Collins, Crane, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Loertscher, McMillan, Moyle, Nessel, Nielsen, Palmer, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 41.

NAYS – Barbieri, Black, Buckner-Webb, Burgoyne, Chadderdon, Chew, Cronin, DeMordaunt, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, Patrick, Pence, Ringo, Rusche, Smith(30), Smith(24), Trail. Total – 27.

Absent and excused – Henderson, Nonini. Total – 2.
Total – 70.

Whereupon the Speaker declared that [H 480](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 519](#) - SITE IMPROVEMENTS

[H 519](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hartgen to open debate.

Pursuant to Rule 38(3), Mr. Burgoyne disclosed a conflict of interest regarding [H 519](#).

The question being, "Shall [H 519](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 57.

NAYS – Buckner-Webb, Burgoyne, Chew, Cronin, Higgins, Jaquet, Killen, King, Pence, Ringo, Rusche, Trail. Total – 12.

Absent and excused – Henderson. Total – 1.
Total – 70.

Whereupon the Speaker declared that [H 519](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 452](#) - BOND ELECTIONS

[H 452](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Simpson to open debate.

The question being, "Shall [H 452](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Henderson, Smith(24). Total – 2.
Total – 70.

Whereupon the Speaker declared that [H 452](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 521](#) - EDUCATION

[H 521](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bateman to open debate.

The question being, "Shall [H 521](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle,

Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Henderson, Smith(24). Total – 2.
Total – 70.

Whereupon the Speaker declared that [H 521](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 482](#) - CAPITAL AND SURPLUS REPORT

[H 482](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Buckner-Webb to open debate.

The question being, "Shall [H 482](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Henderson, Smith(24). Total – 2.
Total – 70.

Whereupon the Speaker declared that [H 482](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 484](#) - COMMUNITY GUARDIAN BOARDS

[H 484](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Trail to open debate.

The question being, "Shall [H 484](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Henderson. Total – 1.
Total – 70.

Whereupon the Speaker declared that [H 484](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 500](#) - OCCUPATIONAL THERAPY

[H 500](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thayn to open debate.

The question being, "Shall [H 500](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Henderson. Total – 1.
Total – 70.

Whereupon the Speaker declared that [H 500](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the House recess until 1:15 p.m.

Without objection, the Speaker declared the House at recess until 1:15 p.m.

RECESS Afternoon Session

The House reconvened at 1:15 p.m., the Speaker in the Chair.

Prior to recess, the House was at the Eleventh Order of Business.

Mr. Bateman asked unanimous consent that Rule 70, with the exception of smoking and proper attire, be suspended for the balance of the remainder of session. There being no objection, it was so ordered.

[H 501](#) - COUNSELORS AND THERAPISTS

[H 501](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Chew to open debate.

The question being, "Shall [H 501](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher,

Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Bayer, Buckner-Webb, Henderson.
Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 501](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 534](#) - EDUCATION

[H 534](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Shirley to open debate.

The question being, "Shall [H 534](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Buckner-Webb, Henderson. Total – 2.
Total – 70.

Whereupon the Speaker declared that [H 534](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[HCR 36](#) - STEVEN R. APPLETON

[HCR 36](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Palmer to open debate.

The question being, "Shall [HCR 36](#) be adopted?"

Whereupon the Speaker declared [HCR 36](#) adopted by voice vote and ordered the resolution transmitted to the Senate.

Mr. Moyle asked unanimous consent that [HJM 10](#) be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

[HJM 10](#) - RESPECT FOR RIGHTS OF CONSCIENCE ACT

[HJM 10](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bilbao to open debate.

At this time, Mr. Moyle took the Chair.

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**FORTY-SEVENTH LEGISLATIVE DAY
FRIDAY, FEBRUARY 24, 2012**

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 65 members present.

Absent and excused – Cronin, Henderson, Lacey, Smith(24),
Stevenson. Total – 5.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Morgan Fox, Page.

Approval of Journal

February 24, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND
ADMINISTRATION, report that we have read and approved the
House Journal of the Forty-sixth Legislative Day and recommend
that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by
Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO

CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that Eric R. Anderson,
State Representative, District 1, House Seat A, Bonner and
Boundary Counties, State of Idaho, pursuant to the provisions
of Section 59-917, Idaho Code, has nominated Mike Keough of
Kootenai, Idaho, to perform the duties of this office temporarily
as Acting State Representative.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor
of the State of Idaho, by virtue of the authority vested in me by
Section 59-917, Idaho Code, do hereby appoint Mike Keough,
Acting State Representative, District 1, House Seat A, Bonner
and Boundary Counties, State of Idaho, for a term commencing
on February 24, 2012, and continuing until the incumbent shall
resume the performance of the 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 23rd day of
February, in the year of our Lord two thousand and twelve and

of the Independence of the United States of America, the two
hundred and thirty-sixth year.

/s/ C.L. "BUTCH" OTTER

Governor

/s/ BEN T. YSURSA

Secretary of State

The Certificate of Appointment was ordered filed in the office
of the Chief Clerk.

The Speaker announced the oath of office had previously
been administered to Mike Keough.

February 23, 2012

Mr. Speaker:

I return herewith enrolled HJM 7 and HJM 4 which have
been signed by the President.

NOVAK, Secretary

Enrolled HJM 7 and HJM 4 were referred to the Judiciary,
Rules, and Administration Committee for delivery to the
Secretary of State.

February 23, 2012

Mr. Speaker:

I transmit herewith S 1303, S 1312, S 1316, S 1327, S 1328,
S 1329, and S 1277, as amended, which have passed the Senate.

NOVAK, Secretary

S 1303, S 1312, S 1316, S 1327, S 1328, S 1329, and S 1277,
as amended, were filed for first reading.

February 23, 2012

Mr. Speaker:

I return herewith H 382, H 383, H 385, H 412, H 367, H 402,
H 418, H 391, and H 374 which have passed the Senate.

NOVAK, Secretary

H 382, H 383, H 385, H 412, H 367, H 402, H 418,
H 391, and H 374 were referred to the Judiciary, Rules, and
Administration Committee for enrolling.

February 23, 2012

Mr. Speaker:

I return herewith H 358, as amended in the Senate, which
has passed the Senate.

NOVAK, Secretary

H 358, as amended in the Senate, was ordered held at the
Desk.

Mr. Raybould asked unanimous consent that the House
concur in the Senate amendments to H 358, as amended in the
Senate. There being no objection, it was so ordered.

H 358, as amended in the Senate, was referred to the
Judiciary, Rules, and Administration Committee for engrossing.

Report of Standing Committees

February 24, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND
ADMINISTRATION, report that we have printed HCR 45,
H 583, H 584, H 585, H 586, and H 587.

WILLS, Chairman

HCR 45 and H 587 were referred to the Business Committee.

[H 583](#) and [H 586](#) were referred to the Transportation and Defense Committee.

[H 584](#) and [H 585](#) were referred to the Revenue and Taxation Committee.

February 23, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 556](#) and recommend that it do pass.

NONINI, Chairman

[H 556](#) was filed for second reading.

February 23, 2012

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [H 494](#) and recommend that it do pass.

STEVENSON, Chairman

[H 494](#) was filed for second reading.

February 23, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [H 403](#), [H 514](#), [S 1215](#), as amended, and [S 1292](#) and recommend that they do pass.

WILLS, Chairman

[H 403](#), [H 514](#), [S 1215](#), as amended, and [S 1292](#) were filed for second reading.

February 23, 2012

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [H 447](#), [H 465](#), [H 492](#), [H 539](#), [SCR 118](#), and [SCR 119](#) and recommend that they do pass.

BLACK, Chairman

[H 447](#), [H 465](#), [H 492](#), [H 539](#), [SCR 118](#), and [SCR 119](#) were filed for second reading.

February 23, 2012

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration [HCR 40](#) and [H 523](#) and report them back with amendments attached to be placed on General Orders for consideration.

BLOCK, Chairman

[HCR 40](#) and [H 523](#) were placed on General Orders for consideration.

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

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

HOUSE BILL NO. 588 BY EDUCATION COMMITTEE AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1003, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SPECIAL APPLICATIONS OF THE EDUCATIONAL SUPPORT PROGRAM, TO ESTABLISH PROVISIONS RELATING TO A SCHOOL DISTRICT PROVIDING EDUCATIONAL SERVICES TO STUDENTS

RESIDING IN A CERTAIN AREA, TO PROVIDE THAT SUCH STUDENTS SHALL BE COUNTED AS A SEPARATE SCHOOL AND TO PROVIDE FOR EXCEPTIONS.

HOUSE BILL NO. 589 BY EDUCATION COMMITTEE AN ACT

RELATING TO EDUCATION; REPEALING SECTION 33-1002A, IDAHO CODE, RELATING TO FRACTIONAL AVERAGE DAILY ATTENDANCE; AND AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1002A, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO FRACTIONAL AVERAGE DAILY ATTENDANCE, TO ESTABLISH PROVISIONS RELATING TO COUNTING ATTENDANCE OF CERTAIN STUDENTS, TO PROVIDE THAT NO STUDENT SHALL BE FUNDED AT A RATE EXCEEDING A SINGLE FULL-TIME STUDENT FUNDING RATE, TO PROVIDE THAT A PARENT OR GUARDIAN MAY ENROLL A STUDENT IN COURSES THAT WOULD CAUSE THE STUDENT'S COST TO EXCEED THE SINGLE STUDENT FUNDING RATE, TO ESTABLISH PROVISIONS RELATING TO SECONDARY ATTENDANCE, TO ESTABLISH PROVISIONS RELATING TO ELIGIBILITY FOR FUNDING, TO ESTABLISH PROVISIONS RELATING TO THE ADDING FRACTIONAL STUDENT ATTENDANCE HOURS TOGETHER, TO ESTABLISH PROVISIONS RELATING TO ATTENDANCE FOR ONLINE COURSES, TO DEFINE A TERM, TO PROHIBIT THE OFFERING OF CERTAIN COURSES AND TO PROVIDE THAT CERTAIN COURSES OFFERED SHALL BE PRESUMED TO MEET CERTAIN STANDARDS.

HOUSE BILL NO. 590 BY EDUCATION COMMITTEE AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5205, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A PETITION SUBMITTED TO THE BOARD OF TRUSTEES, TO REVISE PROVISIONS RELATING TO PETITIONS RECEIVED BY AN AUTHORIZED CHARTERING ENTITY, TO REVISE PROVISIONS RELATING TO A PUBLIC HEARING, TO REVISE CERTAIN TIMING PROVISIONS, TO PROVIDE FOR AN AGREEMENT, TO PROVIDE FOR A PRIMARY ATTENDANCE AREA, TO REVISE PROVISIONS RELATING TO ADMISSION PROCEDURES, TO REVISE PROVISIONS RELATING TO TRANSPORTATION SERVICES, TO ESTABLISH PROVISIONS RELATING TO A CHARTER FOR A PUBLIC VIRTUAL SCHOOL, TO ELIMINATE LANGUAGE RELATING TO A PUBLIC CHARTER SCHOOL WORKSHOP AND TO ELIMINATE LANGUAGE RELATING TO A CHARTER FOR A PUBLIC VIRTUAL CHARTER SCHOOL; AMENDING SECTION 33-5205A, IDAHO CODE, TO REVISE TERMINOLOGY RELATING TO THE TRANSFER OF A CHARTER AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-5206, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ATTENDANCE AREA, TO ESTABLISH PROVISIONS RELATING TO REVISION OF A CHARTER AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-5207, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE REVIEW OF A CHARTER PETITION; AMENDING SECTION 33-5208, IDAHO CODE, TO ELIMINATE OBSOLETE

LANGUAGE AND TO REMOVE A CODE REFERENCE; AMENDING SECTION 33-5209, IDAHO CODE, TO ELIMINATE LANGUAGE RELATING TO THE REVISION OF A CHARTER; AMENDING SECTION 33-5210, IDAHO CODE, TO PROVIDE THAT CERTAIN PUBLIC CHARTER SCHOOLS ARE SUBJECT TO RULES; AMENDING SECTION 33-5211, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ASSISTANCE PROVIDED BY THE STATE DEPARTMENT OF EDUCATION; AMENDING SECTION 33-5213, IDAHO CODE, TO REVISE PROVISIONS RELATING TO TERMS OF OFFICE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1619, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AND AMENDING SECTION 33-5202A, IDAHO CODE, TO REMOVE A CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION.

[H 588](#), [H 589](#), and [H 590](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1303](#), by Agricultural Affairs Committee, was introduced, read the first time by title, and referred to the Agricultural Affairs Committee.

[S 1312](#), by Transportation Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

[S 1316](#), by Local Government and Taxation Committee, was introduced, read the first time by title, and referred to the Local Government Committee.

[S 1327](#), [S 1328](#), and [S 1329](#), by Education Committee, were introduced, read the first time by title, and referred to the Education Committee.

[S 1277](#), as amended, by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Commerce and Human Resources Committee.

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

Second Reading of Bills and Joint Resolutions

[HCR 42](#), [HCR 43](#), and [H 555](#), by State Affairs Committee, were read the second time by title and filed for third reading.

[H 481](#), by Education Committee, was read the second time by title and filed for third reading.

[H 472](#), by Transportation and Defense Committee, was read the second time by title and filed for third reading.

[H 513](#), by Agricultural Affairs Committee, was read the second time by title and filed for third reading.

[S 1259](#), by Agricultural Affairs Committee, was read the second time by title and filed for third reading.

[H 561](#), by Local Government Committee, was read the second time by title and filed for third reading.

[SCR 115](#), by Health and Welfare Committee, was read the second time by title and filed for third reading.

[H 503](#), by Health and Welfare Committee, was read the second time by title and filed for third reading.

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

Consideration of General Orders

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mr. Rusche. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Bedke in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

February 24, 2012

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration [H 386](#), [H 488](#), [H 491](#), [H 479](#), [S 1243](#), [H 507](#), [H 485](#), [H 511](#), [H 486](#), [H 439](#), [H 522](#), [H 520](#), [H 540](#), [H 512](#), [H 502](#), and [H 564](#) and report them back without recommendation, amended as follows:

HOUSE AMENDMENT TO H.B. NO. 386

AMENDMENT TO SECTION 1

On page 2 of the printed bill, delete lines 42 through 49, and insert:

"(56) Affected institutions shall in their preparation of future budgets include therein costs resultant from such tuition, fee, book, equipment, supply, housing and subsistence loss for reimbursement thereof from appropriations of state funds."

AMENDMENT TO SECTION 2

On page 4, delete lines 14 through 21, and insert:

"(34) Affected institutions and colleges shall, in their preparation of future budgets, include therein costs resulting from such tuition, fees, housing, meals, books, equipment and supplies for reimbursement thereof from appropriation of state funds."

CORRECTION TO TITLE

On page 1, in line 10, delete "TO ESTABLISH PROVISIONS RELATING TO AN APPROPRIATION,"; in line 17, delete "TO ESTABLISH PROVISIONS RELATING TO AN"; and in line 18, delete "APPROPRIATION,".

HOUSE AMENDMENT TO H.B. NO. 488

AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 11 through 42; and delete pages 2 and 3, and insert:

"SECTION 1. That Section 63-3029C, Idaho Code, be, and the same is hereby amended to read as follows:

63-3029C. INCOME TAX CREDIT FOR CERTAIN CHARITABLE CONTRIBUTIONS – LIMITATION. At the election of the taxpayer, there shall be allowed, subject to the applicable limitations provided herein, as a credit against the income tax imposed by chapter 30, title 63, Idaho Code, an amount equal to fifty percent (50%) of the aggregate amount of charitable contributions made by such taxpayer during the year to the anchor house or its foundation, to the children's home society of Idaho, inc., to the Idaho youth ranch or its foundation, to kinderhaven or its foundation, to the women's and children's alliance or its foundation, to children's village, inc. or its foundation, to Idaho drug free youth, inc. or its foundation, to gem youth services or its foundation, to the hope house, inc. or its

foundation, to the north Idaho children's home or its foundation, to the shepherd's home, inc. or its foundation, to a project safe place located within the state of Idaho, to the learning lab, inc. or its foundation, to a center for independent living located within the state of Idaho, to Sun Valley adaptive sports program, inc., to project P.A.T.C.H., planned assistance for troubled children, to a nonprofit substance abuse center licensed by the department of health and welfare, or to a nonprofit rehabilitation facility located within the state of Idaho or its foundation.

(1) In the case of a taxpayer other than a corporation, the amount allowable as a credit under this section for any taxable year shall not exceed twenty percent (20%) of such taxpayer's total income tax liability imposed by section 63-3024, Idaho Code, for the year, or one hundred dollars (\$100), whichever is less.

(2) In the case of a corporation, the amount allowable as a credit under this section for any taxable year shall not exceed ten percent (10%) of such corporation's total income or franchise tax liability imposed by sections 63-3025 and 63-3025A, Idaho Code, for the year, or five hundred dollars (\$500), whichever is less.

(3) For the purposes of this section, "center for independent living" shall mean a private, nonprofit, nonresidential organization in which at least fifty-one percent (51%) of the principal governing board, management and staff are individuals with disabilities and that:

(a) Is designed and operated within a local community by individuals with disabilities;

(b) Provides an array of independent living services and programs; and

(c) Is cross-disability.

(4) For the purposes of this section, "nonprofit rehabilitation facility" means only a facility that is accredited by the commission on accreditation of rehabilitation facilities or another accreditation organization recognized by the state of Idaho.

SECTION 2. 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, and retroactively to January 1, 2012."

CORRECTION TO TITLE

On page 1, delete lines 2 through 9, and insert:

"RELATING TO INCOME TAXATION; AMENDING SECTION 63-3029C, IDAHO CODE, TO PROVIDE AN ADDITIONAL ORGANIZATION FOR WHICH AN INCOME TAX CREDIT WILL BE GIVEN FOR A CHARITABLE CONTRIBUTION TO THE ORGANIZATION; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION."

HOUSE AMENDMENT TO H.B. NO. 491

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 18, following "sion." insert: "Except for functions or capabilities unique to this state, voting machines and vote tally systems shall be tested and the results certified by an independent testing authority designated by the secretary of state prior to certification."

CORRECTION TO TITLE

On page 1, in line 4, following "IDAHO" insert: "AND TO PROVIDE FOR TESTING WITH EXCEPTIONS PRIOR TO CERTIFICATION".

HOUSE AMENDMENT TO H.B. NO. 479

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 21 through 24, and insert: "home of this state. Prior to appointing the administrator as a recipient of resident funds, the paying entity shall conduct its customary process for determining the need for the appointment and conclude that the appointment of the administrator complies with the laws, policies and procedures applicable to the paying entity. The administrator shall provide the resident with notice and an opportunity to appeal the appointment before accepting appointment as a recipient of the resident's funds. The process for appeal of the appointment shall be set forth in rules promulgated by the administrator."

HOUSE AMENDMENT TO S.B. NO. 1243

AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 18 through 42; and delete pages 2, 3, 4, 5, 6 and 7, and insert:

"SECTION 1. That Section 49-402, Idaho Code, be, and the same is hereby amended to read as follows:

49-402. ANNUAL REGISTRATION. (1) The annual fee for operating each pickup truck, each neighborhood electric vehicle and each other motor vehicle having a maximum gross weight not in excess of eight thousand (8,000) pounds and that complies with the federal motor vehicle safety standards as defined in section 49-107, Idaho Code, shall be:

Vehicles one (1) and two (2) years old \$48.00

Vehicles three (3) and four (4) years old \$36.00

Vehicles five (5) and six (6) years old \$36.00

Vehicles seven (7) and eight (8) years old \$24.00

Vehicles over eight (8) years old \$24.00

There shall be twelve (12) registration periods, starting in January for holders of validation registration stickers numbered 1, and proceeding consecutively through December for holders of validation registration stickers numbered 12, each of which shall start on the first day of a calendar month and end on the last day of the twelfth month from the first day of the beginning month. Registration periods shall expire midnight on the last day of the registration period in the year designated by the validation registration sticker. The numeral digit on the validation registration stickers shall, as does the registration card, fix the registration period under the staggered plate system of Idaho for the purpose of reregistration and notice of expiration.

A vehicle that has once been registered for any of the above designated periods shall, upon reregistration, be registered for the period bearing the same number, and the registration card shall show and be the exclusive proof of the expiration date of registration and licensing. Vehicles may be initially registered for less than a twelve (12) month period, or for more than a twelve (12) month period, and the fee prorated on a monthly basis if the fractional registration tends to fulfill the purpose of the monthly series registration system.

(2) For all school buses operated either by a nonprofit, nonpublic school or operated pursuant to a service contract with a school district for transporting children to or from school or in connection with school approved activities, the annual fee shall be twenty-four dollars (\$24.00).

(3) For all motorcycles and motor-driven cycles which comply with the federal motor vehicle safety standards, operated upon the public highways the annual fee shall be nine dollars (\$9.00).

(4) For operation of an all-terrain vehicle, utility type vehicle or motorbike, excluding a motorbike with an engine

displacement of fifty (50) cubic centimeters or less, on city, county or highway district roads or highways open to such use, a restricted vehicle license plate fee pursuant to section 49-450, Idaho Code, shall be paid. In addition, the registration fee specified in section 67-7122, Idaho Code, shall be paid as provided in section 67-7122, Idaho Code. The registration and restricted vehicle license plate exemption provided in section 49-426(2), Idaho Code, applies to all-terrain vehicles, utility type vehicles, motorbikes and motorcycles used for the purposes described in subsection (2) of section 49-426, Idaho Code. Nonresidents shall be allowed to purchase a restricted vehicle license plate and sticker for an all-terrain vehicle, utility type vehicle or motorbike.

(5) For all motor homes the fee shall be as specified in subsection (1) of this section and shall be in addition to the fees provided for in section 49-445, Idaho Code.

(6) Registration fees shall not be subject to refund.

(7) A financial institution or repossession service contracted to a financial institution repossessing vehicles under the terms of a security agreement shall move the vehicle from the place of repossession to the financial institution's place of business on a repossession plate. The repossession plate shall also be used for demonstrating the vehicle to a prospective purchaser for a period not to exceed ninety-six (96) hours. The registration fees for repossession plates shall be as required in subsection (1) of this section for a vehicle one (1) and two (2) years old. All other fees required under chapter 4, title 49, Idaho Code, shall be in addition to the registration fee. The repossession plate shall be issued on an annual basis by the department.

(8) A wrecker or towing business engaged in the process of towing motorized vehicles, which have been wrecked, abandoned, salvaged or may be disabled, may apply for a wrecker plate to be displayed on those vehicles being towed, provided the power unit is properly registered under this chapter. The registration fees for wrecker plates shall be as required in subsection (1) of this section for a vehicle one (1) and two (2) years old. All other fees required under chapter 4, title 49, Idaho Code, shall be in addition to the registration fee. The wrecker plate shall be issued on an annual basis by the department.

(9) In addition to the annual registration fee in this section, there shall be an initial program fee of twenty-five dollars (\$25.00) and an annual program fee of fifteen dollars (\$15.00) for all special license plate programs for those license plates issued pursuant to sections 49-404A, 49-407, 49-408, 49-409, 49-414, 49-416, 49-418 and 49-418D, Idaho Code. For special plates issued pursuant to sections 49-406 and 49-406A, Idaho Code, there shall be an initial program fee of twenty-five dollars (\$25.00) but there shall be no annual renewal fee. For special plates issued pursuant to sections 49-415C, 49-415D, 49-415E, 49-416A, 49-416B, 49-416C, 49-416D, 49-416E, 49-417, 49-417A, 49-417B, 49-417C, 49-417D, 49-417E, 49-418A, 49-418B, 49-418C, 49-418E, 49-419, 49-419A, 49-419B, 49-419C, 49-419D, 49-419E, 49-420, 49-420A, 49-420B, 49-420C, 49-420D, 49-420E, 49-420G, 49-420H, 49-420I, 49-420J and 49-420K, Idaho Code, and any new special plate program effective on and after January 1, 2013, pursuant to section 49-402D, Idaho Code, there shall be an initial program fee of thirty-five dollars (\$35.00) and an annual program fee of twenty-five dollars (\$25.00). The fees contained in this subsection shall be applicable to all new special plate programs. The initial program fee and the annual program fee shall be deposited in the state highway account and shall be used to fund the cost of administration of special license plate programs, unless otherwise specified by law.

(10) Any vehicle that does not meet federal motor vehicle safety standards shall not be registered and shall not be permitted to operate on public highways of the state, as defined in section 40-117, Idaho Code, unless otherwise specifically authorized.

SECTION 2. That Chapter 4, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-402D, Idaho Code, and to read as follows:

49-402D. SPECIAL LICENSE PLATE PREQUALIFICATION PROCESS. (1) Any special plate consideration shall:

(a) Submit a financial plan for the use of the proceeds from the special license plate sales; and

(b) Designate an individual who shall be deemed responsible by the agency for certifying compliance with the requirements of this section and working with the department; and

(c) Submit evidence to the department that the applicant has 501(c)(3) federal income tax status that has been in existence for at least two (2) years.

(d) The department is authorized and shall adopt and promulgate rules to carry out the provisions of this section.

(2) If the request for a special license plate is approved by the department, the following requirements, in addition to those set out in subsection (1) of this section, shall be met by September 1 prior to the next legislative session.

(a) The applicant shall deposit estimated programming and administrative costs with the department to be utilized for programming costs of the specialty plate. Administrative costs in the amount of one thousand dollars (\$1,000) shall be nonrefundable.

(b) In addition to the requirements provided for in section 49-402C, Idaho Code, the applicant requesting a special license plate program shall provide to the department an acceptable plate design.

(c) The applicant shall transmit to the department a list of two hundred fifty (250) applicants whose vehicles are currently registered in the state of Idaho, who intend to purchase the specialty plate when available, as evidenced by completing forms provided by the department.

(3) The department shall submit the completed applications for special license plate programs that meet the requirements of this section to the chairmen of the senate transportation committee and the house of representatives transportation and defense committee each year on behalf of the agency to be included for consideration in the next legislative session.

(4) On an annual basis, by December 1 of each calendar year, the applicant that is a requestor of a special license plate program, shall prepare an annual report, which shall be made available on request, and shall be forwarded to the department. Such report shall include an accounting of revenues and expenditures associated with the funds collected for the special license plate program. The department shall compile and forward such reports to the chairmen of the senate transportation committee and the house of representatives transportation and defense committee by January 15 of each year. Failure of the agency to provide such report by the due date shall result in the suspension of the special license plate program sales on January 1 until such report is provided.

(5) Any decision by the department that the special license plate program application does not meet the provisions of this section may be appealed to the director of the department. Such

notice of appeal shall be made in writing within twenty (20) days of the notice of denial."

CORRECTION TO TITLE

On page 1, delete lines 2 through 16, and insert:
 "RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSE PLATES; AMENDING SECTION 49-402, IDAHO CODE, TO REVISE PROVISIONS RELATING TO INITIAL PROGRAM FEES; AND AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-402D, IDAHO CODE, TO PROVIDE THAT ANY APPLICANT SEEKING TO PARTICIPATE IN THE SPECIAL LICENSE PLATE PROGRAM SHALL BE REQUIRED TO COMPLETE AN APPLICATION PROCESS, TO PROVIDE REQUIREMENTS, TO PROVIDE FOR RULES, TO PROVIDE ADDITIONAL REQUIREMENTS, TO PROVIDE THAT THE DEPARTMENT SHALL SUBMIT COMPLETED APPLICATIONS TO THE CHAIRMEN OF THE SENATE TRANSPORTATION COMMITTEE AND THE HOUSE OF REPRESENTATIVES TRANSPORTATION AND DEFENSE COMMITTEE, TO PROVIDE FOR A REPORT AND TO PROVIDE FOR APPEALS."

HOUSE AMENDMENT TO H.B. NO. 507

AMENDMENT TO SECTION 1

On page 3 of the printed bill, delete lines 5 through 9, and insert:

"(h)(i) Any urban renewal plan containing a revenue allocation financing provision shall include the information set forth in section 50-2905, Idaho Code.

(ii) A plan prepared or approved for an urban"; and delete lines 16 and 17.

CORRECTION TO TITLE

On page 1, in line 2, delete "TO RE-"; delete line 3; in line 4, delete "RENEWAL PLANS,"; in line 7, delete ", TO ESTABLISH THAT A PLAN"; and in line 8, delete "SHALL INCLUDE A TERMINATION DATE".

HOUSE AMENDMENT TO H.B. NO. 485

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 21, following the second "residence" insert: "that serves as the place of residence of the individual taxpayer"; and in line 23, delete "2004" and insert: "2002".

HOUSE AMENDMENT TO H.B. NO. 511

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 3, following "itself" insert: ", towers used for military purposes excepted".

HOUSE AMENDMENT TO H.B. NO. 486

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 12 and 13; in line 14, delete "(b)" and insert: "(a)"; in line 17, delete "(c)" and insert: "(b)"; in line 21, following "use a" delete "photother-"; in line 22, delete "apy device,"; in line 24, following "use a" delete "photother-"; and in line 25, delete "apy device,".

CORRECTION TO TITLE

On page 1, in line 4, delete "PHOTOTHERAPY DEVICE,".

HOUSE AMENDMENT TO H.B. NO. 486

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 29, delete "five hundred dollars (\$500)" and insert: "one hundred dollars (\$100)"; and in line 31, following "shall be fined" delete "not less than five hundred dollars (\$500)" and insert: "three hundred dollars (\$300). For all other subsequent violations, such person shall be fined not less than three hundred dollars (\$300)".

HOUSE AMENDMENT TO H.B. NO. 439

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 29, delete "~~misdemeanor felony~~" and insert: "misdemeanor"; and in line 40, delete "~~misdemeanor felony~~" and insert: "misdemeanor".

CORRECTION TO TITLE

On page 1, delete lines 3 through 8, and insert: "SECTION 37-2726, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THOSE INDIVIDUALS AND ENTITIES THAT MAY ACCESS THE CONTROLLED SUBSTANCES PRESCRIPTIONS DATABASE, TO PROVIDE FOR VIOLATIONS AND PENALTIES RELATING TO THE FAILURE TO SAFEGUARD CERTAIN USER ACCOUNTS, LOGIN NAMES AND PASSWORDS, TO PROVIDE THAT THE BOARD MAY BLOCK CERTAIN ACCESS, TO REMOVE PROVISIONS RELATING TO THE APPLICABILITY OF SPECIFIED DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 37-2730A, IDAHO CODE,".

HOUSE AMENDMENT TO H.B. NO. 522

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 41, following "(TAFI program" delete ", or pursuant to the aid for"; and in line 42, delete "the aged, blind or disabled (AABD) program,".

HOUSE AMENDMENT TO H.B. NO. 522

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 41, following "Idaho Code" insert: ", with the exception of special distributors as referenced in chapter 3, title 23, Idaho Code".

HOUSE AMENDMENT TO H.B. NO. 520

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 26, delete "outside wiring for fire and"; and in line 27, delete "security and".

HOUSE AMENDMENT TO H.B. NO. 540

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 20, following "liability" insert: "related to this section".

HOUSE AMENDMENT TO H.B. NO. 512

AMENDMENT TO SECTION 6

On page 4 of the printed bill, in line 40, following "sale." insert: "In addition to the assessment provisions of this section related to wool, the board may by rule establish an assessment on goats that would assess goats on a per head basis and at a rate that is comparable to the assessment on wool.".

CORRECTION TO TITLE

On page 1, in line 12, delete "AND" and insert: ","; and in line 13, following "PROVISIONS" insert: "AND TO PROVIDE THAT THE BOARD MAY BY RULE ESTABLISH AN ASSESSMENT ON GOATS THAT WOULD ASSESS GOATS ON A PER HEAD BASIS AND AT A RATE THAT IS COMPARABLE TO THE ASSESSMENT ON WOOL".

HOUSE AMENDMENT TO H.B. NO. 512

AMENDMENT TO SECTION 2

On page 2 of the printed bill, delete line 11, and insert: "same county; said members shall be appointed by, and serve at the pleasure of, the governor. Members shall and hold their"; and in line 37, following "board." insert: "The Idaho sheep and goat health board may request the removal of a board member, with or without cause, by a majority vote. Upon receipt of the request, the governor may immediately withdraw the board member's appointment."

CORRECTION TO TITLE

On page 1, in line 5, following "BOARD," insert: "TO PROVIDE THAT BOARD MEMBERS SHALL SERVE AT THE PLEASURE OF THE GOVERNOR,"; also in line 5, delete "AND" and insert: ","; and also in line 5, following "ACCOUNT" insert: ", TO PROVIDE THAT THE IDAHO SHEEP AND GOAT HEALTH BOARD MAY REQUEST THE REMOVAL OF A BOARD MEMBER AND TO PROVIDE THAT UPON RECEIPT OF A REQUEST FOR REMOVAL OF A BOARD MEMBER, THE GOVERNOR MAY WITHDRAW THE BOARD MEMBER'S APPOINTMENT".

HOUSE AMENDMENT TO H.B. NO. 502

AMENDMENT TO SECTION 1

On page 4 of the printed bill, delete lines 34 through 50; and on page 5, delete lines 1 through 22, and insert:

"a. Any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl to any extent, whether or not further substituted in the indole ring to any extent, whether or not substituted in the naphthyl ring to any extent.

b. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl to any extent, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent.

c. Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl to any extent, whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent.

d. Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl to any extent, whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent.

e. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl to any extent, whether or not substituted in the cyclohexyl ring to any extent.

f. Any compound structurally derived from 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl to any extent, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent."

HOUSE AMENDMENT TO H.B. NO. 564

AMENDMENT TO SECTION 2

On page 7 of the printed bill, delete lines 1 and 2, and insert: "has not been substantiated."

We have also had under consideration [S 1269](#) and [H 562](#), report progress and beg leave to sit again.

BEDKE, Chairman

Mr. Bedke moved that the report be adopted. Seconded by Mr. Moyle.

Whereupon the Speaker declared the report adopted.

[H 386](#), as amended, [H 488](#), as amended, [H 491](#), as amended, [H 479](#), as amended, [H 507](#), as amended, [H 485](#), as amended, [H 511](#), as amended, [H 486](#), as amended, [H 439](#), as amended, [H 522](#), as amended, [H 520](#), as amended, [H 540](#), as amended, [H 512](#), as amended, [H 502](#), as amended, and [H 564](#), as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

[S 1243](#), as amended in the House, was filed for first reading.

[S 1269](#) and [H 562](#) were retained on General Orders.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

Mr. Wills asked unanimous consent that [S 1263](#) be returned to the Judiciary, Rules, and Administration Committee. There being no objection, it was so ordered.

[H 574](#) - APPROPRIATION - CATASTROPHIC HEALTH CARE FUND

[H 574](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wood(27) to open debate.

The question being, "Shall [H 574](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane,

DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Andrus, Cronin, Henderson, Lacey, Smith(24), Stevenson. Total – 6.

Total – 70.

Whereupon the Speaker declared that [H 574](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 489](#) - USE TAX

[H 489](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bayer to open debate.

Pursuant to Rule 38(3), Mrs. Batt disclosed a conflict of interest regarding [H 489](#).

The question being, "Shall [H 489](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Andrus, Cronin, Henderson, Lacey, Smith(24), Stevenson. Total – 6.

Total – 70.

Whereupon the Speaker declared that [H 489](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 457](#) - FISH AND GAME

[H 457](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood(35) to open debate.

The question being, "Shall [H 457](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30),

Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Andrus, Barbieri, Cronin, Henderson, Lacey, Lake, Smith(24), Stevenson. Total – 8.

Total – 70.

Whereupon the Speaker declared that [H 457](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 459](#) - FISH AND GAME

[H 459](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Harwood to open debate.

The question being, "Shall [H 459](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Andrus, Barbieri, Cronin, Ellsworth, Henderson, Lacey, Smith(24), Stevenson. Total – 8.

Total – 70.

Whereupon the Speaker declared that [H 459](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 461](#) - FISH AND GAME

[H 461](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Patrick to open debate.

The question being, "Shall [H 461](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Simpson, Sims, Smith(30), Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Andrus, Cronin, Ellsworth, Henderson, Lacey, Shirley, Smith(24), Stevenson. Total – 8.

Total – 70.

Whereupon the Speaker declared that [H 461](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 525](#) - FISH AND GAME

[H 525](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall [H 525](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – None.

Absent and excused – Andrus, Cronin, Henderson, Lacey, Shepherd, Smith(24), Stevenson. Total – 7.

Total – 70.

Whereupon the Speaker declared that [H 525](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 543](#) - FISH AND GAME

[H 543](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gibbs to open debate.

Mr. Gibbs asked unanimous consent that, pursuant to Rule 22, discussion of [H 457](#) be allowed in debate of [H 543](#). There being no objection it was so ordered.

The question being, "Shall [H 543](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Higgins, Jaquet, Killen, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – King. Total – 1.

Absent and excused – Andrus, Cronin, Harwood, Henderson, Lacey, Smith(24), Stevenson. Total – 7.

Total – 70.

Whereupon the Speaker declared that [H 543](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, February 27, 2012. There being no objection, it was so ordered.

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

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Monday, February 27, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:01 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FIFTIETH LEGISLATIVE DAY
MONDAY, FEBRUARY 27, 2012

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent and excused – Boyle, Buckner-Webb, Smith(24).

Total – 3.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Charles Baines, Page.

Approval of Journal

February 27, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Forty-seventh Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO

CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that Sharon L. Block, State Representative, District 24, House Seat B, Twin Falls County, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated D.W. "Bill" Block of Twin Falls, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint D.W. "Bill" Block, Acting State Representative, District 24, House Seat B, Twin Falls County, State of Idaho, for a term commencing on February 27, 2012, and continuing until the incumbent shall resume the performance of the 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 27th day of February, in the year of our Lord two thousand and twelve and

of the Independence of the United States of America, the two hundred and thirty-sixth year.

/s/ C.L. "BUTCH" OTTER

Governor

/s/ BEN T. YSURSA

Secretary of State

The Certificate of Appointment was ordered filed in the office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to D.W. "Bill" Block.

February 24, 2012

Mr. Speaker:

I transmit herewith [SJM 103](#), [S 1285](#), [S 1286](#), [S 1289](#), [S 1290](#), [S 1333](#), [S 1299](#), and [S 1256](#) which have passed the Senate.

NOVAK, Secretary

[SJM 103](#), [S 1285](#), [S 1286](#), [S 1289](#), [S 1290](#), [S 1333](#), [S 1299](#), and [S 1256](#) were filed for first reading.

February 24, 2012

Mr. Speaker:

I return herewith [H 375](#), [H 369](#), [H 407](#), [H 408](#), [H 409](#), and [H 473](#) which have passed the Senate.

NOVAK, Secretary

[H 375](#), [H 369](#), [H 407](#), [H 408](#), [H 409](#), and [H 473](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 27, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 588](#), [H 589](#), and [H 590](#).

WILLS, Chairman

[H 588](#), [H 589](#), and [H 590](#) were referred to the Education Committee.

February 27, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed House amendments to [H 386](#), [H 488](#), [H 491](#), [H 479](#), [H 507](#), [H 485](#), [H 511](#), [H 486](#), [H 439](#), [H 522](#), [H 520](#), [H 540](#), [H 512](#), [H 502](#), [H 564](#), and [S 1243](#).

WILLS, Chairman

February 27, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 382](#), [H 383](#), [H 385](#), [H 412](#), [H 367](#), [H 402](#), [H 418](#), [H 391](#), and [H 374](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 382](#), [H 383](#), [H 385](#), [H 412](#), [H 367](#), [H 402](#), [H 418](#), [H 391](#), and [H 374](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 27, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [H 358](#), as amended in the Senate, [H 386](#), as amended, [H 488](#), as amended, [H 491](#), as amended, [H 479](#), as amended, [H 507](#), as amended, [H 485](#), as amended, [H 511](#), as amended, [H 486](#), as amended, [H 439](#), as amended, [H 522](#), as amended, [H 520](#), as amended, [H 540](#), as amended, [H 512](#), as amended, [H 502](#), as amended, and [H 564](#), as amended.

WILLS, Chairman

[H 358](#), as amended in the Senate, [H 386](#), as amended, [H 488](#), as amended, [H 491](#), as amended, [H 479](#), as amended, [H 507](#), as amended, [H 485](#), as amended, [H 511](#), as amended, [H 486](#), as amended, [H 439](#), as amended, [H 522](#), as amended, [H 520](#), as amended, [H 540](#), as amended, [H 512](#), as amended, [H 502](#), as amended, and [H 564](#), as amended, were filed for first reading of engrossed bills.

February 27, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [HJM 7](#) and [HJM 4](#) to the Secretary of State at 11:19 a.m., as of this date, February 24, 2012.

WILLS, Chairman

February 24, 2012

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [SCR 114](#) and [H 541](#) and recommend that they do pass.

MCGEACHIN, Chairman

[SCR 114](#) and [H 541](#) were filed for second reading.

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

Motions, Memorials, and Resolutions

Mr. Moyle moved that the following persons be approved as attaches to serve the House of Representatives for and during the Second Regular Session of the Sixty-first Idaho Legislature. Seconded by Mr. Rusche.

Pages:

Derek Nuxoll

Benjamin Robles

Whereupon the Speaker declared the motion carried by voice vote and previously administered the oath of office to the above named attaches.

HOUSE CONCURRENT RESOLUTION NO. 46 BY STATE AFFAIRS COMMITTEE A CONCURRENT RESOLUTION

HONORING AND COMMENDING GENERAL DARRELL V. MANNING FOR HIS SERVICE TO THE STATE OF IDAHO UPON HIS RETIREMENT.

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

WHEREAS, Darrell V. Manning was born in Preston, Idaho, graduated from Utah State University in 1955, married Rochelle in 1955, enlisted in the Air Force in 1955, spending six years of

active duty and twelve years in the Air Force Reserve, and served during the Cuban Missile and Dominican Republic crises and flew missions over Southeast Asia during the Vietnam Conflict; and

WHEREAS, Darrell V. Manning left the Air Force Reserve in 1973, but joined the Idaho National Guard the same year, and twelve years later was appointed Adjutant and Commanding General of the Guard. He earned twenty-five military ribbons, medals and citations and a myriad of awards for outstanding service, he logged 5,700 hours of flying in the military, 8,000 hours as a civilian pilot, flew 65 different aircraft and traveled more than two million miles as a pilot; and

WHEREAS, General Manning served four terms in the Idaho House of Representatives from District 34 in 1961, 1963, 1965 and 1967, he served on several committees including Insurance, Public Utilities and Banking, Ways and Means, Printing and Legislative Expense, Industry and Labor, Aeronautics, Civil Defense, Military and Veterans Affairs, served two terms as the minority leader, served one term in the Idaho Senate 1971-72 where he served on the Commerce and Banking, and Judiciary and Rules Committees and ran for Idaho's Second Congressional District Representative in 1968, and of that unsuccessful run, he has said that he won in losing as he didn't have to go to Washington, D.C.; and

WHEREAS, General Manning served Idaho under eight governors, Robert E. Smylie, Don Samuelson, Cecil Andrus, John V. Evans, Phil Batt, Dirk Kempthorne, Jim Risch and C.L. "Butch" Otter, held posts in the Division of Aeronautics, Idaho Transportation Department, State Board of Education, the Idaho Department of Health and Welfare, the Division of Financial Management, the Idaho Military Division, and the Bureau of Disaster Services (now the Bureau of Homeland Security), was one of just two nonlegislative members of the 1973 Executive Reorganization Commission that streamlined state government by combining and eliminating state agencies, and served as first director of the Idaho Transportation Department in 1974, leaving in 1985, when he was appointed Adjutant General of the Idaho National Guard; and

WHEREAS, in 2005, General Manning was appointed to the Transportation Board and during his tenure as director and a board member he was president of the Western Association of State and Highway Transportation Officials, the American Association of State and Highway Transportation Officials and the Transportation Research Board; and

WHEREAS, with his legislative service and later, General Manning became an expert in parliamentary procedure both in Mason's Manual and Robert's Rules of Order; and

WHEREAS, General Manning announced his retirement on November 28, 2011, and Governor Otter said of him on his retirement, "Few people in Idaho history have had public service careers of the length, breadth, quality or impact of General Manning's. He is a state treasure, and one that I and generations of our citizens have appreciated and revered. I'm grateful that he's agreed to remain available to lend his advice, experience and good judgment to crafting Idaho's future."

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that we honor and commend General Darrell V. Manning for his service to the State of Idaho and wish him well in his retirement.

BE IT FURTHER RESOLVED that the Chief Clerk shall deliver a copy of this resolution to General Darrell V. Manning.

[HCR 46](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

SJM 103, by Resources and Environment Committee, was introduced, read the first time by title, and referred to the Resources and Conservation Committee.

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

House of Representatives
State of Idaho

February 21, 2012

The Honorable Lenore Hardy Barrett, Chairman
Local Government Committee

Dear Representative Barrett:

I hereby designate the Local Government Committee a privileged committee on Friday, February 24, 2012, for the purpose of introducing RS 21340 (**H 597**), relating to the Urban Renewal Law, establishing election terms of Boards of Commissioners, has been granted.

Sincerely,
/s/ Lawrence Denney
Speaker of the House

**HOUSE BILL NO. 591
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO UNCLAIMED PROPERTY; AMENDING SECTION 14-113, IDAHO CODE, TO REVISE PROVISIONS RELATING TO UNCLAIMED MONEYS AND ABANDONED PROPERTY; AMENDING SECTION 14-522, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 14-523, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DISPOSITION OF MONEYS RECEIVED UNDER THE UNCLAIMED PROPERTY LAW; AMENDING SECTION 15-3-914, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DISPOSITION OF UNCLAIMED ASSETS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 66-503, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN DUTIES OF THE SUPERINTENDENT AND MANAGER AND TO MAKE A TECHNICAL CORRECTION.

**HOUSE BILL NO. 592
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO REVENUE AND TAXATION; AMENDING SECTION 63-301A, IDAHO CODE, TO ESTABLISH PROVISIONS THAT A NEW CONSTRUCTION ROLL SHALL SHOW CERTAIN REDUCTIONS IN TAXABLE MARKET VALUE AND TO PROVIDE FOR EXCEPTIONS; AND AMENDING SECTION 63-802, IDAHO CODE, TO REVISE A CODE REFERENCE AND TO ESTABLISH PROVISIONS RELATING TO A CERTAIN AMOUNT THAT SHALL BE SUBTRACTED FROM THE DOLLAR AMOUNT OF PROPERTY TAXES CERTIFIED FOR AN ANNUAL BUDGET.

**HOUSE BILL NO. 593
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO COMMUNITY INFRASTRUCTURE DISTRICTS; AMENDING SECTION 50-3102, IDAHO

CODE, TO REVISE CERTAIN DEFINITIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 50-3103, IDAHO CODE, TO REVISE PROVISIONS RELATING TO NOTICE AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 50-3104, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE MANAGER, TREASURER AND CLERK OF A DISTRICT AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 50-3108, IDAHO CODE, TO PROVIDE THAT IN NO EVENT SHALL THE AGGREGATE OUTSTANDING PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS AND ANY OTHER INDEBTEDNESS FOR WHICH THE FULL FAITH AND CREDIT OF THE DISTRICT ARE PLEDGED EXCEED NINE PERCENT OF THE ACTUAL OR ADJUSTED MARKET VALUE FOR ASSESSMENT PURPOSES ON CERTAIN PROPERTY AS SUCH VALUATION EXISTED ON A CERTAIN DATE; AMENDING SECTION 50-3109, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A PETITION AND TO REVISE PROVISIONS RELATING TO THE ADOPTION OF A CERTAIN RESOLUTION; AND AMENDING SECTION 50-3119, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN APPEALS.

**HOUSE BILL NO. 594
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO PUBLIC FUNDS; AMENDING SECTION 57-814, IDAHO CODE, TO REVISE PROVISIONS RELATING TO STATE GENERAL FUND TRANSFERS INTO THE BUDGET STABILIZATION FUND; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 595
BY WAYS AND MEANS COMMITTEE
AN ACT**

RELATING TO THE STATE VICTIM NOTIFICATION FUND; AMENDING CHAPTER 32, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3204, IDAHO CODE, TO ESTABLISH A CERTAIN FEE FOR VICTIM NOTIFICATION PURPOSES; AMENDING CHAPTER 29, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2912, IDAHO CODE, TO ESTABLISH THE STATE VICTIM NOTIFICATION FUND, TO PROVIDE FOR THE PAYMENT OF MONEYS IN SUCH FUND, TO PROVIDE CERTAIN AUTHORITY OF THE DIRECTOR OF THE IDAHO STATE POLICE AND TO PROVIDE FOR THE SOURCE OF MONEYS FOR SUCH FUND.

**HOUSE BILL NO. 596
BY WAYS AND MEANS COMMITTEE
AN ACT**

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-202, IDAHO CODE, TO ESTABLISH A CERTAIN FEE, TO REQUIRE THAT SUCH FEE BE DEPOSITED INTO A CERTAIN FUND AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 19-5202, IDAHO CODE, TO REQUIRE THAT CERTAIN FEES BE PAID INTO THE PUBLIC SAFETY AND SECURITY INFORMATION FUND; AND PROVIDING A SUNSET DATE.

**HOUSE BILL NO. 597
BY LOCAL GOVERNMENT COMMITTEE
AN ACT**

RELATING TO URBAN RENEWAL LAW; AMENDING SECTION 50-2006, IDAHO CODE, TO REVISE PROVISIONS RELATING TO URBAN RENEWAL AGENCY BOARD OF COMMISSIONERS, TO ESTABLISH PROVISIONS RELATING TO THE ELECTION OF A BOARD OF COMMISSIONERS, TO ESTABLISH PROVISIONS RELATING TO LIMITING BOARD COMMISSIONERS FROM HOLDING CERTAIN ELECTIVE OFFICES, TO ESTABLISH PROVISIONS RELATING TO STAGGERED TERMS, TO ESTABLISH PROVISIONS RELATING TO AN ELECTION, TO ESTABLISH PROVISIONS RELATING TO AN INTERIM DIRECTOR AND TO ESTABLISH PROVISIONS RELATING TO TERMS OF OFFICE AND EXPIRATION OF TERMS FOR COMMISSIONERS.

HOUSE BILL NO. 598
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM AND THE BLIND COMMISSION; AMENDING SECTION 59-1354, IDAHO CODE, TO PROVIDE THAT A RETIRED MEMBER, WHO SUBSEQUENT TO BECOMING A DISABILITY RETIREE SERVES ON ANY STATE BOARD OR COMMISSION THAT IS STATUTORILY REQUIRED TO MEET ONCE PER MONTH OR LESS AND, WHO IS NOT AN EMPLOYEE AS DEFINED IN THE PUBLIC EMPLOYMENT RETIREMENT SYSTEM LAW BY VIRTUE OF SUCH SERVICE, SHALL NOT BE DEEMED TO HAVE CEASED TO BE DISABLED BECAUSE OF SUCH SERVICE; AMENDING SECTION 59-1354A, IDAHO CODE, TO REVISE THE DEFINITION OF "RETURN TO WORK"; AND AMENDING SECTION 67-5404, IDAHO CODE, TO PROVIDE AN ALTERNATIVE COMPENSATION FOR MEMBERS OF THE BLIND COMMISSION; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 599
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE IDAHO STATE HISTORICAL SOCIETY; AMENDING SECTION 67-4126, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE POWERS AND DUTIES OF THE BOARD AND TO CLARIFY THAT CERTAIN RECORDS ARE NOT EXEMPT FROM THE PUBLIC RECORDS ACT; AMENDING CHAPTER 41, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4129C, IDAHO CODE, TO ESTABLISH THE RECORDS MANAGEMENT SERVICES FUND; AMENDING CHAPTER 41, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4131, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO RECORDS MANAGEMENT SERVICES AND RULES, GUIDELINES AND PROCEDURES; REPEALING SECTION 67-5751, IDAHO CODE, RELATING TO RECORDS MANAGEMENT; REPEALING SECTION 67-5751A, IDAHO CODE, RELATING TO HISTORICAL RECORDS; REPEALING SECTION 67-5752, IDAHO CODE, RELATING TO A RECORDS MANAGEMENT MANUAL; AND REPEALING SECTION 67-5753, IDAHO CODE, RELATING TO MICROFILMING SERVICES.

H 591, H 592, H 593, H 594, H 595, H 596, H 597, H 598, and H 599 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1285 and S 1286, by State Affairs Committee, were introduced, read the first time by title, and referred to the State Affairs Committee.

S 1289, S 1290, and S 1256, by Resources and Environment Committee, were introduced, read the first time by title, and referred to the Resources and Conservation Committee.

S 1333, by Finance Committee, was introduced, read the first time by title, and filed for second reading.

S 1299, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Education Committee.

S 1243, as amended in the House, by Transportation Committee, was introduced, read the first time by title, and filed for second reading.

First Reading of Engrossed Bills

H 358, as amended in the Senate, and H 488, as amended, by Revenue and Taxation Committee, were introduced, read the first time by title, and filed for second reading.

H 386, as amended, and H 564, as amended, by Education Committee, were introduced, read the first time by title, and filed for second reading.

H 491, as amended, by State Affairs Committee, was introduced, read the first time by title, and filed for second reading.

H 479, as amended, and H 511, as amended, by Transportation and Defense Committee, were introduced, read the first time by title, and filed for second reading.

H 507, as amended, by Local Government Committee, was introduced, read the first time by title, and filed for second reading.

H 485, as amended, and H 520, as amended, by Environment, Energy, and Technology Committee, were introduced, read the first time by title, and filed for second reading.

H 486, as amended, H 439, as amended, and H 502, as amended, by Health and Welfare Committee, were introduced, read the first time by title, and filed for second reading.

H 522, as amended, by Commerce and Human Resources Committee, was introduced, read the first time by title, and filed for second reading.

H 540, as amended, by Business Committee, was introduced, read the first time by title, and filed for second reading.

H 512, as amended, by Agricultural Affairs Committee, was introduced, read the first time by title, and filed for second reading.

Second Reading of Bills and Joint Resolutions

H 556, by Education Committee, was read the second time by title and filed for third reading.

H 494, by Resources and Conservation Committee, was read the second time by title and filed for third reading.

H 403 and H 514, by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

[S 1215](#), as amended, and [S 1292](#), by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

[H 447](#), [H 465](#), [H 492](#), and [H 539](#), by Business Committee, were read the second time by title and filed for third reading.

[SCR 118](#) and [SCR 119](#), by Commerce and Human Resources Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that [H 561](#) retain its place on the Third Reading Calendar until Monday, March 5, 2012. There being no objection, it was so ordered.

[H 546](#) - GLOBAL ENTREPRENEURIAL MISSION GRANT FUND

[H 546](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Lake to open debate.

Pursuant to Rule 38(3), Mr. Simpson disclosed a conflict of interest regarding [H 546](#).

The question being, "Shall [H 546](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – Barbieri, Barrett. Total – 2.

Absent and excused – Boyle, Buckner-Webb, Roberts, Shepherd, Smith(24). Total – 5.
Total – 70.

Whereupon the Speaker declared that [H 546](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 536](#) - PARI-MUTUEL BETTING

[H 536](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Henderson to open debate.

The question being, "Shall [H 536](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley,

Simpson, Sims, Smith(30), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 64.

NAYS – Barrett, Harwood, Wood(35). Total – 3.

Absent and excused – Boyle, Buckner-Webb, Smith(24).
Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 536](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 481](#) - PUBLIC CHARTER SCHOOLS

[H 481](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini and Mr. Bayer to open debate.

Mr. Nonini asked unanimous consent that, pursuant to Rule 22, discussion of other pending legislation be allowed in debate of [H 481](#). There being no objection it was so ordered.

Pursuant to Rule 38(3), Mr. DeMordaunt disclosed a conflict of interest regarding [H 481](#).

The question being, "Shall [H 481](#) pass?"

Roll call resulted as follows:

AYES – Barbieri, Barrett, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Chadderdon, Collins, Crane, DeMordaunt, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Lake, Loertscher, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Stevenson, Thayn, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 49.

NAYS – Anderson(Keough), Andrus, Bateman, Buckner-Webb, Burgoyne, Chew, Cronin, Ellsworth, Higgins, Jaquet, Killen, King, Lacey, Luker, Pence, Ringo, Rusche, Smith(30), Trail. Total – 19.

Absent and excused – Boyle, Smith(24). Total – 2.

Paired Votes:

AYE – Moyle NAY – Buckner-Webb

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker declared that [H 481](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the House recess until 1:15 p.m.

Without objection, the Speaker declared the House at recess until 1:15 p.m.

RECESS

Afternoon Session

The House reconvened at 1:15 p.m., the Speaker in the Chair.

Prior to recess, the House was at the Eleventh Order of Business.

[H 472](#) - LICENSE PLATES

[H 472](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

The question being, "Shall [H 472](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Bateman, Batt, Bayer, Bell, Bilbao, Black, Block(Block), Bolz, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Ringo, Rusche, Shepherd, Shirley, Simpson, Smith(30), Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 53.

NAYS – Barbieri, Harwood, Moyle, Palmer, Sims. Total – 5.

Absent and excused – Barrett, Bedke, Boyle, Buckner-Webb, Burgoyne, Ellsworth, Raybould, Roberts, Schaefer, Smith(24), Stevenson, Wood(35). Total – 12.

Total – 70.

Whereupon the Speaker declared that [H 472](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 513](#) - HONEY

[H 513](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall [H 513](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Bateman, Batt, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Marriott, McGeachin, McMillan, Moyle, Nessel, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Smith(30), Stevenson, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 54.

NAYS – Barrett, Bayer, Hart, Harwood, Luker, Nielsen, Nonini, Simpson, Sims, Thayne, Wood(35). Total – 11.

Absent and excused – Boyle, Buckner-Webb, Burgoyne, Roberts, Smith(24). Total – 5.

Total – 70.

Whereupon the Speaker declared that [H 513](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 503](#) - PRESCRIPTION DRUG ORDERS

[H 503](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wood(27) to open debate.

The question being, "Shall [H 503](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block), Bolz, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen,

Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Black, Boyle, Buckner-Webb, Burgoyne, Roberts, Smith(24). Total – 6.

Total – 70.

Whereupon the Speaker declared that [H 503](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 555](#) - FEDERAL HEALTH CARE REFORM - OVERSIGHT

[H 555](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. McGeachin to open debate.

The question being, "Shall [H 555](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 55.

NAYS – Buckner-Webb, Chew, Cronin, Higgins, Jaquet, Killen, King, Lacey, Pence, Ringo, Rusche, Smith(30). Total – 12.

Absent and excused – Boyle, Burgoyne, Smith(24). Total – 3.

Paired Votes:

AYE – Roberts NAY – Buckner-Webb

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker declared that [H 555](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

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

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

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Tuesday, February 28, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 2:05 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FIFTY-FIRST LEGISLATIVE DAY
TUESDAY, FEBRUARY 28, 2012

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent and excused – Buckner-Webb, Henderson, Smith(24). Total – 3.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Myleah Keller, Page.

Approval of Journal

February 28, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fiftieth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

February 27, 2012

Mr. Speaker:

I transmit herewith [SCR 121](#), [SCR 122](#), [SJR 106](#), and [S 1324](#) which have passed the Senate.

NOVAK, Secretary

[SCR 121](#), [SCR 122](#), [SJR 106](#), and [S 1324](#) were filed for first reading.

February 27, 2012

Mr. Speaker:

I return herewith [HCR 33](#), [H 394](#), [H 438](#), [H 405](#), and [H 469](#) which have passed the Senate.

NOVAK, Secretary

[HCR 33](#), [H 394](#), [H 438](#), [H 405](#), and [H 469](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 28, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 46](#),

[H 591](#), [H 592](#), [H 593](#), [H 594](#), [H 595](#), [H 596](#), [H 597](#), [H 598](#), and [H 599](#).

WILLS, Chairman

[HCR 46](#) and [H 598](#) were filed for second reading.

[H 591](#), [H 592](#), [H 593](#), and [H 594](#) were referred to the Revenue and Taxation Committee.

[H 595](#) was referred to the Judiciary, Rules, and Administration Committee.

[H 596](#) was referred to the Transportation and Defense Committee.

[H 597](#) was referred to the Local Government Committee.

[H 599](#) was referred to the State Affairs Committee.

February 28, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 375](#), [H 369](#), [H 407](#), [H 408](#), [H 409](#), and [H 473](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 375](#), [H 369](#), [H 407](#), [H 408](#), [H 409](#), and [H 473](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 27, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 579](#) and recommend that it do pass.

NONINI, Chairman

[H 579](#) was filed for second reading.

February 27, 2012

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [H 420](#), [H 421](#), and [H 422](#) and recommend that they do pass.

BLACK, Chairman

[H 420](#), [H 421](#), and [H 422](#) were filed for second reading.

February 28, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [S 1308](#) and recommend that it do pass.

NONINI, Chairman

[S 1308](#) was filed for second reading.

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

Motions, Memorials, and Resolutions

[SCR 121](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the Resources and Conservation Committee.

[SCR 122](#), by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

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

**HOUSE BILL NO. 600
BY APPROPRIATIONS COMMITTEE**

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION FOR FISCAL YEAR 2013; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES.

**HOUSE BILL NO. 601
BY APPROPRIATIONS COMMITTEE**

AN ACT

APPROPRIATING MONEYS TO THE AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION SERVICE FOR FISCAL YEAR 2013; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

**HOUSE BILL NO. 602
BY APPROPRIATIONS COMMITTEE**

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF FINANCE FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

**HOUSE BILL NO. 603
BY EDUCATION COMMITTEE**

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE A CERTAIN TABLE RELATING TO THE COMPUTATION OF ELEMENTARY SUPPORT UNITS AND TO PROVIDE THAT CERTAIN CALCULATIONS SHALL BE CARRIED OUT TO THE NEAREST HUNDREDTH; AMENDING SECTION 33-1003, IDAHO CODE, TO REMOVE CERTAIN PROVISIONS RELATING TO A DECREASE IN AVERAGE DAILY ATTENDANCE AND TO REVISE CERTAIN PROVISIONS RELATING TO A DECREASE IN AVERAGE DAILY ATTENDANCE; AND AMENDING SECTION 33-1009, IDAHO CODE, TO PROVIDE THAT CERTAIN PAYMENTS MADE TO THE SCHOOL DISTRICTS MAY BE BASED UPON CERTAIN PAYMENTS FOR THE PRECEDING SCHOOL YEAR, TO PROVIDE THAT EACH SCHOOL DISTRICT MAY RECEIVE CERTAIN PAYMENTS IN A CERTAIN RATIO AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 604
BY EDUCATION COMMITTEE**

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-118, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE ADOPTION OF CURRICULAR MATERIALS, TO PROVIDE FOR CERTAIN FEES, TO PROVIDE THAT THE BOARD SHALL, BY RULE, DETERMINE THE PROCESS BY WHICH THE DEPARTMENT OF EDUCATION REVIEWS AND APPROVES ONLINE COURSES AND THE FEES NECESSARY TO DEFRAY THE DEPARTMENT'S COST OF SUCH REVIEW AND APPROVAL PROCESS.

**HOUSE BILL NO. 605
BY EDUCATION COMMITTEE**

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-130, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A FEE FOR A CRIMINAL HISTORY CHECK; AND AMENDING SECTION 33-1204, IDAHO CODE, TO PROVIDE THAT THE SCHOOL DISTRICTS SHALL PROVIDE THE STATE DEPARTMENT OF EDUCATION CERTAIN ELECTRONIC MAIL ADDRESSES OF ALL CERTIFICATED EMPLOYEES AND TO PROVIDE FOR A NOTIFICATION.

[H 600](#), [H 601](#), [H 602](#), [H 603](#), [H 604](#), and [H 605](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[SJR 106](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the Resources and Conservation Committee.

[S 1324](#), by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

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

Second Reading of Bills and Joint Resolutions

[SCR 114](#), by Health and Welfare Committee, was read the second time by title and filed for third reading.

[H 541](#) and [H 540](#), as amended, by Business Committee, were read the second time by title and filed for third reading.

[S 1333](#), by Finance Committee, was read the second time by title and filed for third reading.

[S 1243](#), as amended in the House, by Transportation Committee, was read the second time by title and filed for third reading.

[H 358](#), as amended in the Senate, and [H 488](#), as amended, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

[H 386](#), as amended, and [H 564](#), as amended, by Education Committee, were read the second time by title and filed for third reading.

[H 491](#), as amended, by State Affairs Committee, was read the second time by title and filed for third reading.

[H 479](#), as amended, and [H 511](#), as amended, by Transportation and Defense Committee, were read the second time by title and filed for third reading.

[H 507](#), as amended, by Local Government Committee, was read the second time by title and filed for third reading.

[H 485](#), as amended, and [H 520](#), as amended, by Environment, Energy, and Technology Committee, were read the second time by title and filed for third reading.

[H 486](#), as amended, [H 439](#), as amended, and [H 502](#), as amended, by Health and Welfare Committee, were read the second time by title and filed for third reading.

[H 522](#), as amended, by Commerce and Human Resources Committee, was read the second time by title and filed for third reading.

[H 512](#), as amended, by Agricultural Affairs Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

[H 556](#) - PERSONNEL SYSTEM

[H 556](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Chew to open debate.

The question being, "Shall [H 556](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bilbao, Black, Block(Block), Bolz, Boyle, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Bell, Buckner-Webb, Burgoyne, Henderson, Lake, Smith(24). Total – 6.

Total – 70.

Whereupon the Speaker declared that [H 556](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 494](#) - BOARD OF SCALING PRACTICES

[H 494](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bedke to open debate.

The question being, "Shall [H 494](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bilbao, Black, Block(Block), Bolz, Boyle, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Higgins, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – Harwood. Total – 1.

Absent and excused – Bell, Buckner-Webb, Henderson, Lake, Smith(24). Total – 5.

Total – 70.

Whereupon the Speaker declared that [H 494](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 403](#) - ABANDONED MOTOR VEHICLES

[H 403](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hart to open debate.

The question being, "Shall [H 403](#) pass?"

Roll call resulted as follows:

AYES – Barbieri, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Burgoyne, Chadderdon, Chew, Cronin, Ellsworth, Gibbs, Hagedorn, Hart, Hartgen, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, McMillan, Nessel, Nielsen, Patrick, Pence, Perry, Raybould, Roberts, Rusche, Schaefer, Shirley, Smith(30), Stevenson, Trail, Wills, Wood(27), Mr. Speaker. Total – 40.

NAYS – Anderson(Keough), Andrus, Barrett, Bateman, Batt, Bayer, Boyle, Collins, Crane, DeMordaunt, Eskridge, Guthrie, Harwood, Loertscher, Marriott, McGeachin, Moyle, Nonini, Palmer, Ringo, Shepherd, Simpson, Sims, Thayne, Thompson, Vander Woude, Wood(35). Total – 27.

Absent and excused – Buckner-Webb, Henderson, Smith(24). Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 403](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 514](#) - DISTURBING THE PEACE

[H 514](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

The question being, "Shall [H 514](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Buckner-Webb, Henderson, Smith(24). Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 514](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 447](#) - MODULAR BUILDINGS

[H 447](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Barbieri to open debate.

Pursuant to Rule 38(3), Mr. Hart disclosed a conflict of interest regarding [H 447](#).

The question being, "Shall [H 447](#) pass?"

Roll call resulted as follows:

AYES – Barbieri, Black, Block(Block), Chadderdon, Chew, Collins, Cronin, DeMordaunt, Guthrie, Hagedorn, Jaquet, Killen, Moyle, Palmer, Patrick, Perry, Raybould, Ringo, Rusche, Shirley, Smith(30), Trail, Wills, Mr. Speaker. Total – 24.

NAYS – Anderson(Keough), Andrus, Barrett, Bateman, Batt, Bayer, Bell, Bilbao, Bolz, Boyle, Burgoyne, Crane, Ellsworth, Eskridge, Gibbs, Hart, Hartgen, Harwood, Higgins, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Nessel, Nielsen, Nonini, Pence, Roberts, Schaefer, Shepherd, Simpson, Sims, Stevenson, Thayne, Thompson, Vander Woude, Wood(27), Wood(35). Total – 42.

Absent and excused – Bedke, Buckner-Webb, Henderson, Smith(24). Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 447](#) failed to pass the House and ordered the bill filed in the office of the Chief Clerk.

[H 465](#) - PUBLIC WORKS CONTRACTORS LICENSES

[H 465](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Collins to open debate.

Pursuant to Rule 38(3), Mr. Crane disclosed a conflict of interest regarding [H 465](#).

The question being, "Shall [H 465](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Bedke, Buckner-Webb, Henderson, Smith(24). Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 465](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 492](#) - UNIFORM SECURITIES ACT

[H 492](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Patrick to open debate.

The question being, "Shall [H 492](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Burgoyne, Chadderdon, Chew, Collins, Crane,

Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Buckner-Webb, Henderson, Smith(24). Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 492](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 539](#) - VIDEO SERVICE ACT

[H 539](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Crane to open debate.

The question being, "Shall [H 539](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Buckner-Webb, Henderson, Smith(24). Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 539](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the House recess until 1:30 p.m.

Without objection, the Speaker declared the House at recess until 1:30 p.m.

RECESS

Afternoon Session

The House reconvened at 1:30 p.m., the Speaker in the Chair.

Prior to recess, the House was at the Eleventh Order of Business.

Mr. Moyle asked unanimous consent that [HCR 39](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

[HCR 34](#) - STATE ENERGY PLAN

[HCR 34](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall [HCR 34](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Bateman, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Burgoyne, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 56.

NAYS – Barrett, Batt, Bayer, Boyle, Crane, Loertscher, Nielsen, Palmer, Sims. Total – 9.

Absent and excused – Buckner-Webb, Henderson, Patrick, Simpson, Smith(24). Total – 5.
Total – 70.

Whereupon the Speaker declared [HCR 34](#) adopted and ordered the resolution transmitted to the Senate.

[HCR 37](#) - VETERINARY MEDICINE BOARD - RULE REJECTED

[HCR 37](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Boyle to open debate.

The question being, "Shall [HCR 37](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Stevenson, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Buckner-Webb, Henderson, Patrick, Simpson, Smith(24), Thayne. Total – 6.
Total – 70.

Whereupon the Speaker declared [HCR 37](#) adopted and ordered the resolution transmitted to the Senate.

[HCR 38](#) - AGRICULTURE DEPARTMENT - RULE REJECTED

[HCR 38](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Lake to open debate.

Pursuant to Rule 38(3), Mr. Bedke disclosed a conflict of interest regarding [HCR 38](#).

Pursuant to Rule 38(3), Mr. Lake disclosed a conflict of interest regarding [HCR 38](#).

Pursuant to Rule 38(3), Mr. Loertscher disclosed a conflict of interest regarding [HCR 38](#).

The question being, "Shall [HCR 38](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barrett, Bateman, Batt, Bayer, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Higgins, Jaquet, Killen, King, Lake, Loertscher, Marriott, McGeachin, McMillan, Nessel, Nielsen, Nonini, Palmer, Pence, Perry, Raybould, Ringo, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thompson, Trail, Vander Woude, Wills, Wood(35). Total – 54.

NAYS – Barbieri, Bedke, Burgoyne, Hart, Harwood, Lacey, Luker, Moyle, Rusche, Wood(27), Mr. Speaker. Total – 11.

Absent and excused – Buckner-Webb, Henderson, Patrick, Smith(24), Thayne. Total – 5.
Total – 70.

Whereupon the Speaker declared [HCR 38](#) adopted and ordered the resolution transmitted to the Senate.

[HCR 42](#) - HEALTH AND WELFARE - RULE DOCKET REJECTED

[HCR 42](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. McGeachin to open debate.

The question being, "Shall [HCR 42](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – None.

Absent and excused – Buckner-Webb, Henderson, Palmer, Patrick, Smith(24), Stevenson, Thayne. Total – 7.
Total – 70.

Whereupon the Speaker declared [HCR 42](#) adopted and ordered the resolution transmitted to the Senate.

[HCR 43](#) - HEALTH AND WELFARE - RULE REJECTED

[HCR 43](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. McGeachin to open debate.

The question being, "Shall [HCR 43](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Pence, Perry, Raybould, Ringo, Roberts,

Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Buckner-Webb, Hagedorn, Henderson, Palmer, Patrick, Smith(24), Stevenson, Thayn. Total – 8.

Total – 70.

Whereupon the Speaker declared [HCR 43](#) adopted and ordered the resolution transmitted to the Senate.

Whereupon the Speaker declared the House adjourned at 2:20 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

[HJM 8](#) - NO CHILD LEFT BEHIND

[HJM 8](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bateman and Mr. Nonini to open debate.

The question being, "Shall [HJM 8](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – None.

Absent and excused – Buckner-Webb, Hagedorn, Henderson, Palmer, Patrick, Smith(24), Stevenson. Total – 7.

Total – 70.

Whereupon the Speaker declared [HJM 8](#) adopted and ordered the memorial transmitted to the Senate.

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

There being no objection, the House returned to the Fifth Order of Business.

Report of Standing Committees

February 28, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 563](#) and recommend that it do pass.

LAKE, Chairman

[H 563](#) was filed for second reading.

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

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Wednesday, February 29, 2012. Seconded by Mr. Rusche. Motion carried.

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**FIFTY-SECOND LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 29, 2012**

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent and excused – Henderson, McGeachin, Patrick.

Total – 3.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Courtney Wills, Page.

Approval of Journal

February 29, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifty-first Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

February 28, 2012

Mr. Speaker:

I return herewith enrolled [H 382](#), [H 383](#), [H 385](#), [H 412](#), [H 367](#), [H 402](#), [H 418](#), [H 391](#), [H 374](#), [H 375](#), [H 369](#), [H 407](#), [H 408](#), [H 409](#), and [H 473](#) which have been signed by the President.

NOVAK, Secretary

Enrolled [H 382](#), [H 383](#), [H 385](#), [H 412](#), [H 367](#), [H 402](#), [H 418](#), [H 391](#), [H 374](#), [H 375](#), [H 369](#), [H 407](#), [H 408](#), [H 409](#), and [H 473](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 28, 2012

Mr. Speaker:

I transmit herewith [SCR 120](#), [S 1319](#), and [S 1309](#) which have passed the Senate.

NOVAK, Secretary

[SCR 120](#), [S 1319](#), and [S 1309](#) were filed for first reading.

February 28, 2012

Mr. Speaker:

I return herewith [H 417](#), [H 393](#), as amended, [H 455](#), [H 475](#), and [H 446](#) which have passed the Senate.

NOVAK, Secretary

[H 417](#), [H 393](#), as amended, [H 455](#), [H 475](#), and [H 446](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 29, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 600](#), [H 601](#), [H 602](#), [H 603](#), [H 604](#), and [H 605](#).

WILLS, Chairman

[H 600](#), [H 601](#), and [H 602](#) were filed for second reading.

[H 603](#), [H 604](#), and [H 605](#) were referred to the Education Committee.

February 29, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [HCR 33](#), [H 394](#), [H 438](#), [H 405](#), and [H 469](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [HCR 33](#), [H 394](#), [H 438](#), [H 405](#), and [H 469](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 28, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 478](#) and [HJM 11](#) and recommend that they do pass.

LOERTSCHER, Chairman

[H 478](#) and [HJM 11](#) were filed for second reading.

February 27, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 515](#) and report it back with amendments attached to be placed on General Orders for consideration.

LOERTSCHER, Chairman

[H 515](#) was placed on General Orders for consideration.

February 28, 2012

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration [SCR 116](#) and recommend that it do pass.

RAYBOULD, Chairman

[SCR 116](#) was filed for second reading.

February 28, 2012

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 558](#) and [H 569](#) and recommend that they do pass.

MCGEACHIN, Chairman

[H 558](#) and [H 569](#) were filed for second reading.

February 28, 2012

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 573](#) and recommend that it be referred to the Commerce and Human Resources committee.

MCGEACHIN, Chairman

[H 573](#) was referred to the Commerce and Human Resources committee.

February 28, 2012

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 566](#) and recommend that it be referred to the Revenue and Taxation committee.

MCGEACHIN, Chairman

[H 566](#) was returned to the Health and Welfare committee.

February 28, 2012

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 570](#), [H 577](#), and [S 1312](#) and recommend that they do pass.

PALMER, Chairman

[H 570](#), [H 577](#), and [S 1312](#) were filed for second reading.

February 28, 2012

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [S 1274](#) and report it back with amendments attached to be placed on General Orders for consideration.

PALMER, Chairman

[S 1274](#) was placed on General Orders for consideration.

February 28, 2012

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [S 1236](#) and [SCR 117](#) and recommend that they do pass.

ANDRUS, Chairman

[S 1236](#) and [SCR 117](#) were filed for second reading.

February 29, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 553](#) and [H 575](#) and recommend that they do pass.

LOERTSCHER, Chairman

[H 553](#) and [H 575](#) were filed for second reading.

February 29, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 588](#) and [H 590](#) and recommend that they do pass.

NONINI, Chairman

[H 588](#) and [H 590](#) were filed for second reading.

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

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 47 BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND AUTHORIZING AND APPROVING THE DEPARTMENT OF ADMINISTRATION TO ENTER INTO AN AGREEMENT OR AGREEMENTS WITH THE IDAHO STATE BUILDING AUTHORITY TO PROVIDE FINANCING TO CONSTRUCT A NEW MULTI-LEVEL PARKING FACILITY AND PROVIDING THIS AUTHORIZATION CONSTITUTES PRIOR LEGISLATIVE APPROVAL AND AUTHORIZING THE DEPARTMENT OF ADMINISTRATION TO EVALUATE THE CURRENT PARKING PERMIT AND FEE STRUCTURE.

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

WHEREAS, there are 2,300 state employees in the Capitol Mall, 1,600 parking permits sold, but only 1,236 actual parking spaces available in the Capitol Mall, this shortage of available parking having been identified in numerous reports beginning in 1987; and

WHEREAS, each legislative session the parking problems are magnified for state employees, legislators and visiting members of the public; and

WHEREAS, there is currently a waiting list of approximately 200 names for a reserved parking space in the Capitol Mall that requires a wait of between five and eight years to receive a reserved permit; and

WHEREAS, the Capitol Mall Master Plan has identified convenient locations in the Capitol Mall for a second multi-level parking facility; and

WHEREAS, there are efforts underway to remodel and renovate the Capitol Annex facility that will further add to the Capitol Mall parking needs; and

WHEREAS, the recently completed Capitol Restoration and Expansion Project has enabled more of Idaho citizens to participate in the legislative process, drawing more visitors to the Capitol Mall; and

WHEREAS, the timing is favorable for bonding a state construction project with historically low interest rates and favorable construction costs; and

WHEREAS, this construction project would provide new jobs and a significant boost to the local economy.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature authorizes and approves the Department of Administration to enter into an agreement or agreements with the Idaho State Building Authority, under such terms and conditions as may be reasonable and necessary, to provide financing to construct a new multi-level parking facility, and that this resolution shall constitute prior legislative approval in accordance with Section 67-6410, Idaho Code.

BE IT FURTHER RESOLVED that the Legislature supports an evaluation of the current parking permits and fees charged by the Department of Administration, which have not been adjusted since 1976, as a means of support for the maintenance and operation of parking facilities.

HOUSE CONCURRENT RESOLUTION NO. 48 BY EDUCATION COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND CONGRATULATING MEMBERS OF THE IDAHO

EDUCATION ASSOCIATION ON THEIR ORGANIZATION'S 120TH ANNIVERSARY.

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

WHEREAS, the Idaho Education Association (IEA) was founded 120 years ago, on March 3, 1892; and

WHEREAS, the IEA has long been the principal organization championing universal, tuition-free, quality public education for Idaho's children; and

WHEREAS, the Idaho Education Association consistently works for high student and teacher standards and innovation in the classroom; and

WHEREAS, the IEA has been the foremost voice for adequate, stable and equitable funding for Idaho's public schools; and

WHEREAS, educators are often the first to notice when a child needs help and members of the Idaho Education Association have given nearly a million dollars in assistance to their neediest students through their donations to the IEA Children's Fund.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that members of the Idaho Education Association be congratulated on their organization's 120th anniversary and their service to the teaching profession and to the children of Idaho.

[HCR 47](#) and [HCR 48](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[SCR 120](#), by Resources and Environment Committee, was introduced, read the first time by title, and referred to the Resources and Conservation Committee.

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

HOUSE BILL NO. 606 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO INCOME TAXATION; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3029L, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR CERTIFICATION, TO PROVIDE THE AGRICULTURE VALUE ADDED INCOME TAX CREDIT, TO PROVIDE THE TAXABLE YEAR FOR THE AGRICULTURE VALUE ADDED INCOME TAX CREDIT, TO PROVIDE PROCEDURES, TO PROVIDE FOR INVESTMENT REPORTING FORMS, TO PROVIDE RULES AND TO PROVIDE APPLICATION; DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION AND PROVIDING A SUNSET CLAUSE.

HOUSE BILL NO. 607 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1302, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THOSE THAT DO NOT MEET THE DEFINITION OF "EMPLOYEE"; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 608 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO WATER RIGHTS; AMENDING SECTION 42-201, IDAHO CODE, TO PROVIDE AN

EXCEPTION FROM WATER RIGHTS REQUIREMENTS FOR CERTAIN MUNICIPALITIES, MUNICIPAL PROVIDERS, SEWER DISTRICTS AND REGIONAL PUBLIC ENTITIES OPERATING PUBLICLY OWNED TREATMENT WORKS, TO REQUIRE MUNICIPAL PROVIDERS AND SEWER DISTRICTS TO PROVIDE NOTICE TO THE DEPARTMENT OF WATER RESOURCES IF CERTAIN LAND APPLICATION IS TO TAKE PLACE, TO PROVIDE THAT NOTICE SHALL BE ON FORMS FURNISHED BY THE DEPARTMENT AND TO PROVIDE FOR INCLUSION OF ALL REQUIRED INFORMATION; AND AMENDING SECTION 42-221, IDAHO CODE, TO PROVIDE A FEE FOR FILING NOTICE OF LAND APPLICATION OF EFFLUENT.

HOUSE BILL NO. 609 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO PUBLIC ASSISTANCE LAW; AMENDING SECTION 56-255, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DENTAL SERVICES FOR CERTAIN MEDICAID PARTICIPANTS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 56-264, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE RULEMAKING AUTHORITY OF THE DEPARTMENT OF HEALTH AND WELFARE.

HOUSE BILL NO. 610 BY WAYS AND MEANS COMMITTEE AN ACT

RELATING TO FIRE PROTECTION DISTRICTS; AMENDING SECTION 31-1411, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE DEANNEXATION OF CERTAIN TERRITORY FROM A FIRE PROTECTION DISTRICT.

HOUSE BILL NO. 611 BY WAYS AND MEANS COMMITTEE AN ACT

RELATING TO LIVESTOCK LIENS; AMENDING SECTION 45-805, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE SALE OF CERTAIN LIVESTOCK AT PUBLIC AUCTION AND TO REVISE PROVISIONS RELATING TO NOTICE OF PUBLIC AUCTION.

HOUSE BILL NO. 612 BY WAYS AND MEANS COMMITTEE AN ACT

RELATING TO ENDOWMENT LANDS; AMENDING SECTION 58-104, IDAHO CODE, TO REVISE THE POWERS AND DUTIES OF THE STATE LAND BOARD TO PROVIDE REQUIREMENTS ASSOCIATED WITH THE EXCHANGE OF ENDOWMENT LANDS OR THE USE OF PROCEEDS FROM THE SALE AT PUBLIC AUCTION OF ENDOWMENT LANDS, TO DEFINE A TERM, TO PROVIDE RESTRICTIONS RELATING TO SPECIFIED TYPES OF LANDS AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 613 BY WAYS AND MEANS COMMITTEE AN ACT

RELATING TO THE IDAHO TRAVEL AND CONVENTION INDUSTRY COUNCIL; AMENDING SECTION 67-4712, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE IDAHO TRAVEL AND CONVENTION INDUSTRY COUNCIL MEMBERS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION

67-4713, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE TERM OF OFFICE AND REMOVAL OF MEMBERS OF THE IDAHO TRAVEL AND CONVENTION INDUSTRY COUNCIL AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 614
BY WAYS AND MEANS COMMITTEE
AN ACT

RELATING TO LOCAL LAND USE PLANNING; AMENDING SECTION 67-6512, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO SPECIAL USE PERMITS; AMENDING SECTION 67-6516, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO SPECIAL USE PERMITS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 615
BY APPROPRIATIONS COMMITTEE
AN ACT

APPROPRIATING MONEYS TO THE CATASTROPHIC HEALTH CARE FUND FROM THE GENERAL FUND AND DIRECTING A TRANSFER FOR FISCAL YEAR 2013; AND PROVIDING LEGISLATIVE INTENT.

HOUSE BILL NO. 616
BY APPROPRIATIONS COMMITTEE
AN ACT

APPROPRIATING MONEYS TO THE COMMISSION ON THE ARTS FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

HOUSE BILL NO. 617
BY APPROPRIATIONS COMMITTEE
AN ACT

APPROPRIATING MONEYS TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND PROVIDING LEGISLATIVE INTENT.

HOUSE BILL NO. 618
BY APPROPRIATIONS COMMITTEE
AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

HOUSE BILL NO. 619
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO SPEED LIMITS; AMENDING SECTION 49-105, IDAHO CODE, TO REMOVE A PROVISION RELATING TO REGULATION OF SPEED BY LOCAL AUTHORITIES; AMENDING SECTION 49-201, IDAHO CODE, TO REMOVE A PROVISION RELATING TO REGULATION OF SPEED BY LOCAL AUTHORITIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING

SECTION 49-202, IDAHO CODE, TO REMOVE A PROVISION RELATING TO REGULATION OF SPEED BY LOCAL AUTHORITIES; AMENDING SECTION 49-207, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO REGULATION OF SPEED BY LOCAL AUTHORITIES, TO REVISE PROVISIONS RELATING TO REGULATION OF SPEED BY LOCAL AUTHORITIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-208, IDAHO CODE, TO REMOVE A PROVISION RELATING TO REGULATION OF SPEED BY LOCAL AUTHORITIES AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 49-654, IDAHO CODE, TO REVISE PROVISIONS RELATING TO MAXIMUM SPEED LIMITS.

HOUSE BILL NO. 620
BY EDUCATION COMMITTEE
AN ACT

RELATING TO BIOLOGICAL EVIDENCE; AMENDING SECTION 19-4902, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DNA TESTING; AMENDING CHAPTER 55, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-5519, IDAHO CODE, TO REQUIRE THAT CERTAIN BIOLOGICAL EVIDENCE BE RETAINED AND PRESERVED, TO PROVIDE REQUIREMENTS RELATING TO THE RETENTION AND PRESERVATION OF CERTAIN BIOLOGICAL EVIDENCE AND TO DEFINE TERMS; AMENDING SECTION 6-904B, IDAHO CODE, TO PROVIDE AN EXCEPTION TO GOVERNMENTAL LIABILITY AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 19-4901, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

[H 606](#), [H 607](#), [H 608](#), [H 609](#), [H 610](#), [H 611](#), [H 612](#), [H 613](#), [H 614](#), [H 615](#), [H 616](#), [H 617](#), [H 618](#), [H 619](#), and [H 620](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1319](#), by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

[S 1309](#), by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

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

Second Reading of Bills and Joint Resolutions

[HCR 46](#) and [H 598](#), by State Affairs Committee, were read the second time by title and filed for third reading.

[H 579](#), by Education Committee, was read the second time by title and filed for third reading.

[H 420](#), [H 421](#), and [H 422](#), by Business Committee, were read the second time by title and filed for third reading.

[S 1308](#), by Commerce and Human Resources Committee, was read the second time by title and filed for third reading.

[H 563](#), by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

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

Consideration of General Orders

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mr. Rusche. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Bedke in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

February 29, 2012

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration [HCR 40](#) and [H 523](#) and report them back without recommendation, amended as follows:

HOUSE AMENDMENT TO H.C.R. NO. 40

AMENDMENT TO THE RESOLUTION

On page 1 of the printed resolution, in line 21, delete "merit-based"; and in line 23, following "fied" insert: "performing".

HOUSE AMENDMENT TO H.B. NO. 523

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 20, following "consecutive" insert: "calendar".

We have also had under consideration [S 1269](#) and [H 562](#), report progress and beg leave to sit again.

BEDKE, Chairman

Mr. Bedke moved that the report be adopted. Seconded by Mr. Rusche.

Whereupon the Speaker declared the report adopted.

[HCR 40](#), as amended, and [H 523](#), as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

[S 1269](#) and [H 562](#) were retained on General Orders.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

[H 541](#) - HEALTH CARE ORGANIZATIONS

[H 541](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Guthrie to open debate.

The question being, "Shall [H 541](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block),

Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Black, Henderson, McGeachin, Patrick, Simpson. Total – 5.

Total – 70.

Whereupon the Speaker declared that [H 541](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 358](#), as amended in the Senate, - PROPERTY TAX

[H 358](#), as amended in the Senate, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Raybould to open debate.

The question being, "Shall [H 358](#), as amended in the Senate, pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Black, Henderson, McGeachin, Patrick, Simpson. Total – 5.

Total – 70.

Whereupon the Speaker declared [H 358](#), as amended in the Senate, passed the House. Title was approved and the bill referred to the Judiciary, Rules, and Administration Committee for enrolling.

[H 386](#), as amended, - SCHOLARSHIPS

[H 386](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Marriott to open debate.

The question being, "Shall [H 386](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott,

McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Black, Henderson, McGeachin, Patrick, Schaefer, Simpson. Total – 6.

Total – 70.

Whereupon the Speaker declared that [H 386](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 488](#), as amended, - INCOME TAXATION

[H 488](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet and Mr. Hagedorn to open debate.

The question being, "Shall [H 488](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Black, Henderson, Lake, McGeachin, Patrick. Total – 5.

Total – 70.

Whereupon the Speaker declared that [H 488](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 491](#), as amended, - VOTING MACHINE APPROVAL

[H 491](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Smith(30) to open debate.

The question being, "Shall [H 491](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Black, Henderson, Lake, McGeachin, Patrick. Total – 5.

Total – 70.

Whereupon the Speaker declared that [H 491](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 479](#), as amended, - VETERANS

[H 479](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall [H 479](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Black, Henderson, Lake, McGeachin, Patrick. Total – 5.

Total – 70.

Whereupon the Speaker declared that [H 479](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 507](#), as amended, - URBAN RENEWAL LAW

[H 507](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Barbieri to open debate.

The question being, "Shall [H 507](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Bolz, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Loertscher, Luker, Marriott, McMillan, Moyle, Nielsen, Nonini, Palmer, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Sims, Stevenson, Thayne, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 43.

NAYS – Andrus, Block(Block), Buckner-Webb, Burgoyne, Chew, Cronin, Ellsworth, Guthrie, Higgins, Jaquet, Killen, King, Lacey, Nessel, Pence, Ringo, Rusche, Simpson, Smith(30), Smith(24), Thompson, Trail. Total – 22.

Absent and excused – Black, Henderson, Lake, McGeachin, Patrick. Total – 5.

Total – 70.

Whereupon the Speaker declared that [H 507](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 485, as amended, - INCOME TAX DEDUCTIONS

H 485, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet and Mr. Vander Woude to open debate.

The question being, "Shall H 485, as amended, pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Black, Henderson, Lake, McGeachin, Patrick. Total – 5.

Total – 70.

Whereupon the Speaker declared that H 485, as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the House recess until 1:15 p.m.

Without objection, the Speaker declared the House at recess until 1:15 p.m.

RECESS
Afternoon Session

The House reconvened at 1:15 a.m., the Speaker in the Chair.

Prior to recess, the House was at the Eleventh Order of Business.

Mr. Rusche asked unanimous consent that H 486, as amended, retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

H 511, as amended, - AERONAUTICS

H 511, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Batt to open debate.

The question being, "Shall H 511, as amended, pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Guthrie, Hagedorn, Hart, Hartgen, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Vander Woude, Wood(35), Mr. Speaker. Total – 61.

NAYS – Gibbs, Harwood, Wood(27). Total – 3.

Absent and excused – Black, Henderson, McGeachin, Patrick, Trail, Wills. Total – 6.

Total – 70.

Whereupon the Speaker declared that H 511, as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 439, as amended, - UNIFORM CONTROLLED SUBSTANCES

H 439, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

The question being, "Shall H 439, as amended, pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Henderson, McGeachin, Patrick, Roberts, Trail, Wills. Total – 6.

Total – 70.

Whereupon the Speaker declared that H 439, as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 522, as amended, - PUBLIC ASSISTANCE BENEFIT CARDS

H 522, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Perry to open debate.

The question being, "Shall H 522, as amended, pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Henderson, McGeachin, Patrick, Roberts, Trail, Wills. Total – 6.

Total – 70.

Whereupon the Speaker declared that H 522, as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 520, as amended, - ELECTRICAL CONTRACTORS
AND JOURNEYMEN**

H 520, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Smith(24) to open debate.

Pursuant to Rule 38(3), Mr. Crane disclosed a conflict of interest regarding H 520, as amended.

The question being, "Shall H 520, as amended, pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Pence, Perry, Raybould, Ringo, Rusche, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – None.

Absent and excused – Henderson, McGeachin, Patrick, Roberts, Schaefer, Trail, Wills. Total – 7.

Total – 70.

Whereupon the Speaker declared that H 520, as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 540, as amended, - MOTOR VEHICLES - FINANCIAL
RESPONSIBILITY**

H 540, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thompson to open debate.

The question being, "Shall H 540, as amended, pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Henderson, McGeachin, Patrick, Roberts, Trail. Total – 5.

Total – 70.

Whereupon the Speaker declared that H 540, as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 512, as amended, - SHEEP AND GOATS

H 512, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Andrus to open debate.

The question being, "Shall H 512, as amended, pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Bateman, Batt, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Marriott, McMillan, Moyle, Nessel, Nielsen, Palmer, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 57.

NAYS – Barbieri, Barrett, Bayer, Crane, Harwood, Luker, Nonini, Vander Woude. Total – 8.

Absent and excused – Henderson, McGeachin, Patrick, Roberts, Trail. Total – 5.

Total – 70.

Whereupon the Speaker declared that H 512, as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 502, as amended, - UNIFORM CONTROLLED
SUBSTANCES**

H 502, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Chew to open debate.

The question being, "Shall H 502, as amended, pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Henderson, McGeachin, Patrick, Roberts, Trail. Total – 5.

Total – 70.

Whereupon the Speaker declared that H 502, as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 564, as amended, - EDUCATION

H 564, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood(35) and Mr. Nonini to open debate.

The question being, "Shall [H 564](#), as amended, pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Perry, Raybould, Schaefer, Shepherd, Shirley, Simpson, Sims, Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 47.

NAYS – Anderson(Keough), Buckner-Webb, Burgoyne, Chew, Cronin, Ellsworth, Higgins, Jaquet, Killen, King, Lacey, Pence, Ringo, Rusche, Smith(30), Smith(24). Total – 16.

Absent and excused – Harwood, Henderson, Lake, McGeachin, Patrick, Roberts, Trail. Total – 7.

Total – 70.

Whereupon the Speaker declared that [H 564](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

[HCR 39](#) - ARTS CURRICULUM

[HCR 39](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Shirley and Ms. Buckner-Webb to open debate.

The question being, "Shall [HCR 39](#) be adopted?"

Whereupon the Speaker declared [HCR 39](#) adopted by voice vote and ordered the resolution transmitted to the Senate.

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

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

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Thursday, March 1, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 2:24 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FIFTY-THIRD LEGISLATIVE DAY
THURSDAY, MARCH 1, 2012

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused – Henderson, Higgins. Total – 2.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Benjamin Robles, Page.

Approval of Journal

March 1, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifty-second Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

February 29, 2012

Mr. Speaker:

I return herewith [H 389](#) which has passed the Senate.

NOVAK, Secretary

[H 389](#) was referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 1, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 47](#), [HCR 48](#), [H 606](#), [H 607](#), [H 608](#), [H 609](#), [H 610](#), [H 611](#), [H 612](#), [H 613](#), [H 614](#), [H 615](#), [H 616](#), [H 617](#), [H 618](#), [H 619](#), and [H 620](#).

WILLS, Chairman

[HCR 47](#) and [H 613](#) were referred to the State Affairs Committee.

[HCR 48](#), [H 615](#), [H 616](#), [H 617](#), and [H 618](#) were filed for second reading.

[H 606](#) was referred to the Revenue and Taxation Committee.

[H 607](#) was referred to the Commerce and Human Resources Committee.

[H 608](#) and [H 612](#) were referred to the Resources and Conservation Committee.

[H 609](#) was referred to the Health and Welfare Committee.

[H 610](#) and [H 614](#) were referred to the Local Government Committee.

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

[H 619](#) was referred to the Transportation and Defense Committee.

[H 620](#) was referred to the Judiciary, Rules, and Administration Committee.

March 1, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed House amendments to [HCR 40](#) and [H 523](#).

WILLS, Chairman

March 1, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 417](#), [H 393](#), as amended, [H 455](#), [H 475](#), [H 446](#), and [H 358](#), as amended in the Senate.

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 417](#), [H 393](#), as amended, [H 455](#), [H 475](#), [H 446](#), and [H 358](#), as amended in the Senate, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 1, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [HCR 40](#), as amended, and [H 523](#), as amended.

WILLS, Chairman

[HCR 40](#), as amended, and [H 523](#), as amended, were filed for first reading of engrossed bills.

March 1, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 382](#), [H 383](#), [H 385](#), [H 412](#), [H 367](#), [H 402](#), [H 418](#), [H 391](#), [H 374](#), [H 375](#), [H 369](#), [H 407](#), [H 408](#), [H 409](#), and [H 473](#) to the Governor at 11:15 a.m., as of this date, February 29, 2012.

WILLS, Chairman

February 29, 2012

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration [S 1277](#), as amended, and [S 1278](#) and recommend that they do pass.

BLOCK, Chairman

[S 1277](#), as amended, and [S 1278](#) were filed for second reading.

February 29, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [H 595](#), [S 1324](#), and [SCR 122](#) and recommend that they do pass.

WILLS, Chairman

[H 595](#), [S 1324](#), and [SCR 122](#) were filed for second reading.

February 29, 2012

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [H 495](#) and recommend that it do pass.

STEVENSON, Chairman

[H 495](#) was filed for second reading.

February 29, 2012

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [H 549](#) and [H 550](#) and recommend that they do pass.

BLACK, Chairman

[H 549](#) and [H 550](#) were filed for second reading.

February 29, 2012

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [H 587](#) and report it back with amendments attached to be placed on General Orders for consideration.

BLACK, Chairman

[H 587](#) was placed on General Orders for consideration.

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

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

HOUSE BILL NO. 621 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE STATE TREASURER FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND PROVIDING LEGISLATIVE INTENT REQUIRING THAT CERTAIN MONEYS BE EXPENDED FOR BANK SERVICE FEES.

HOUSE BILL NO. 622 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF INSURANCE; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

[H 621](#) and [H 622](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

First Reading of Engrossed Bills

[HCR 40](#), as amended, by Education Committee, was introduced, read the first time by title, and filed for second reading.

[H 523](#), as amended, by Commerce and Human Resources Committee, was introduced, read the first time by title, and filed for second reading.

Second Reading of Bills and Joint Resolutions

[H 600](#), [H 601](#), and [H 602](#), by Appropriations Committee, were read the second time by title and filed for third reading.

[H 478](#), by Local Government Committee, was read the second time by title and filed for third reading.

[HJM 11](#), [H 569](#), [H 570](#), [H 577](#), [H 553](#), and [H 575](#), by State Affairs Committee, were read the second time by title and filed for third reading.

[SCR 116](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[H 558](#), by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

[S 1312](#), by Transportation Committee, was read the second time by title and filed for third reading.

[S 1236](#) and [SCR 117](#), by Agricultural Affairs Committee, were read the second time by title and filed for third reading.

[H 588](#) and [H 590](#), by Education Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

[H 486](#), as amended, - MINORS

[H 486](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

Mrs. McGeachin asked unanimous consent that [H 486](#), as amended, be returned to the Health and Welfare Committee. Mr. Rusche objected.

Mrs. McGeachin moved that [H 486](#), as amended, be returned to the Health and Welfare Committee. Seconded by Mr. Nonini.

The question being, "Shall the motion carry?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Hagedorn, Hart, Hartgen, Harwood, Lake, Loertscher, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Raybould, Roberts, Schaefer, Shirley, Simpson, Thompson, Vander Woude, Wills, Wood(35), Mr. Speaker. Total – 42.

NAYS – Anderson(Keough), Bilbao, Buckner-Webb, Burgoyne, Chew, Cronin, Gibbs, Guthrie, Jaquet, Killen, King, Lacey, Luker, Patrick, Pence, Perry, Ringo, Rusche, Shepherd, Sims, Smith(30), Smith(24), Stevenson, Thayne, Trail, Wood(27). Total – 26.

Absent and excused – Henderson, Higgins. Total – 2.

Total – 70.

Whereupon the Speaker declared the motion carried, and [H 486](#), as amended, was returned to the Health and Welfare Committee.

[H 598](#) - PERSI - BLIND COMMISSION

[H 598](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bilbao to open debate.

The question being, "Shall [H 598](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Schaefer, Shepherd, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Henderson, Higgins, Rusche, Shirley. Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 598](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 579](#) - RETIRED TEACHERS OR ADMINISTRATORS

[H 579](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bedke to open debate.

The question being, "Shall [H 579](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Henderson, Higgins, Shirley. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 579](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 420](#) - INSURANCE DEPARTMENT

[H 420](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Cronin to open debate.

The question being, "Shall [H 420](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Henderson, Higgins, Shirley. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 420](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 421](#) - INSURANCE

[H 421](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Collins to open debate.

The question being, "Shall [H 421](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Henderson, Higgins, Shirley. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 421](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 422](#) - INSURANCE

[H 422](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Chadderdon to open debate.

The question being, "Shall [H 422](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew,

Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Henderson, Higgins, Lake, Roberts, Shepherd, Shirley. Total – 6.

Total – 70.

Whereupon the Speaker declared that [H 422](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 563](#) - INCOME TAXATION

[H 563](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Moyle and Mr. Hagedorn to open debate.

Mr. Moyle moved that the House recess until 1:30 p.m. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House at recess until 1:30 p.m.

RECESS Afternoon Session

The House reconvened at 1:30 p.m., the Speaker in the Chair.

Prior to recess, the House was at the Eleventh Order of Business.

At this time, Mr. Bedke took the Chair.

[H 563](#), having previously been read the third time at length, was before the House for final consideration.

The question being, "Shall [H 563](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Schaefer, Shepherd, Simpson, Sims, Thayne, Thompson, Vander Woude, Wills, Mr. Speaker. Total – 49.

NAYS – Buckner-Webb, Burgoyne, Chew, Cronin, Jaquet, Killen, King, Lacey, Lake, Nessel, Pence, Ringo, Rusche, Shirley, Smith(30), Smith(24), Stevenson, Trail, Wood(27), Wood(35). Total – 20.

Absent and excused – Higgins. Total – 1.

Paired Votes:

AYE – Shepherd NAY – Smith(30)

AYE – Henderson NAY – Chew

AYE – Wills NAY – Lacey

AYE – Mr. Speaker NAY – Trail

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 563](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

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

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

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Friday, March 2, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 2:16 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FIFTY-FOURTH LEGISLATIVE DAY
FRIDAY, MARCH 2, 2012

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 66 members present.

Absent and excused – Henderson, Higgins, Loertscher, Trail.

Total – 4.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Aubrianne Christensen, Page.

Approval of Journal

March 2, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifty-third Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

March 1, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

[H 367](#), [H 369](#), [H 374](#), [H 375](#), [H 382](#), [H 402](#), [H 407](#), [H 408](#), [H 412](#), [H 418](#), and [H 473](#)

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

OFFICE OF THE GOVERNOR
Boise

March 1, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bill, to wit:

[H 391](#)

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

OFFICE OF THE GOVERNOR
Boise

March 1, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bill, to wit:

[H 383](#)

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

March 1, 2012

Mr. Speaker:

I transmit herewith [SCR 123](#), [SJM 104](#), [S 1231](#), as amended, [S 1317](#), as amended, [S 1255](#), as amended, as amended, [S 1294](#), as amended, [S 1323](#), as amended, and [S 1344](#) which have passed the Senate.

NOVAK, Secretary

[SCR 123](#), [SJM 104](#), [S 1231](#), as amended, [S 1317](#), as amended, [S 1255](#), as amended, as amended, [S 1294](#), as amended, [S 1323](#), as amended, and [S 1344](#) were filed for first reading.

March 1, 2012

Mr. Speaker:

I return herewith enrolled [HCR 33](#) which has been signed by the President.

NOVAK, Secretary

Enrolled [HCR 33](#) was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

March 1, 2012

Mr. Speaker:

I return herewith enrolled [H 394](#), [H 438](#), [H 405](#), and [H 469](#) which have been signed by the President.

NOVAK, Secretary

Enrolled [H 394](#), [H 438](#), [H 405](#), and [H 469](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

Report of Standing Committees

March 2, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 621](#) and [H 622](#).

WILLS, Chairman

[H 621](#) and [H 622](#) were filed for second reading.

March 2, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 389](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 389](#) and, when so signed, ordered it transmitted to the Senate for the signature of the President.

March 1, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 518](#) and [H 572](#) and recommend that they do pass.

LOERTSCHER, Chairman

[H 518](#) and [H 572](#) were filed for second reading.

March 1, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 582](#), [H 591](#), and [H 593](#) and recommend that they do pass.

LAKE, Chairman

[H 582](#), [H 591](#), and [H 593](#) were filed for second reading.

March 1, 2012

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [S 1225](#), [S 1226](#), [S 1227](#), [S 1228](#), and [S 1268](#) and recommend that they do pass.

BLACK, Chairman

[S 1225](#), [S 1226](#), [S 1227](#), [S 1228](#), and [S 1268](#) were filed for second reading.

March 1, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 604](#), [H 605](#), [S 1301](#), and [S 1314](#) and recommend that they do pass.

NONINI, Chairman

[H 604](#), [H 605](#), [S 1301](#), and [S 1314](#) were filed for second reading.

March 1, 2012

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [H 496](#) and [S 1291](#) and recommend that they do pass.

STEVENSON, Chairman

[H 496](#) and [S 1291](#) were filed for second reading.

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

Motions, Memorials, and Resolutions

[SCR 123](#) and [SJM 104](#), by State Affairs Committee, were introduced, read the first time by title, and referred to the State Affairs Committee.

Introduction, First Reading, and Reference of Bills and Joint Resolutions**HOUSE BILL NO. 623****BY WAYS AND MEANS COMMITTEE****AN ACT**

RELATING TO SCHOOL CROSSING GUARDS; AMENDING CHAPTER 14, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1419A, IDAHO CODE, TO PROVIDE THAT A SCHOOL CROSSING GUARD MAY BE STATIONED AT A SCHOOL CROSSING DURING TIME PERIODS ESTABLISHED JOINTLY BY THE SCHOOL DISTRICT AND THE HEAD OF A LAW ENFORCEMENT AGENCY, TO ESTABLISH PROVISIONS RELATING TO A SCHOOL CROSSING GUARD'S AUTHORITY TO STOP TRAFFIC, TO PROVIDE THAT MOTOR VEHICLES SHALL COME TO A COMPLETE STOP IN CERTAIN CIRCUMSTANCES, TO PROVIDE FOR A REPORT RELATED TO A VIOLATION, TO ESTABLISH PROVISIONS RELATING TO AN INVESTIGATION BY A PEACE OFFICER, TO PROVIDE FOR A TRAFFIC CITATION, TO DEFINE A TERM AND TO PROVIDE FOR A PENALTY.

HOUSE BILL NO. 624**BY WAYS AND MEANS COMMITTEE****AN ACT**

RELATING TO TRUST DEEDS; AMENDING SECTION 45-1506, IDAHO CODE, TO PROHIBIT TRUSTEES FROM HAVING A FINANCIAL INTEREST IN A NEWSPAPER PUBLISHING CERTAIN NOTICES AND TO PROHIBIT TRUSTEES FROM PROFITING, DIRECTLY OR INDIRECTLY, BASED ON REQUISITE PUBLICATION OF NOTICE OF TRUSTEE'S SALE, TO PROVIDE THAT SUCH CONDUCT SHALL CONSTITUTE A MISDEMEANOR AND TO PROVIDE PENALTIES; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 625**BY WAYS AND MEANS COMMITTEE****AN ACT**

RELATING TO ANIMAL CARE; AMENDING SECTION 25-3502, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 25-3504, IDAHO CODE, TO PROVIDE FOR VIOLATIONS RELATING TO COMMITTING TORTURE TO COMPANION ANIMALS AND TO PROVIDE THAT CERTAIN OFFICERS MAY TAKE POSSESSION OF COMPANION ANIMALS SUBJECTED TO TORTURE; AMENDING SECTION 25-3506, IDAHO CODE, TO PROVIDE FOR VIOLATIONS AND PENALTIES RELATING TO CERTAIN DISPLAYS OF COMBAT BETWEEN GAMECOCKS; AND AMENDING SECTION 25-3520A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PENALTIES FOR VIOLATIONS.

HOUSE BILL NO. 626**BY EDUCATION COMMITTEE****AN ACT**

RELATING TO PUBLIC SCHOOL TECHNOLOGY; AMENDING SECTION 33-1022, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EXPENDITURE OR DISTRIBUTION OF MONEYS FOR CERTAIN

CLASSROOM TECHNOLOGY, TO PROVIDE FOR THE EXPENDITURE OF MONEYS FOR AN INTERNET-BASED CLEARINGHOUSE OF ONLINE COURSES; AND TO PROVIDE A CONTINGENT SUNSET DATE.

HOUSE BILL NO. 627
BY WAYS AND MEANS COMMITTEE
AN ACT

RELATING TO DEEDS OF TRUST AND MONEY JUDGMENTS; AMENDING SECTION 45-1512, IDAHO CODE, TO PROVIDE THAT CERTAIN PROVISIONS OF LAW SHALL APPLY TO DEBTS, NOTES, BONDS OR OTHER OBLIGATIONS RELATING TO CERTAIN DEEDS OF TRUST OR MORTGAGES.

HOUSE BILL NO. 628
BY WAYS AND MEANS COMMITTEE
AN ACT

RELATING TO WIDTH OF HIGHWAYS; AMENDING SECTION 40-2312, IDAHO CODE, TO PROVIDE THAT HIGHWAYS CREATED BY STATUTORY PRESCRIPTION OR COMMON LAW DEDICATION ARE AN EXCEPTION TO THE REQUIREMENT THAT ALL HIGHWAYS SHALL NOT BE LESS THAN FIFTY FEET WIDE.

HOUSE BILL NO. 629
BY WAYS AND MEANS COMMITTEE
AN ACT

RELATING TO HEARING OFFICERS; AMENDING CHAPTER 52, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5242A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE APPOINTMENT OF HEARING OFFICERS BY STATE AGENCIES; AMENDING SECTION 67-5701, IDAHO CODE, TO PROVIDE ADDITIONAL DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION REGARDING AGENCY HEARING OFFICERS; PROVIDING EFFECTIVE DATES AND PROVIDING AUTHORIZATION FOR RULEMAKING.

HOUSE BILL NO. 630
BY WAYS AND MEANS COMMITTEE
AN ACT

RELATING TO VETERANS; AMENDING SECTION 65-502, IDAHO CODE, TO REVISE THE DEFINITION OF "VETERAN."

HOUSE BILL NO. 631
BY WAYS AND MEANS COMMITTEE
AN ACT

RELATING TO INTERMEDIATE CARE FACILITY ASSESSMENT; AMENDING SECTION 56-1603, IDAHO CODE, TO REMOVE A PROVISION RELATING TO FUNDS FOR MEDICAID TRUSTEE AND BENEFIT EXPENDITURES; AND AMENDING SECTION 26, CHAPTER 164, LAWS OF 2011, TO REMOVE A SUNSET CLAUSE.

HOUSE BILL NO. 632
BY WAYS AND MEANS COMMITTEE
AN ACT

RELATING TO YOUTH ATHLETES AND CONCUSSIONS; REPEALING SECTION 33-1625, IDAHO CODE, RELATING TO LEGISLATIVE INTENT, YOUTH ATHLETES AND CONCUSSION GUIDELINES; AND AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY

THE ADDITION OF A NEW SECTION 33-1625, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO YOUTH ATHLETES AND CONCUSSION AND HEAD INJURY GUIDELINES AND REQUIREMENTS.

HOUSE BILL NO. 633
BY EDUCATION COMMITTEE
AN ACT

RELATING TO THE PUBLIC SCHOOL FACILITIES COOPERATIVE FUNDING PROGRAM; AMENDING SECTION 33-909, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE AUTHORIZATION OF EXPENDITURES FOR ADDITIONAL PLANS AND INFORMATION, TO PROVIDE THAT THE PANEL SHALL NOTIFY THE APPLICANT WITHIN NINETY DAYS OF RECEIVING THE APPLICATION, TO PROVIDE THAT THE PANEL MAY REQUEST A LEGISLATIVE APPROPRIATION OF ADDITIONAL MONEYS AND TO MAKE TECHNICAL CORRECTIONS.

H 623, H 624, H 625, H 626, H 627, H 628, H 629, H 630, H 631, H 632, and H 633 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1231, as amended, and S 1317, as amended, by State Affairs Committee, were introduced, read the first time by title, and referred to the Transportation and Defense Committee.

S 1255, as amended, as amended, and S 1294, as amended, by Health and Welfare Committee, were introduced, read the first time by title, and referred to the Health and Welfare Committee.

S 1323, as amended, by State Affairs Committee, was introduced, read the first time by title, and referred to the Education Committee.

S 1344, by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

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

Second Reading of Bills and Joint Resolutions

HCR 48 and HCR 40, as amended, by Education Committee, were read the second time by title and filed for third reading.

H 615, H 616, H 617, and H 618, by Appropriations Committee, were read the second time by title and filed for third reading.

S 1277, as amended, and S 1278, by Health and Welfare Committee, were read the second time by title and filed for third reading.

H 595, by Ways and Means Committee, was read the second time by title and filed for third reading.

S 1324 and SCR 122, by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

H 495, by Resources and Conservation Committee, was read the second time by title and filed for third reading.

H 549 and H 550, by State Affairs Committee, were read the second time by title and filed for third reading.

H 523, as amended, by Commerce and Human Resources Committee, was read the second time by title and filed for third reading.

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

Consideration of General Orders

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mr. Rusche. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Bedke in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

March 2, 2012

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration [H 562](#) and [S 1274](#) and report them back without recommendation, amended as follows:

HOUSE AMENDMENT TO H.B. NO. 562

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 11, delete "For" and insert: "Except as provided for in subsection (2) of this section, fFor"; in line 30, delete "and" and insert: "and"; in line 33, delete "; and"; delete lines 34 through 36, and insert: "."; in line 37, following "(2)" insert:

"For purposes of calculating the rate at which taxes shall be levied for certain levies as described in subsection (3)(a)(iv) of this section, for each community college district in which a revenue allocation area is located the county commissioners shall, with respect to the taxable property located in such revenue allocation area, use the equalized assessed value of such taxable property as shown on the base assessment roll plus any increment value that exceeds the increment value as of January 1, 2011.

(3)"; also in line 37, delete "rate" and insert: "rates"; and in line 38, following "(1)" insert: "and subsection (2)".

On page 2, in line 12, delete "and" and insert: "and"; and in line 14, following "section" insert: "; and

(iv) All taxes levied by community college districts for maintenance and operation purposes and for the maintenance and care of gymnasiums and grounds, provided such taxes are on the property used to calculate the tax rates found in subsection (2) of this section";

also on page 2, in line 18, delete "(3)" and insert: "(34)"; in line 28, delete "(4)" and insert: "(45)"; in line 32, delete "(ef)" and insert: "(e) and subsection (2)"; and in line 36, delete "(5)" and insert: "(56)".

AMENDMENT TO SECTION 2

On page 3, in line 31, delete "(ef)" and insert: "(e) and subsection (2)".

AMENDMENT TO SECTION 3

On page 4, in line 17, delete "(ef)" and insert: "(e) and subsection (2)".

CORRECTION TO TITLE

On page 1, delete lines 3 through 6, and insert: "IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO CALCULATING THE RATE AT WHICH TAXES SHALL BE LEVIED FOR LEVIES FOR CERTAIN COMMUNITY COLLEGE DISTRICTS, TO REVISE PROVISIONS

RELATING TO THE ALLOCATION OF CERTAIN TAX REVENUES AND TO PROVIDE A CODE REFERENCE; AMENDING SECTION 63-803, IDAHO CODE, TO PROVIDE A CODE REFERENCE; AND AMENDING SECTION 63-811, IDAHO CODE, TO PROVIDE A CODE REFERENCE."

HOUSE AMENDMENT TO S.B. NO. 1274

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 12 through 14, and insert: "sion of, written communications via handheld wireless devices."; and in line 24, following "infraction." insert: "A conviction under this section shall not result in violation point counts as prescribed in section 49-326, Idaho Code. In addition, a conviction under this section shall not be deemed to be a moving traffic violation for the purpose of establishing rates of motor vehicle insurance charged by a casualty insurer."

CORRECTION TO TITLE

On page 1, in line 3, following "TERM" insert: ","; in line 4, delete "AND"; also in line 4, delete "WITH EX-"; and in line 5, delete "CEPTIONS" and insert: "AND TO PROVIDE APPLICATION TO VIOLATION POINT COUNTS AND MOVING TRAFFIC VIOLATIONS".

We have also had under consideration [S 1269](#), [H 515](#), and [H 587](#), report progress and beg leave to sit again.

BEDKE, Chairman

Mr. Bedke moved that the report be adopted. Seconded by Mr. Rusche.

Whereupon the Speaker declared the report adopted.

[H 562](#), as amended, was referred to the Judiciary, Rules, and Administration Committee for engrossing.

[S 1274](#), as amended in the House, was filed for first reading.

[S 1269](#), [H 515](#), and [H 587](#) were retained on General Orders.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that [H 561](#) retain its place on the Third Reading Calendar until Monday, March 12, 2012. There being no objection, it was so ordered.

Mr. Palmer asked unanimous consent that [S 1243](#), as amended in the House, be placed on General Orders for consideration. There being no objection it was so ordered.

Mr. Moyle asked unanimous consent that [H 478](#) retain its place on the Third Reading Calendar until Monday, March 5, 2012. There being no objection, it was so ordered.

[H 600](#) - APPROPRIATION - PROFESSIONAL-TECHNICAL EDUCATION

[H 600](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thompson to open debate.

The question being, "Shall [H 600](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – Barbieri, Crane, Harwood, McMillan, Nielsen. Total – 5.

Absent and excused – Henderson, Higgins, Loertscher, Trail. Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 600](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 601](#) - APPROPRIATION - AGRICULTURAL RESERACH AND EXTENSION

[H 601](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Patrick to open debate.

The question being, "Shall [H 601](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 60.

NAYS – Barbieri, Barrett, Crane, DeMordaunt, Harwood. Total – 5.

Absent and excused – Henderson, Higgins, Loertscher, Trail, Wood(35). Total – 5.

Total – 70.

Whereupon the Speaker declared that [H 601](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 602](#) - APPROPRIATIONS - DEPARTMENT OF FINANCE

[H 602](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall [H 602](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block),

Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Henderson, Higgins, Loertscher, Roberts, Trail. Total – 5.

Total – 70.

Whereupon the Speaker declared that [H 602](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 558](#) - RESIDENTIAL CARE

[H 558](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

The question being, "Shall [H 558](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Henderson, Higgins, Loertscher, Trail. Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 558](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, March 5, 2012. There being no objection, it was so ordered.

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

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Monday, March 5, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:34 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FIFTY-SEVENTH LEGISLATIVE DAY
MONDAY, MARCH 5, 2012

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused – Lacey. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

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

Approval of Journal

March 5, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifty-fourth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO

CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that R. J. Harwood, State Representative, District 2, House Seat B, Benewah, Bonner, Kootenai, and Shoshone Counties, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated Kenneth B. DeVries of St. Maries, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint Kenneth B. DeVries, Acting State Representative, District 2, House Seat B, Benewah, Bonner, Kootenai, and Shoshone Counties, State of Idaho, for a term commencing on March 5, 2012, and continuing until the incumbent shall resume the performance of the 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 29th day of February, in the year of our Lord two thousand and twelve and

of the Independence of the United States of America, the two hundred and thirty-sixth year.

/s/ C.L. "BUTCH" OTTER
Governor
/s/ BEN T. YSURSA
Secretary of State

The Certificate of Appointment was ordered filed in the office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Kenneth B. DeVries.

OFFICE OF THE GOVERNOR
Boise

March 2, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bill, to wit:

[H 385](#)

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

OFFICE OF THE GOVERNOR
Boise

March 2, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bill, to wit:

[H 409](#)

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

March 2, 2012

Mr. Speaker:

I return herewith enrolled [H 417](#), [H 393](#), as amended, [H 455](#), [H 475](#), [H 446](#), and [H 358](#), as amended in the Senate, which have been signed by the President.

NOVAK, Secretary

Enrolled [H 417](#), [H 393](#), as amended, [H 455](#), [H 475](#), [H 446](#), and [H 358](#), as amended in the Senate, were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 1, 2012

Mr. Speaker:

I transmit herewith [S 1275](#), [S 1332](#), [S 1340](#), and [S 1331](#) which have passed the Senate.

NOVAK, Secretary

[S 1275](#), [S 1332](#), [S 1340](#), and [S 1331](#) were filed for first reading.

March 2, 2012
 Mr. Speaker:
 I transmit herewith [S 1326](#), [S 1304](#), and [S 1346](#) which have passed the Senate.

NOVAK, Secretary

[S 1326](#), [S 1304](#), and [S 1346](#) were filed for first reading.

March 2, 2012

Mr. Speaker:
 I return herewith [H 574](#), [H 419](#), [H 466](#), [H 467](#), [H 468](#), [H 498](#), and [H 482](#) which have passed the Senate.

NOVAK, Secretary

[H 574](#), [H 419](#), [H 466](#), [H 467](#), [H 468](#), [H 498](#), and [H 482](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 5, 2012

Mr. Speaker:
 We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 623](#), [H 624](#), [H 625](#), [H 626](#), [H 627](#), [H 628](#), [H 629](#), [H 630](#), [H 631](#), [H 632](#), and [H 633](#).

WILLS, Chairman

[H 623](#), [H 628](#), and [H 630](#) were referred to the Transportation and Defense Committee.

[H 624](#) and [H 627](#) were referred to the Business Committee.

[H 625](#) was referred to the Agricultural Affairs Committee.

[H 626](#) and [H 633](#) were referred to the Education Committee.

[H 629](#) and [H 632](#) were referred to the State Affairs Committee.

[H 631](#) was referred to the Health and Welfare Committee.

March 5, 2012

Mr. Speaker:
 We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed House amendments to [H 562](#) and [S 1274](#).

WILLS, Chairman

March 5, 2012

Mr. Speaker:
 We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [H 562](#), as amended.

WILLS, Chairman

[H 562](#), as amended, was filed for first reading of engrossed bills.

March 5, 2012

Mr. Speaker:
 We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [HCR 33](#) to the Secretary of State at 11:07 a.m., as of this date, March 2, 2012.

WILLS, Chairman

March 5, 2012

Mr. Speaker:
 We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled

[H 394](#), [H 438](#), [H 405](#), and [H 469](#) to the Governor at 11:10 a.m., as of this date, March 2, 2012.

WILLS, Chairman

March 1, 2012

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration [H 573](#) and report it back with amendments attached to be placed on General Orders for consideration.

BLOCK, Chairman

[H 573](#) was placed on General Orders for consideration.

March 2, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 594](#) and report it back with amendments attached to be placed on General Orders for consideration.

LAKE, Chairman

[H 594](#) was placed on General Orders for consideration.

March 2, 2012

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 440](#) and [HCR 44](#) and recommend that they do pass.

MCGEACHIN, Chairman

[H 440](#) and [HCR 44](#) were filed for second reading.

March 2, 2012

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 566](#) and report it back with amendments attached to be placed on General Orders for consideration.

MCGEACHIN, Chairman

[H 566](#) was placed on General Orders for consideration.

March 5, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 576](#), [H 599](#), and [S 1298](#) and recommend that they do pass.

LOERTSCHER, Chairman

[H 576](#), [H 599](#), and [S 1298](#) were filed for second reading.

March 5, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [S 1299](#) and recommend that it do pass.

NONINI, Chairman

[S 1299](#) was filed for second reading.

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

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

HOUSE BILL NO. 634 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3029, IDAHO CODE, TO CLARIFY THE CREDIT FOR TAXES PAID TO OTHER STATES; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

[H 634](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1274](#), as amended in the House, by Transportation Committee, was introduced, read the first time by title, and filed for second reading.

[S 1275](#), [S 1332](#), and [S 1340](#), by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

[S 1331](#), by Finance Committee, was introduced, read the first time by title, and referred to the Education Committee.

[S 1326](#), by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

[S 1304](#), by Agricultural Affairs Committee, was introduced, read the first time by title, and referred to the Agricultural Affairs Committee.

[S 1346](#), by Finance Committee, was introduced, read the first time by title, and referred to the Agricultural Affairs Committee.

First Reading of Engrossed Bills

[H 562](#), as amended, by Revenue and Taxation Committee, was introduced, read the first time by title, and filed for second reading.

Second Reading of Bills and Joint Resolutions

[H 621](#) and [H 622](#), by Appropriations Committee, were read the second time by title and filed for third reading.

[H 518](#), [H 582](#), [H 591](#), and [H 593](#), by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

[H 572](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[S 1225](#), [S 1226](#), [S 1227](#), [S 1228](#), and [S 1268](#), by Commerce and Human Resources Committee, were read the second time by title and filed for third reading.

[H 604](#) and [H 605](#), by Education Committee, were read the second time by title and filed for third reading.

[S 1301](#) and [S 1314](#), by Education Committee, were read the second time by title and filed for third reading.

[H 496](#), by Resources and Conservation Committee, was read the second time by title and filed for third reading.

[S 1291](#), by Resources and Environment Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Nonini asked unanimous consent that [H 605](#) be returned to the Education Committee. There being no objection, it was so ordered.

[H 478](#) - LIQUOR BY THE DRINK

[H 478](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet and Mr. Henderson to open debate.

Pursuant to Rule 38(3), Mrs. McGeachin disclosed a conflict of interest regarding [H 478](#).

The question being, "Shall [H 478](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bilbao, Black, Buckner-Webb, Burgoyne, Chadderdon, Chew, Cronin, Eskridge, Guthrie, Henderson, Higgins, Jaquet, Killen, King, Nessel, Patrick, Pence, Ringo, Rusche, Schaefer, Sims, Smith(30), Trail. Total – 26.

NAYS – Andrus, Bateman, Batt, Bayer, Bedke, Bell, Block(Block), Bolz, Boyle, Collins, Crane, DeMordaunt, Ellsworth, Gibbs, Hagedorn, Hart, Hartgen, Harwood(DeVries), Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nielsen, Nonini, Palmer, Perry, Raybould, Roberts, Shepherd, Shirley, Simpson, Smith(24), Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 43.

Absent and excused – Lacey. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 478](#) failed to pass the House and ordered the bill filed in the office of the Chief Clerk.

[H 569](#) - UNIFORM CONTROLLED SUBSTANCES

[H 569](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Loertscher to open debate.

Pursuant to Rule 38(3), Mr. Loertscher disclosed a conflict of interest regarding [H 569](#).

The question being, "Shall [H 569](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Lacey. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 569](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 570](#) - PEACE OFFICERS

[H 570](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Palmer to open debate.

The question being, "Shall [H 570](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Lacey. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 570](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 577](#) - MEDAL OF HONOR

[H 577](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Crane to open debate.

The question being, "Shall [H 577](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Lacey. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 577](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 553](#) - CIVIL OFFICES

[H 553](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Trail to open debate.

The question being, "Shall [H 553](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs,

Guthrie, Hagedorn, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – Hart. Total – 1.

Absent and excused – Lacey, Vander Woude. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 553](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 575](#) - TRADEMARK FILING AND RENEWAL

[H 575](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Guthrie to open debate.

The question being, "Shall [H 575](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Black, Lacey, Vander Woude. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 575](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 588](#) - EDUCATION

[H 588](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hartgen to open debate.

The question being, "Shall [H 588](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Killen, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 56.

NAYS – Buckner-Webb, Burgoyne, Chew, Cronin, Ellsworth, Higgins, Jaquet, King, Moyle, Ringo, Rusche, Smith(30), Smith(24). Total – 13.

Absent and excused – Lacey. Total – 1.
Total – 70.

Whereupon the Speaker declared that [H 588](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 590](#) - PUBLIC CHARTER SCHOOLS

[H 590](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. DeMordaunt to open debate.

Pursuant to Rule 38(3), Mr. DeMordaunt disclosed a conflict of interest regarding [H 590](#).

The question being, "Shall [H 590](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Lacey. Total – 1.
Total – 70.

Whereupon the Speaker declared that [H 590](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 615](#) - APPROPRIATION - CATASTROPHIC HEALTH CARE COST PROGRAM

[H 615](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wood(27) to open debate.

The question being, "Shall [H 615](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Lacey. Total – 1.
Total – 70.

Whereupon the Speaker declared that [H 615](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 616](#) - APPROPRIATION

[H 616](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ringo to open debate.

The question being, "Shall [H 616](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lake, Marriott, McGeachin, Nessel, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 50.

NAYS – Barbieri, Barrett, Batt, Boyle, Crane, DeMordaunt, Hart, Harwood(DeVries), Loertscher, Luker, McMillan, Moyle, Nielsen, Nonini, Palmer, Sims, Thayne, Wood(35). Total – 18.

Absent and excused – Lacey, Schaefer. Total – 2.
Total – 70.

Whereupon the Speaker declared that [H 616](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 617](#) - APPROPRIATION

[H 617](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thompson to open debate.

The question being, "Shall [H 617](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Lacey. Total – 1.
Total – 70.

Whereupon the Speaker declared that [H 617](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the House recess until 1:30 p.m.

Without objection, the Speaker declared the House at recess until 1:30 p.m.

RECESS
Afternoon Session

The House reconvened at 1:30 p.m., the Speaker in the Chair.

Prior to recess, the House was at the Eleventh Order of Business.

H 618 - APPROPRIATION - DIVISION OF HUMAN RESOURCES

H 618 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall H 618 pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Killen, King, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Bayer, Bedke, Jaquet, Lacey, Smith(24). Total – 5.

Total – 70.

Whereupon the Speaker declared that H 618 passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 595 - VICTIM NOTIFICATION FUND

H 595 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wills and Mr. Luker to open debate.

Mr. Crane asked unanimous consent that, pursuant to Rule 38(3), he be excused from voting on H 595 due to a conflict of interest. There being no objection, it was so ordered.

The question being, "Shall H 595 pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Loertscher, Luker, McMillan, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shepherd, Shirley, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 55.

NAYS – Barbieri, Barrett, Boyle, Harwood(DeVries), Lake, Marriott, McGeachin, Moyle, Palmer, Schaefer, Simpson, Sims, Wood(35). Total – 13.

Absent and excused – Lacey. Total – 1.

Excused from voting – Crane. Total – 1.

Total – 70.

Whereupon the Speaker declared that H 595 passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 495 - STATE ENDOWMENT LANDS

H 495 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Vander Woude and Mr. Burgoyne to open debate.

The question being, "Shall H 495 pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bilbao, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – Bell, Black, Stevenson. Total – 3.

Absent and excused – Lacey. Total – 1.

Total – 70.

Whereupon the Speaker declared that H 495 passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 549 - LIENS

H 549 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thompson to open debate.

The question being, "Shall H 549 pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Lacey. Total – 1.

Total – 70.

Whereupon the Speaker declared that H 549 passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 550 - BUSINESS ENTITY NAMES

H 550 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. DeMordaunt to open debate.

The question being, "Shall [H 550](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Lacey. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 550](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 523](#), as amended, - UNEMPLOYMENT INSURANCE

[H 523](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thayne to open debate.

The question being, "Shall [H 523](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Lacey, Patrick. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 523](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

[HCR 46](#) - DARRELL V. MANNING

[HCR 46](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet and Mr. Black to open debate.

The question being, "Shall [HCR 46](#) be adopted?"

Whereupon the Speaker declared [HCR 46](#) adopted by voice vote and ordered the resolution transmitted to the Senate.

[HCR 48](#) - IDAHO EDUCATION ASSOCIATION

[HCR 48](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ringo to open debate.

The question being, "Shall [HCR 48](#) be adopted?"

Whereupon the Speaker declared [HCR 48](#) adopted by voice vote and ordered the resolution transmitted to the Senate.

[HCR 40](#), as amended, - PAY POLICIES - STATE EMPLOYEES

[HCR 40](#), as amended, was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hartgen to open debate.

The question being, "Shall [HCR 40](#), as amended, be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hart, Hartgen, Higgins, Jaquet, Killen, King, Lake, Loertscher, Luker, Marriott, Moyle, Nessel, Nielsen, Palmer, Pence, Perry, Raybould, Ringo, Rusche, Shepherd, Shirley, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 54.

NAYS – Barbieri, Barrett, Crane, Hagedorn, Harwood(DeVries), Henderson, McGeachin, McMillan, Nonini, Roberts, Schaefer, Simpson, Sims, Vander Woude. Total – 14.

Absent and excused – Lacey, Patrick. Total – 2.

Total – 70.

Whereupon the Speaker declared [HCR 40](#), as amended, adopted and ordered the resolution transmitted to the Senate.

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

There being no objection, the House returned to the Fourth Order of Business.

Consideration of Messages from the Governor and the Senate

March 5, 2012

Mr. Speaker:

I transmit herewith [S 1371](#) which has passed the Senate.

NOVAK, Secretary

[S 1371](#) was filed for first reading.

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

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

[S 1371](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

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

Adjournment

Mr. Moyle moved that the House adjourn until 8 a.m., Tuesday, March 6, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 2:35 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FIFTY-EIGHTH LEGISLATIVE DAY
TUESDAY, MARCH 6, 2012

House of Representatives

The House convened at 8 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Megan Fox, Page.

Approval of Journal

March 6, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifty-seventh Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

March 5, 2012

Mr. Speaker:

I return herewith enrolled [H 389](#) which has been signed by the President.

NOVAK, Secretary

Enrolled [H 389](#) was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 5, 2012

Mr. Speaker:

I transmit herewith [SCR 125](#), [SJM 105](#), [S 1293](#), [S 1338](#), [S 1341](#), [S 1350](#), [S 1351](#), [S 1352](#), [S 1353](#), and [S 1354](#) which have passed the Senate.

NOVAK, Secretary

[SCR 125](#), [SJM 105](#), [S 1293](#), [S 1338](#), [S 1341](#), [S 1350](#), [S 1351](#), [S 1352](#), [S 1353](#), and [S 1354](#) were filed for first reading.

March 5, 2012

Mr. Speaker:

I return herewith [H 484](#), [H 489](#), and [H 517](#) which have passed the Senate.

NOVAK, Secretary

[H 484](#), [H 489](#), and [H 517](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 6, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 634](#).

WILLS, Chairman

[H 634](#) was referred to the Revenue and Taxation Committee.

March 6, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 574](#), [H 419](#), [H 466](#), [H 467](#), [H 468](#), [H 498](#), and [H 482](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 574](#), [H 419](#), [H 466](#), [H 467](#), [H 468](#), [H 498](#), and [H 482](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 6, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 417](#), [H 393](#), as amended, [H 455](#), [H 475](#), [H 446](#), and [H 358](#), as amended in the Senate, to the Governor at 11 a.m., as of this date, March 5, 2012.

WILLS, Chairman

March 5, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 584](#) and report it back with amendments attached to be placed on General Orders for consideration.

LAKE, Chairman

[H 584](#) was placed on General Orders for consideration.

March 5, 2012

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [H 608](#) and recommend that it do pass.

STEVENSON, Chairman

[H 608](#) was filed for second reading.

March 5, 2012

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [H 542](#) and report it back with amendments attached to be placed on General Orders for consideration.

STEVENSON, Chairman

[H 542](#) was placed on General Orders for consideration.

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

Motions, Memorials, and Resolutions

[SCR 125](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the Resources and Conservation Committee.

[SJM 105](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the Environment, Energy, and Technology Committee.

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

**HOUSE BILL NO. 635
BY WAYS AND MEANS COMMITTEE
AN ACT**

RELATING TO ADMINISTRATIVE RULES; CONTINUING CERTAIN RULES IN FULL FORCE AND EFFECT UNTIL JULY 1, 2013; CONTINUING RULES APPROVED OR EXTENDED BY ADOPTION OF A CONCURRENT RESOLUTION OF THE SECOND REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE IN FULL FORCE AND EFFECT UNTIL JULY 1, 2013, OR UNTIL SUCH TIME AS THEY SHALL EXPIRE; PROVIDING THAT RULES REJECTED BY CONCURRENT RESOLUTION SHALL BE NULL, VOID AND OF NO FORCE AND EFFECT; AUTHORIZING AGENCIES TO AMEND OR REPEAL CERTAIN RULES PURSUANT TO THE ADMINISTRATIVE PROCEDURE ACT AND DECLARING THE EFFECT OF THIS ACT UPON ADMINISTRATIVE RULES; AND PROVIDING SEVERABILITY.

**HOUSE BILL NO. 636
BY APPROPRIATIONS COMMITTEE
AN ACT**

APPROPRIATING MONEYS TO THE MILITARY DIVISION FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND GRANTING A CONTINUOUS APPROPRIATION FOR THE BUREAU OF HOMELAND SECURITY'S MISCELLANEOUS REVENUE FUND.

**HOUSE BILL NO. 637
BY APPROPRIATIONS COMMITTEE
AN ACT**

APPROPRIATING MONEYS TO THE ATTORNEY GENERAL FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXEMPTING APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

**HOUSE BILL NO. 638
BY APPROPRIATIONS COMMITTEE
AN ACT**

APPROPRIATING MONEYS TO THE OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

**HOUSE BILL NO. 639
BY WAYS AND MEANS COMMITTEE
AN ACT**

RELATING TO CONTRACTS; AMENDING SECTION 29-110, IDAHO CODE, TO REVISE PROVISIONS RELATING TO LIMITATIONS ON THE RIGHT TO SUE UNDER CONTRACT AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 640
BY WAYS AND MEANS COMMITTEE
AN ACT**

RELATING TO THE CHILDREN AND FAMILIES LEGAL SERVICES FUND; AMENDING CHAPTER 16, TITLE 1, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 1-1626, IDAHO CODE, TO CREATE THE CHILDREN AND FAMILIES LEGAL SERVICES FUND IN THE STATE TREASURY, TO PROVIDE WHAT MONEYS IN THE FUND SHALL CONSIST OF AND TO PROVIDE FOR WHAT MONEYS IN THE FUND MAY BE EXPENDED; AMENDING CHAPTER 16, TITLE 1, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 1-1627, IDAHO CODE, TO PROVIDE FOR CHILDREN AND LEGAL SERVICES FUND GRANTS BY THE SUPREME COURT; AND AMENDING CHAPTER 16, TITLE 1, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 1-1628, IDAHO CODE, TO PROVIDE AN ADDITIONAL FEE FOR FILING AN ACTION FOR DIVORCE, CUSTODY, CHILD SUPPORT, PATERNITY, LEGAL SEPARATION AND ANY ACTIONS TO REOPEN OR MODIFY SUCH ACTIONS OR FOR FILING AN INITIAL APPEARANCE, CROSS-CLAIM OR COUNTER CLAIM, OR FOR FILING AN INITIAL APPEARANCE, CROSS-CLAIM OR COUNTER CLAIM IN ANY SUCH PROCEEDING TO BE DEPOSITED IN THE CHILDREN AND FAMILIES LEGAL SERVICES FUND.

[H 635](#), [H 636](#), [H 637](#), [H 638](#), [H 639](#), and [H 640](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1293](#), by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

[S 1338](#) and [S 1341](#), by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

[S 1350](#), [S 1351](#), [S 1352](#), [S 1353](#), and [S 1354](#), by Finance Committee, were introduced, read the first time by title, and filed for second reading.

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

Second Reading of Bills and Joint Resolutions

[H 440](#), by Health and Welfare Committee, was read the second time by title and filed for third reading.

[HCR 44](#), [H 576](#), and [H 599](#), by State Affairs Committee, were read the second time by title and filed for third reading.

[S 1298](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[S 1299](#), by Judiciary and Rules Committee, was read the second time by title and filed for third reading.

[S 1274](#), as amended in the House, by Transportation Committee, was read the second time by title and filed for third reading.

[H 562](#), as amended, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

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

Consideration of General Orders

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mr. Bedke. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Bedke in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

March 6, 2012

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration [H 587](#), [S 1243](#), as amended in the House, [H 594](#), [H 566](#), and [H 573](#) and report them back without recommendation, amended as follows:

HOUSE AMENDMENT TO H.B. NO. 587

AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 15 through 40; and delete pages 2 and 3, and insert:

"SECTION 1. That Section 41-306, Idaho Code, be, and the same is hereby amended to read as follows:

41-306. EXCEPTIONS TO CERTIFICATE OF AUTHORITY REQUIREMENT. A certificate of authority and application therefor pursuant to section 41-319, Idaho Code, shall not be required of an insurer with respect to the following:

(1) Investigation, settlement, or litigation of claims under its policies lawfully written in this state, or liquidation of assets and liabilities of the insurer (other than collection of new premiums), all as resulting from its former authorized operations in this state.

(2) Transactions thereunder subsequent to issuance of a policy covering only subjects of insurance not resident, located or expressly to be performed in this state at time of issuance, and lawfully solicited, written and delivered outside this state.

(3) Transactions pursuant to surplus lines coverages lawfully written under chapter 12 of this code, title 41, Idaho Code.

(4) Reinsurance, when transacted by an insurer duly authorized by its state of domicile to transact the kind of insurance involved.

(5) The continuation and servicing of life insurance or disability insurance policies or annuity contracts remaining in force as to residents of this state if the insurer has withdrawn from the state and is not transacting new insurance therein.

(6) A foreign insurer licensed and authorized to sell individual or group accident and sickness insurance in another state as defined pursuant to section 41-306A, Idaho Code, and the insurer obtains a certificate of authority pursuant to that section.

SECTION 2. That Chapter 3, Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 41-306A, Idaho Code, and to read as follows:

41-306A. INTERSTATE INSURANCE SALES. (1)

A foreign insurer subject to the jurisdiction of another state's insurance department or insurance commissioner and licensed and authorized to transact health or disability insurance in its state of domicile may offer and sell an individual or group accident and sickness insurance policy, as defined in section 41-515, Idaho Code, in Idaho as long as that individual or group accident and sickness policy provides the mandatory coverages this title 41, Idaho Code, requires for insurers.

(2) The director shall issue a certificate of authority to a foreign insurer to sell individual or group accident and sickness insurance policies in this state as long as that insurer is licensed in another state to sell individual or group accident and sickness insurance, remains licensed in that state to sell individual or group accident and sickness insurance and complies with the provisions of subsection (3) of this section. If an insurer is no longer licensed to sell individual or group accident and sickness insurance by its domiciled state, it shall be ineligible to do business in this state and its certificate of authority shall terminate immediately unless it obtains an independent certificate of authority in this state pursuant to chapter 3, title 41, Idaho Code, and complies with the provisions of this title 41, Idaho Code.

(3) In order for a foreign insurer to offer and sell individual or group accident and sickness insurance policies to residents of this state, the foreign insurer agrees that any dispute regarding its policies, benefits, contracts or coverages purchased by Idaho residents shall be governed by Idaho law, shall be either litigated in Idaho or have an alternative dispute resolution conducted in Idaho and shall appoint the director as its agent for service of process pursuant to section 41-333, Idaho Code. The foreign insurer submits to the jurisdiction of the department of insurance for all purposes under title 41, Idaho Code, and is subject to all provisions of title 41, Idaho Code, and rules promulgated thereunder applicable to insurers transacting accident and sickness insurance in Idaho. The foreign insurer must pay all fees and assessments provided by law under title 41, Idaho Code.

(4) Insurers selling policies in Idaho pursuant to this section shall comply with the provisions of section 41-402, Idaho Code, and remit the tax as provided in that section. In addition to the premium tax, insurers selling policies in Idaho pursuant to this section shall remit annually one percent (1%) of the amount of gross direct premiums written on policies covering persons in this state to the catastrophic health care fund created pursuant to chapter 35, title 31, Idaho Code.

(5) The department of insurance shall promulgate, adopt and enforce such rules and such methods of administration as may be necessary or proper to carry out the provisions of this section.

SECTION 3. That Chapter 5, Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 41-515, Idaho Code, and to read as follows:

41-515. INDIVIDUAL OR GROUP ACCIDENT AND SICKNESS INSURANCE DEFINED. "Individual or group accident and sickness insurance" means any policy insuring against loss resulting from sickness or from bodily injury or death by accident, or both. "Individual or group accident and sickness insurance" shall also include comprehensive major medical coverage for medical and surgical benefits and high deductible health plans sold or maintained under the applicable provisions of section 223 of the Internal Revenue Code.

SECTION 4. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act."

CORRECTION TO TITLE

On page 1, delete lines 2 through 13, and insert:
"RELATING TO AUTHORIZATION FOR OUT-OF-STATE INSURERS; AMENDING SECTION 41-306, IDAHO CODE, TO PROVIDE EXCEPTIONS TO CERTIFICATE OF AUTHORITY REQUIREMENTS

FOR CERTAIN OUT-OF-STATE INSURERS AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 3, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-306A, IDAHO CODE, TO PROVIDE FOR INTERSTATE INSURANCE SALES, TO AUTHORIZE THE DIRECTOR TO DETERMINE IF PLANS SATISFY REQUIREMENTS, TO PROVIDE FOR LANGUAGE TO BE INCLUDED IN PLANS SOLD, TO PROVIDE FOR COMPLIANCE WITH IDAHO CODE ON PREMIUM TAX AND TO AUTHORIZE THE DEPARTMENT TO ADOPT AND PROMULGATE RULES; AMENDING CHAPTER 5, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-515, IDAHO CODE, TO DEFINE A TERM; AND PROVIDING SEVERABILITY."

HOUSE AMENDMENT TO HOUSE AMENDMENT TO S.B. NO. 1243

AMENDMENT TO THE AMENDMENT

On page 3 of the printed amendment, delete line 26, and insert:

"(c) If the applicant is a nonprofit agency, submit evidence to the department that the applicant has 501(c)(3)".

On page 4, delete lines 3 and 4, and insert:

"(4) On an annual basis, by December 1 of each calendar year, the sponsor of a special license plate program, shall prepare an"; and in line 13, following "provided," insert: "The provisions of this section shall apply to all special plate programs generating revenue outside of the department excluding military license plate programs."

HOUSE AMENDMENT TO H.B. NO. 594

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 41, delete "Provided however, that"; and delete line 42.

On page 2, delete lines 1 and 2; and in line 5, following "(5%)" insert: "of the total general fund receipts for the fiscal year just ending".

HOUSE AMENDMENT TO H.B. NO. 566

AMENDMENT TO SECTION 2

On page 6 of the printed bill, in line 43, following "jointly" insert: "if such amount has not been deducted in arriving at taxable income".

HOUSE AMENDMENT TO H.B. NO. 573

AMENDMENT TO SECTION 2

On page 1 of the printed bill, delete lines 36 through 40.

On page 2, in line 1, delete "(5)" and insert: "(4)"; and in line 3, delete "(6)" and insert: "(5)".

CORRECTION TO TITLE

On page 1, in line 6, following "STATE EMPLOYEES" delete ", TO PROVIDE FOR A CHOICE OF HIGH DE-"; and in line 7, delete "DUCTIBLE HEALTH PLANS".

We have also had under consideration [S 1269](#) and [H 515](#), report progress and beg leave to sit again.

BEDKE, Chairman

Mr. Bedke moved that the report be adopted. Seconded by Mrs. Higgins.

Whereupon the Speaker declared the report adopted.

[H 587](#), as amended, [H 594](#), as amended, [H 566](#), as amended, and [H 573](#), as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

[S 1243](#), as amended in the House, as amended in the House, was filed for first reading.

[S 1269](#) and [H 515](#) were retained on General Orders.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

[H 621](#) - APPROPRIATION - STATE TREASURER

[H 621](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ringo to open debate.

Pursuant to Rule 38(3), Mr. Crane disclosed a conflict of interest regarding [H 621](#).

The question being, "Shall [H 621](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Hagedorn, Vander Woude, Wood(35). Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 621](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 622](#) - APPROPRIATION - DEPARTMENT OF INSURANCE

[H 622](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall [H 622](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, Ellsworth, Eskridge, Gibbs, Guthrie, Hart, Hartgen, Harwood(DeVries),

Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 59.

NAYS – Barbieri, Barrett, Boyle, DeMordaunt, McMillan, Moyle, Palmer, Simpson, Thompson. Total – 9.

Absent and excused – Hagedorn, Vander Woude. Total – 2.
Total – 70.

Whereupon the Speaker declared that [H 622](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 518](#) - TOBACCO

[H 518](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. King to open debate.

The question being, "Shall [H 518](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – Harwood(DeVries). Total – 1.

Absent and excused – Vander Woude. Total – 1.
Total – 70.

Whereupon the Speaker declared that [H 518](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 572](#) - ELECTION CONSOLIDATION LAW

[H 572](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Buckner-Webb to open debate.

The question being, "Shall [H 572](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 70.

NAYS – None.

Whereupon the Speaker declared that [H 572](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 582](#) - INCOME TAXATION

[H 582](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Burgoyne to open debate.

The question being, "Shall [H 582](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – Patrick. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 582](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 591](#) - UNCLAIMED PROPERTY

[H 591](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Luker to open debate.

The question being, "Shall [H 591](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Bateman. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 591](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 593](#) - COMMUNITY INFRASTRUCTURE DISTRICTS

[H 593](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Luker to open debate.

The question being, "Shall [H 593](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Bateman, Simpson. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 593](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 604](#) - EDUCATION

[H 604](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Pence to open debate.

The question being, "Shall [H 604](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Anderson, Bateman, Lake, Shepherd, Simpson. Total – 5.

Total – 70.

Whereupon the Speaker declared that [H 604](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 496](#) - FISH AND GAME

[H 496](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Luker to open debate.

The question being, "Shall [H 496](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao, Black, Boyle, Burgoyne, Chadderdon, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Guthrie, Hagedorn, Hart, Harwood(DeVries), Henderson, Higgins, Lake, Loertscher,

Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Pence, Perry, Raybould, Roberts, Schaefer, Shepherd, Simpson, Sims, Smith(30), Thayne, Thompson, Trail, Vander Woude, Wood(35), Mr. Speaker. Total – 49.

NAYS – Anderson, Bedke, Block(Block), Bolz, Buckner-Webb, Chew, Eskridge, Gibbs, Hartgen, Jaquet, Killen, King, Lacey, Patrick, Ringo, Rusche, Shirley, Smith(24), Stevenson, Wills, Wood(27). Total – 21.

Total – 70.

Whereupon the Speaker declared that [H 496](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[HJM 11](#) - AMENDMENTS CONVENTION

[HJM 11](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nielsen to open debate.

At this time, Mr. Moyle took the Chair.

The question being, "Shall [HJM 11](#) be adopted?"

Roll call resulted as follows:

AYES – Barbieri, Barrett, Bedke, Burgoyne, DeMordaunt, Guthrie, Loertscher, Luker, McGeachin, Nielsen, Roberts, Schaefer, Shepherd, Sims, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35). Total – 20.

NAYS – Anderson, Andrus, Bateman, Batt, Bayer, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Chadderdon, Chew, Collins, Crane, Cronin, Ellsworth, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Marriott, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Trail, Mr. Speaker. Total – 50.

Paired Votes:

AYE – Loertscher NAY – Ellsworth

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker Pro Tem declared [HJM 11](#) failed to be adopted and ordered the memorial filed in the office of the Chief Clerk.

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

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

Adjournment

Mr. Bedke moved that the House adjourn until 1 p.m., Wednesday, March 7, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 10:27 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FIFTY-NINTH LEGISLATIVE DAY
WEDNESDAY, MARCH 7, 2012

House of Representatives

The House convened at 1 p.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Derek Nuxoll, Page.

Approval of Journal

March 7, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifty-eighth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

March 6, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

[H 394](#), [H 358](#), as amended in the Senate, [H 405](#), [H 438](#), [H 446](#), and [H 469](#)

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

March 6, 2012

Mr. Speaker:

I return herewith enrolled [H 574](#), [H 419](#), [H 466](#), [H 467](#), [H 468](#), [H 498](#), and [H 482](#) which have been signed by the President.

NOVAK, Secretary

Enrolled [H 574](#), [H 419](#), [H 466](#), [H 467](#), [H 468](#), [H 498](#), and [H 482](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 6, 2012

Mr. Speaker:

I transmit herewith [S 1356](#), as amended, [S 1335](#), and [S 1343](#) which have passed the Senate.

NOVAK, Secretary

[S 1356](#), as amended, [S 1335](#), and [S 1343](#) were filed for first reading.

March 6, 2012

Mr. Speaker:

I return herewith [H 465](#), [H 492](#), [H 546](#), [H 499](#), [H 521](#), [H 534](#), [H 441](#), [H 442](#), [H 500](#), [H 501](#), [H 472](#), and [HCR 34](#) which have passed the Senate.

NOVAK, Secretary

[H 465](#), [H 492](#), [H 546](#), [H 499](#), [H 521](#), [H 534](#), [H 441](#), [H 442](#), [H 500](#), [H 501](#), [H 472](#), and [HCR 34](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 7, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 635](#), [H 636](#), [H 637](#), [H 638](#), [H 639](#), and [H 640](#).

WILLS, Chairman

[H 635](#), [H 636](#), [H 637](#), and [H 638](#) were filed for second reading.

[H 639](#) and [H 640](#) were referred to the Judiciary, Rules, and Administration Committee.

March 7, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed House amendments to [H 587](#), [S 1243](#), as amended in the House, [H 594](#), [H 566](#), and [H 573](#).

WILLS, Chairman

March 7, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 484](#), [H 489](#), and [H 517](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 484](#), [H 489](#), and [H 517](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 7, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [H 587](#), as amended, [H 594](#), as amended, [H 566](#), as amended, and [H 573](#), as amended.

WILLS, Chairman

[H 587](#), as amended, [H 594](#), as amended, [H 566](#), as amended, and [H 573](#), as amended, were filed for first reading of engrossed bills.

March 7, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 389](#) to the Governor at 8:20 a.m., as of this date, March 6, 2012.
WILLS, Chairman

March 6, 2012

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 487](#) and [H 609](#) and recommend that they do pass.

MCGEACHIN, Chairman

[H 487](#) and [H 609](#) were filed for second reading.

March 6, 2012

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 486](#), as amended, and report it back with amendments attached to be placed on General Orders for consideration.

MCGEACHIN, Chairman

[H 486](#), as amended, was placed on General Orders for consideration.

March 6, 2012

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 583](#) and recommend that it do pass.

PALMER, Chairman

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

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

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

HOUSE BILL NO. 641 BY APPROPRIATIONS COMMITTEE AN ACT

RELATING TO APPROPRIATIONS; AMENDING SECTION 2, CHAPTER 161, LAWS OF 2011, TO APPROPRIATE ADDITIONAL MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 642 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE IDAHO COMMISSION FOR LIBRARIES FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

HOUSE BILL NO. 643 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

HOUSE BILL NO. 644 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

[H 641](#), [H 642](#), [H 643](#), and [H 644](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1243](#), as amended in the House, as amended in the House, by Transportation Committee, was introduced, read the first time by title, and filed for second reading.

[S 1356](#), as amended, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

[S 1335](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the Environment, Energy, and Technology Committee.

[S 1343](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

First Reading of Engrossed Bills

[H 587](#), as amended, by State Affairs Committee, was introduced, read the first time by title, and filed for second reading.

[H 594](#), as amended, by Revenue and Taxation Committee, was introduced, read the first time by title, and filed for second reading.

[H 566](#), as amended, and [H 573](#), as amended, by Education Committee, were introduced, read the first time by title, and filed for second reading.

Second Reading of Bills and Joint Resolutions

[H 608](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[S 1350](#), [S 1351](#), [S 1352](#), [S 1353](#), and [S 1354](#), by Finance Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

[H 440](#) - FEES AND TAXES - INSURANCE FUNDING

[H 440](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall [S 1333](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Burgoyne, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Jaquet, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 59.

NAYS – Buckner-Webb, Chew, Cronin, Higgins, Killen, Lacey, Ringo, Rusche, Smith(30). Total – 9.

Absent and excused – King, Wills. Total – 2.

Total – 70.

Whereupon the Speaker declared that [S 1333](#) passed the House. Title was approved and the bill ordered returned to the Senate.

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

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

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Thursday, March 8, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 1:59 p.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**SIXTIETH LEGISLATIVE DAY
THURSDAY, MARCH 8, 2012**

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent and excused – Block(Block), Jaquet, Killen.

Total – 3.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Candace Aguirre, Page.

Approval of Journal

March 8, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifty-ninth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

March 7, 2012

Mr. Speaker:

I transmit herewith [S 1337](#), as amended, [S 1363](#), [S 1365](#), [S 1359](#), [S 1361](#), [S 1367](#), [S 1368](#), and [SCR 124](#) which have passed the Senate.

NOVAK, Secretary

[S 1337](#), as amended, [S 1363](#), [S 1365](#), [S 1359](#), [S 1361](#), [S 1367](#), [S 1368](#), and [SCR 124](#) were filed for first reading.

Report of Standing Committees

March 8, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 641](#), [H 642](#), [H 643](#), and [H 644](#).

WILLS, Chairman

[H 641](#), [H 642](#), [H 643](#), and [H 644](#) were filed for second reading.

March 8, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 465](#), [H 492](#),

[H 546](#), [H 499](#), [H 521](#), [H 534](#), [H 441](#), [H 442](#), [H 500](#), [H 501](#), [H 472](#), and [HCR 34](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 465](#), [H 492](#), [H 546](#), [H 499](#), [H 521](#), [H 534](#), [H 441](#), [H 442](#), [H 500](#), [H 501](#), [H 472](#), and [HCR 34](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 8, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 574](#), [H 419](#), [H 466](#), [H 467](#), [H 468](#), [H 498](#), and [H 482](#) to the Governor at 1:20 p.m., as of this date, March 7, 2012.

WILLS, Chairman

March 7, 2012

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [S 1289](#), [S 1290](#), and [SJM 103](#) and recommend that they do pass.

STEVENSON, Chairman

[S 1289](#), [S 1290](#), and [SJM 103](#) were filed for second reading.

March 7, 2012

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration [H 607](#) and recommend that it do pass.

BLOCK, Chairman

[H 607](#) was filed for second reading.

March 7, 2012

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [HCR 45](#) and [S 1307](#) and recommend that they do pass.

BLACK, Chairman

[HCR 45](#) and [S 1307](#) were filed for second reading.

March 7, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [S 1332](#), [S 1338](#), [S 1340](#), and [S 1341](#) and recommend that they do pass.

WILLS, Chairman

[S 1332](#), [S 1338](#), [S 1340](#), and [S 1341](#) were filed for second reading.

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

Motions, Memorials, and Resolutions

[SCR 124](#), by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Education Committee.

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

[S 1337](#), as amended, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

[S 1363](#) and [S 1365](#), by State Affairs Committee, were introduced, read the first time by title, and referred to the State Affairs Committee.

[S 1359](#), [S 1361](#), [S 1367](#), and [S 1368](#), by Finance Committee, were introduced, read the first time by title, and filed for second reading.

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

Second Reading of Bills and Joint Resolutions

[H 635](#), by Ways and Means Committee, was read the second time by title and filed for third reading.

[H 636](#), [H 637](#), and [H 638](#), by Appropriations Committee, were read the second time by title and filed for third reading.

[H 487](#), by Health and Welfare Committee, was read the second time by title and filed for third reading.

[H 609](#) and [H 587](#), as amended, by State Affairs Committee, were read the second time by title and filed for third reading.

[H 583](#) and [H 594](#), as amended, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

[S 1243](#), as amended in the House, as amended in the House, by Transportation Committee, was read the second time by title and filed for third reading.

[H 566](#), as amended, and [H 573](#), as amended, by Education Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

[H 608](#) - WATER RIGHTS

[H 608](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Stevenson to open debate.

The question being, "Shall [H 608](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Barbieri, Barrett, Bayer, Block(Block), Jaquet, Killen, Lake, Wood(35). Total – 8.

Total – 70.

Whereupon the Speaker declared that [H 608](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

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

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 635](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 635](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Block(Block), Jaquet, Killen, Lake, Wood(35). Total – 5.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 635](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Roberts to open debate.

The question being, "Shall [H 635](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, King, Lacey, Loertscher, Luker, Marriott, McGeachin, Nessel, Nielsen, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 54.

NAYS – Barbieri, Barrett, Batt, Boyle, Harwood(DeVries), McMillan, Moyle, Nonini, Palmer, Sims. Total – 10.

Absent and excused – Block(Block), Jaquet, Killen, Lake, Simpson, Wood(35). Total – 6.

Total – 70.

Whereupon the Speaker declared that [H 635](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 636](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 636](#) be

read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Block(Block), Jaquet, Killen, Lake, Wood(35). Total – 5.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 636](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall [H 636](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wood(27), Mr. Speaker. Total – 63.

NAYS – None.

Absent and excused – Block(Block), Jaquet, Killen, Lake, Simpson, Wills, Wood(35). Total – 7.

Total – 70.

Whereupon the Speaker declared that [H 636](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 638](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 638](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin,

DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Block(Block), Jaquet, Killen, Lake, Wood(35). Total – 5.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 638](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall [H 638](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wood(27), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Block(Block), Jaquet, Killen, Lake, Palmer, Simpson, Wills, Wood(35). Total – 8.

Total – 70.

Whereupon the Speaker declared that [H 638](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 609](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 609](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Block(Block), Jaquet, Killen, Lake, Wood(35). Total – 5.
Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 609](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. McGeachin to open debate.

The question being, "Shall [H 609](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Block(Block), Jaquet, Killen, Simpson, Wills. Total – 5.
Total – 70.

Whereupon the Speaker declared that [H 609](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 583](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 583](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Block(Block), Jaquet, Killen, Lake, Wood(35). Total – 5.
Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 583](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ellsworth to open debate.

The question being, "Shall [H 583](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – Ringo, Smith(24). Total – 2.

Absent and excused – Block(Block), Jaquet, Killen, Thompson, Wills. Total – 5.
Total – 70.

Whereupon the Speaker declared that [H 583](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 587](#), as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 587](#), as amended, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Block(Block), Jaquet, Killen, Lake, Wood(35). Total – 5.
Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 587](#), as amended, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ellsworth to open debate.

The question being, "Shall [H 587](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb,

Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(24), Stevenson, Thayne, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker.
Total – 59.

NAYS – Burgoyne, Higgins, King, Ringo, Rusche, Smith(30). Total – 6.

Absent and excused – Block(Block), Jaquet, Killen, Thompson, Wills. Total – 5.

Total – 70.

Whereupon the Speaker declared that [H 587](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House returned to the Fifth Order of Business.

Report of Standing Committees

March 8, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 632](#) and [S 1371](#) and recommend that they do pass.

LOERTSCHER, Chairman

[H 632](#) and [S 1371](#) were filed for second reading.

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

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Friday, March 9, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:41 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SIXTY-FIRST LEGISLATIVE DAY
FRIDAY, MARCH 9, 2012

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 69 members present.

Absent and excused – Thompson. Total – 1.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Holly Monaghan, Page.

Approval of Journal

March 9, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixtieth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

March 8, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

[H 389](#), [H 393](#), as amended, [H 455](#), and [H 475](#)

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

March 8, 2012

Mr. Speaker:

I transmit herewith enrolled [S 1333](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1333](#) and, when so signed, ordered it returned to the Senate.

March 8, 2012

Mr. Speaker:

I return herewith enrolled [H 484](#), [H 489](#), and [H 517](#) which have been signed by the President.

NOVAK, Secretary

Enrolled [H 484](#), [H 489](#), and [H 517](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 8, 2012

Mr. Speaker:

I transmit herewith [SCR 128](#), [SCR 129](#), [S 1321](#), as amended, [S 1271](#), and [S 1375](#) which have passed the Senate.

NOVAK, Secretary

[SCR 128](#), [SCR 129](#), [S 1321](#), as amended, [S 1271](#), and [S 1375](#) were filed for first reading.

March 8, 2012

Mr. Speaker:

I return herewith [HCR 37](#), [H 379](#), [H 460](#), [H 462](#), [H 463](#), [H 526](#), [H 600](#), [H 601](#), and [H 602](#) which have passed the Senate.

NOVAK, Secretary

[HCR 37](#), [H 379](#), [H 460](#), [H 462](#), [H 463](#), [H 526](#), [H 600](#), [H 601](#), and [H 602](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 8, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 585](#) and report it back with amendments attached to be placed on General Orders for consideration.

LAKE, Chairman

[H 585](#) was placed on General Orders for consideration.

March 8, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 603](#), [H 626](#), and [H 633](#) and recommend that they do pass.

NONINI, Chairman

[H 603](#), [H 626](#), and [H 633](#) were filed for second reading.

March 8, 2012

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration [SJM 105](#) and recommend that it do pass.

RAYBOULD, Chairman

[SJM 105](#) was filed for second reading.

March 8, 2012

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [S 1260](#), [S 1261](#), [S 1262](#), [S 1273](#), and [SCR 112](#) and recommend that they do pass.

MCGEACHIN, Chairman

[S 1260](#), [S 1261](#), [S 1262](#), [S 1273](#), and [SCR 112](#) were filed for second reading.

March 8, 2012

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 631](#) and report it back with amendments attached to be placed on General Orders for consideration.

MCGEACHIN, Chairman

[H 631](#) was placed on General Orders for consideration.

March 8, 2012

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [H 611](#) and recommend that it do pass.

ANDRUS, Chairman

[H 611](#) was filed for second reading.

March 8, 2012

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 628](#), [S 1231](#), as amended, [S 1313](#), and [S 1319](#) and recommend that they do pass.

PALMER, Chairman

[H 628](#), [S 1231](#), as amended, [S 1313](#), and [S 1319](#) were filed for second reading.

March 8, 2012

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 619](#) and report it back with amendments attached to be placed on General Orders for consideration.

PALMER, Chairman

[H 619](#) was placed on General Orders for consideration.

March 8, 2012

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration [H 551](#) and recommend that it do pass.

BARRETT, Chairman

[H 551](#) was filed for second reading.

March 9, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [HCR 47](#) and recommend that it do pass.

LOERTSCHER, Chairman

[HCR 47](#) was filed for second reading.

March 9, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [S 1327](#) and [S 1328](#) and recommend that they do pass.

NONINI, Chairman

[S 1327](#) and [S 1328](#) were filed for second reading.

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

Motions, Memorials, and Resolutions

[SCR 128](#) and [SCR 129](#), by State Affairs Committee, were introduced, read the first time by title, and referred to the State Affairs Committee.

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

HOUSE BILL NO. 645 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO SALARIES OF MEMBERS OF THE PUBLIC UTILITIES COMMISSION, MEMBERS OF THE TAX COMMISSION AND MEMBERS OF THE INDUSTRIAL COMMISSION; AMENDING SECTION 61-215, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN SALARY FOR MEMBERS OF THE PUBLIC UTILITIES COMMISSION; AMENDING SECTION 63-102, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN SALARY FOR MEMBERS OF THE STATE TAX COMMISSION; AND AMENDING SECTION 72-503, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN SALARY FOR MEMBERS OF THE INDUSTRIAL COMMISSION.

HOUSE BILL NO. 646 BY EDUCATION COMMITTEE AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 3, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-357A, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE A TERM, TO ESTABLISH PROVISIONS RELATING TO AN ANNUAL REPORT, TO ESTABLISH PROVISIONS RELATING TO THE PUBLICATION OF CERTAIN INFORMATION AND TO ESTABLISH PROVISIONS RELATING TO THE POSTING OF CERTAIN INFORMATION ON THE STATE DEPARTMENT OF EDUCATION WEBSITE.

HOUSE BILL NO. 647 BY WAYS AND MEANS COMMITTEE AN ACT

RELATING TO CHARGES FOR MOTOR VEHICLE TRAFFIC INCIDENT RESPONSES; AMENDING CHAPTER 3, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-346, IDAHO CODE, TO DEFINE TERMS, TO PROHIBIT A MUNICIPALITY FROM CHARGING AN INCIDENT RESPONSE FEE FOR THE USE OF EMERGENCY SERVICES RELATED TO TRAFFIC INCIDENTS, TO AUTHORIZE A MUNICIPALITY TO CHARGE FOR CERTAIN ACTUAL EXPENSES IN TRAFFIC INCIDENTS, TO PROVIDE FOR APPORTIONMENT OF ACTUAL EXPENSES AND TO PROVIDE THAT ESTABLISHED PROVISIONS SHALL NOT APPLY TO CERTAIN CHARGES; AND AMENDING CHAPTER 32, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3222, IDAHO CODE, TO DEFINE TERMS, TO PROHIBIT A COUNTY FROM CHARGING AN INCIDENT RESPONSE FEE FOR THE USE OF EMERGENCY SERVICES RELATED TO TRAFFIC INCIDENTS, TO AUTHORIZE A COUNTY TO CHARGE FOR CERTAIN ACTUAL EXPENSES IN TRAFFIC INCIDENTS, TO PROVIDE FOR APPORTIONMENT OF ACTUAL EXPENSES AND TO PROVIDE THAT ESTABLISHED PROVISIONS SHALL NOT APPLY TO CERTAIN CHARGES.

HOUSE BILL NO. 648
BY WAYS AND MEANS COMMITTEE
 AN ACT

RELATING TO JUDGMENT; AMENDING SECTION 19-2522, IDAHO CODE, TO REVISE PROVISIONS RELATING TO AN EXAMINATION OF DEFENDANT FOR EVIDENCE OF MENTAL CONDITION; AMENDING SECTION 19-2524, IDAHO CODE, TO PROVIDE THAT CERTAIN EXPENSES SHALL BE BORNE BY THE DEPARTMENT OF CORRECTION, TO GRANT THE DEPARTMENT OF CORRECTION CERTAIN RULEMAKING AUTHORITY AND TO REVISE PROVISIONS RELATING TO CERTAIN EXPENSES BORNE BY THE DEPARTMENT OF HEALTH AND WELFARE; AMENDING SECTION 19-2524, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO SUBSTANCE ABUSE AND MENTAL HEALTH TREATMENT AND TO ESTABLISH PROVISIONS RELATING TO CONSIDERATION OF COMMUNITY-BASED TREATMENT TO MEET BEHAVIORAL HEALTH NEEDS IN SENTENCING AND POST-SENTENCING PROCEEDINGS; PROVIDING A SUNSET DATE AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 649
BY WAYS AND MEANS COMMITTEE
 AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-1003, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 41-1004, IDAHO CODE, TO PROVIDE FOR AN EXEMPTION FROM A LICENSE FOR A PERSON ACTING UNDER A LICENSED BUSINESS ENTITY AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1081, IDAHO CODE, TO PROVIDE FOR FINDINGS OF THE LEGISLATURE AND PURPOSE; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1082, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1083, IDAHO CODE, TO PROVIDE FOR A LIMITED LINES LICENSE FOR A VENDOR SELLING PORTABLE ELECTRONICS INSURANCE; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1084, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR THE SALE OF PORTABLE ELECTRONICS INSURANCE; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1085, IDAHO CODE, TO PROVIDE FOR THE AUTHORITY OF A VENDOR HOLDING A LIMITED LINES LICENSE TO SELL PORTABLE ELECTRONICS INSURANCE; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1086, IDAHO CODE, TO PROVIDE FOR A VENDOR'S RESPONSIBILITY FOR THE ACTIONS OF ITS EMPLOYEES AND AUTHORIZED REPRESENTATIVES ACTING UNDER THE VENDOR'S LICENSE; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1087, IDAHO CODE, TO PROVIDE FOR PENALTIES FOR A VENDOR VIOLATING THE REQUIREMENTS FOR THE SALE OR OFFERING OF PORTABLE ELECTRONICS INSURANCE; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1088, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR THE TERMINATION OR MODIFICATION OF A POLICY OF PORTABLE ELECTRONICS INSURANCE;

AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1089, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR A VENDOR APPLYING FOR A LIMITED LINES LICENSE TO SELL OR OFFER PORTABLE ELECTRONICS INSURANCE; AMENDING SECTION 41-1102, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM PORTABLE CONSUMER ELECTRONIC INSURANCE ADJUSTER LICENSEURE FOR A CLERICAL PERSON; AMENDING SECTION 41-1103, IDAHO CODE, TO PROVIDE THE MANNER IN WHICH CANADIAN RESIDENTS MAY BE LICENSED TO ADJUST CLAIMS; AMENDING SECTION 41-1104, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 650
BY WAYS AND MEANS COMMITTEE
 AN ACT

RELATING TO ANIMAL CARE; AMENDING SECTION 25-3502, IDAHO CODE, TO REVISE A DEFINITION AND TO DEFINE A TERM; AMENDING SECTION 25-3504, IDAHO CODE, TO PROVIDE FOR VIOLATIONS RELATING TO COMMITTING TORTURE TO COMPANION ANIMALS AND TO PROVIDE THAT CERTAIN OFFICERS MAY TAKE POSSESSION OF COMPANION ANIMALS SUBJECTED TO TORTURE; AMENDING SECTION 25-3506, IDAHO CODE, TO PROVIDE FOR VIOLATIONS AND PENALTIES RELATING TO CERTAIN DISPLAYS OF COMBAT BETWEEN GAMECOCKS; AND AMENDING SECTION 25-3520A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PENALTIES FOR VIOLATIONS.

HOUSE BILL NO. 651
BY WAYS AND MEANS COMMITTEE
 AN ACT

RELATING TO JUDGES; AMENDING SECTION 59-502, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SALARIES OF JUDGES.

[H 645](#), [H 646](#), [H 647](#), [H 648](#), [H 649](#), [H 650](#), and [H 651](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1321](#), as amended, and [S 1271](#), by Resources and Environment Committee, were introduced, read the first time by title, and referred to the Resources and Conservation Committee.

[S 1375](#), by Finance Committee, was introduced, read the first time by title, and filed for second reading.

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

Second Reading of Bills and Joint Resolutions

[H 641](#), [H 642](#), [H 643](#), and [H 644](#), by Appropriations Committee, were read the second time by title and filed for third reading.

[S 1289](#), [S 1290](#), and [SJM 103](#), by Resources and Environment Committee, were read the second time by title and filed for third reading.

[H 607](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[HCR 45](#), by Education Committee, was read the second time by title and filed for third reading.

[S 1307](#), by Commerce and Human Resources Committee, was read the second time by title and filed for third reading.

[S 1332](#), [S 1338](#), [S 1340](#), and [S 1341](#), by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

[S 1359](#), [S 1361](#), [S 1367](#), and [S 1368](#), by Finance Committee, were read the second time by title and filed for third reading.

[H 632](#), by Ways and Means Committee, was read the second time by title and filed for third reading.

[S 1371](#), by State Affairs Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Lake asked unanimous consent that [H 594](#), as amended, be placed on General Orders for consideration. There being no objection it was so ordered.

[H 637](#) - APPROPRIATION - ATTORNEY GENERAL

[H 637](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall [H 637](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Bateman, Batt, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, Nessel, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shirley, Smith(30), Smith(24), Stevenson, Thayn, Trail, Vander Woude, Wills, Wood(27). Total – 49.

NAYS – Andrus, Barbieri, Barrett, Bayer, Boyle, DeMordaunt, Hart, Harwood(DeVries), Loertscher, McMillan, Moyle, Nielsen, Nonini, Schaefer, Shepherd, Simpson, Sims, Mr. Speaker. Total – 18.

Absent and excused – Palmer, Thompson, Wood(35). Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 637](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 487](#) - MENTAL HEALTH COMMITMENT

[H 487](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall [H 487](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker,

Marriott, McGeachin, McMillan, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Moyle, Palmer, Thompson, Wood(35). Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 487](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 566](#), as amended, - MEDICAL SAVINGS ACCOUNTS

[H 566](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

The question being, "Shall [H 566](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 66.

NAYS – King. Total – 1.

Absent and excused – Palmer, Thompson, Wood(35). Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 566](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 573](#), as amended, - GROUP INSURANCE

[H 573](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thayn and Mr. Luker to open debate.

The question being, "Shall [H 573](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Patrick, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(24), Stevenson, Thayn, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 54.

NAYS – Buckner-Webb, Burgoyne, Chew, Cronin, Higgins, Jaquet, Killen, King, Lacey, Pence, Ringo, Rusche, Smith(30). Total – 13.

Absent and excused – Palmer, Thompson, Wood(35).
Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 573](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, March 12, 2012. There being no objection, it was so ordered.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 641](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 641](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Palmer, Thompson, Wood(35).
Total – 3.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 641](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

Mrs. Batt asked unanimous consent that, pursuant to Rule 38(3), she be excused from voting on [H 641](#) due to a conflict of interest. There being no objection, it was so ordered.

The question being, "Shall [H 641](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Bateman, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Luker, Marriott, Moyle, Nessel, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shepherd, Shirley, Smith(30), Smith(24), Stevenson, Thayne, Trail, Vander Woude, Wills, Wood(27). Total – 50.

NAYS – Andrus, Barbieri, Barrett, Boyle, Hart, Harwood(DeVries), Lake, Loertscher, McGeachin, McMillan, Nielsen, Nonini, Palmer, Schaefer, Simpson, Sims, Wood(35), Mr. Speaker. Total – 18.

Absent and excused – Thompson. Total – 1.

Excused from voting – Batt. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 641](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 642](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 642](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Palmer, Thompson, Wood(35).
Total – 3.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 642](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ringo to open debate.

The question being, "Shall [H 642](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – Hart. Total – 1.

Absent and excused – Bedke, Black, Simpson, Thompson.
Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 642](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 643](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 643](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Palmer, Thompson, Wood(35). Total – 3.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 643](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hagedorn to open debate.

The question being, "Shall [H 643](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Bedke, Thompson. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 643](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 644](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 644](#) be

read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Palmer, Thompson, Wood(35). Total – 3.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 644](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

At this time, Mr. Moyle took the Chair.

The question being, "Shall [H 644](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 67.

NAYS – None.

Absent and excused – Bedke, Thompson, Mr. Speaker. Total – 3.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 644](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Roberts moved that all rules of the House interfering with the immediate consideration of [H 607](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 607](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Palmer, Thompson, Wood(35).
Total – 3.

Total – 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 607](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Stevenson to open debate.

The question being, "Shall [H 607](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 65.

NAYS – None.

Absent and excused – Anderson, Bedke, McGeachin, Thompson, Mr. Speaker. Total – 5.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 607](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Roberts moved that all rules of the House interfering with the immediate consideration of [S 1371](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1371](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker,

Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Palmer, Thompson, Wood(35).
Total – 3.

Total – 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1371](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Ms. King to open debate.

The question being, "Shall [S 1371](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood(DeVries), Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 66.

NAYS – None.

Absent and excused – Bedke, McGeachin, Thompson, Mr. Speaker. Total – 4.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1371](#) passed the House. Title was approved and the bill ordered returned to the Senate.

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

Adjournment

Mr. Roberts moved that the House adjourn until 10:30 a.m., Monday, March 12, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 11:55 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SIXTY-FOURTH LEGISLATIVE DAY
MONDAY, MARCH 12, 2012

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 65 members present.

Absent and excused – Bilbao, Cronin, Higgins, Killen, McGeachin. Total – 5.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Benjamin Robles, Page.

Approval of Journal

March 12, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixty-first Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO

CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that Shannon McMillan, State Representative, District 2, House Seat A, Benewah, Bonner, Kootenai, and Shoshone Counties, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated James McMillan of Wallace, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint James McMillan, Acting State Representative, District 2, House Seat A, Benewah, Bonner, Kootenai, and Shoshone Counties, State of Idaho, for a term commencing on March 12, 2012, and continuing until the incumbent shall resume the performance of the 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 8th day of March, in the year of our Lord two thousand and twelve and of the

Independence of the United States of America, the two hundred and thirty-sixth year.

/s/ C.L. "BUTCH" OTTER
Governor

/s/ BEN T. YSURSA
Secretary of State

The Certificate of Appointment was ordered filed in the office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to James McMillan.

OFFICE OF THE GOVERNOR
Boise

March 9, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bill, to wit:

H 417

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

March 12, 2012

Mr. Speaker:

I transmit herewith enrolled **S 1371** for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled **S 1371** and, when so signed, ordered it returned to the Senate.

March 9, 2012

Mr. Speaker:

I return herewith enrolled **H 465**, **H 492**, **H 546**, **H 499**, **H 521**, **H 534**, **H 441**, **H 442**, **H 500**, **H 501**, and **H 472** which have been signed by the President.

NOVAK, Secretary

Enrolled **H 465**, **H 492**, **H 546**, **H 499**, **H 521**, **H 534**, **H 441**, **H 442**, **H 500**, **H 501**, and **H 472** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 9, 2012

Mr. Speaker:

I return herewith enrolled **HCR 34** which has been signed by the President.

NOVAK, Secretary

Enrolled **HCR 34** was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

March 9, 2012

Mr. Speaker:

I return herewith **HCR 36** and **HJM 8** which have passed the Senate.

NOVAK, Secretary

[HCR 36](#) and [HJM 8](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 12, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 645](#), [H 646](#), [H 647](#), [H 648](#), [H 649](#), [H 650](#), and [H 651](#).

WILLS, Chairman

[H 645](#) was filed for second reading.

[H 646](#) was referred to the Education Committee.

[H 647](#) was referred to the Local Government Committee.

[H 648](#) and [H 651](#) were referred to the Judiciary, Rules, and Administration Committee.

[H 649](#) was referred to the Business Committee.

[H 650](#) was referred to the Agricultural Affairs Committee.

March 12, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [HCR 37](#), [H 379](#), [H 460](#), [H 462](#), [H 463](#), [H 526](#), [H 600](#), [H 601](#), and [H 602](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [HCR 37](#), [H 379](#), [H 460](#), [H 462](#), [H 463](#), [H 526](#), [H 600](#), [H 601](#), and [H 602](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 12, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 484](#), [H 489](#), and [H 517](#) to the Governor at 11 a.m., as of this date, March 9, 2012.

WILLS, Chairman

March 8, 2012

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration [H 477](#) and report it back with amendments attached to be placed on General Orders for consideration.

BARRETT, Chairman

[H 477](#) was placed on General Orders for consideration.

March 9, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 634](#) and recommend that it do pass.

LAKE, Chairman

[H 634](#) was filed for second reading.

March 9, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 606](#) and report it back with amendments attached to be placed on General Orders for consideration.

LAKE, Chairman

[H 606](#) was placed on General Orders for consideration.

March 9, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 578](#) and report it back with amendments attached to be placed on General Orders for consideration.

LOERTSCHER, Chairman

[H 578](#) was placed on General Orders for consideration.

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

Motions, Memorials, and Resolutions

At this time, the Speaker introduced The Honorable James E. Risch, United States Senator, who spoke briefly to the members of the House.

HOUSE JOINT MEMORIAL NO. 13 BY STATE AFFAIRS COMMITTEE

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE SECRETARY OF THE UNITED STATES DEPARTMENT OF STATE, THE UNITED STATES ATTORNEY GENERAL, THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, THE SECRETARY OF THE UNITED STATES DEPARTMENT OF COMMERCE, THE SECRETARY OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, 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 House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the United States and Canada enjoy a partnership long rooted in a history of peaceful coexistence and one of the largest and most successful economic relationships in the world; and

WHEREAS, the United States and Canada are each other's largest single export market; and

WHEREAS, millions of jobs in both the United States and Canada depend on the trade and investment flowing across the border between the two countries; and

WHEREAS, Canada is one of Idaho's top trading partners, based on 2010 data, and our companies and industries depend on integrated cross-border supply chains and production processes; and

WHEREAS, on February 4, 2011, the Prime Minister of Canada and the President of the United States issued a declaration on a Shared Vision for Perimeter Security and Economic Competitiveness, which called for a joint action plan; and

WHEREAS, the United States and Canada established a Beyond the Border Working Group composed of representatives from the relevant departments and offices of their federal governments to develop the action plan and be responsible for its implementation; and

WHEREAS, the Beyond the Border Action Plan was released in December of 2011; and

WHEREAS, the Beyond the Border Action Plan details methods for the United States and Canada to work together to enhance joint security and accelerate the legitimate flow of people, goods and services through four areas of cooperation: (1) addressing threats early; (2) trade facilitation, economic growth and jobs; (3) cross-border law enforcement; and (4) critical infrastructure and cybersecurity; and

WHEREAS, on February 4, 2011, the Prime Minister of Canada and the President of the United States announced the creation of the United States-Canada Regulatory Cooperation Council to increase regulatory transparency and coordination between the two countries; and

WHEREAS, the initial Joint Action Plan of the Regulatory Cooperation Council was released in December of 2011; and

WHEREAS, the Action Plan on Regulatory Cooperation will help reduce barriers to trade, lower costs for consumers and business and create economic opportunities on both sides of the border through the alignment of regulatory approaches in the areas of agriculture and food, transportation, health and personal care products, chemical management, the environment and other cross-sectoral areas, while not compromising our health, safety or environmental protection standards; and

WHEREAS, Idaho has much to gain from the development of joint strategies and integrated approaches to enhance security and efficient trade between Canada and the United States.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the President, Executive Branch Agencies and Congress work together to see that the Beyond the Border Action Plan on Perimeter Security and Economic Competitiveness and the Action Plan on Regulatory Cooperation are carried out and that the United States' appointees to the Beyond the Border Working Group, the Regulatory Cooperation Council, and the United States' agencies responsible for implementing the action plans have the resources necessary to assist in realizing the goals of the action plans.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the United States Department of State, the United States Attorney General, the Secretary of the United States Department of Homeland Security, the Secretary of the United States Department of Commerce, the Secretary of the United States Department of Transportation, President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

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

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

HOUSE BILL NO. 652 BY WAYS AND MEANS COMMITTEE AN ACT

RELATING TO SMALL EMPLOYER AND INDIVIDUAL HEALTH INSURANCE RATES; AMENDING SECTION 41-4706, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO PROVIDE THAT CERTAIN INFORMATION SHALL BE PUBLIC IF REQUIRED BY OTHER APPLICABLE LAW; AND AMENDING SECTION

41-5206, IDAHO CODE, TO PROVIDE THAT CERTAIN INFORMATION SHALL BE PUBLIC IF REQUIRED BY OTHER APPLICABLE LAW.

HOUSE BILL NO. 653 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO THE STATE TAX COMMISSION; AMENDING SECTION 63-217, IDAHO CODE, TO PROVIDE THAT IF THE DATE FOR FILING ANY REPORT, CLAIM, TAX RETURN, STATEMENT OR OTHER DOCUMENT OR MAKING ANY SUCH PAYMENT FALLS UPON A SATURDAY, A SUNDAY, A LEGAL HOLIDAY OR, IN MATTERS ARISING UNDER THE STATE INCOME TAX LAW, A HOLIDAY RECOGNIZED BY THE INTERNAL REVENUE SERVICE, SUCH ACTS SHALL BE CONSIDERED TIMELY IF PERFORMED ON THE NEXT BUSINESS DAY; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 654 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF VETERANS SERVICES FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE DIVISION OF VETERANS SERVICES FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 655 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND EXEMPTING CERTAIN APPROPRIATION OBJECT TRANSFER LIMITATIONS.

H 652, **H 653**, **H 654**, and **H 655** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

Second Reading of Bills and Joint Resolutions

H 603, **H 626**, and **H 633**, by Education Committee, were read the second time by title and filed for third reading.

SJM 105 and **S 1231**, as amended, by State Affairs Committee, were read the second time by title and filed for third reading.

S 1260, **S 1261**, **S 1262**, **S 1273**, and **SCR 112**, by Health and Welfare Committee, were read the second time by title and filed for third reading.

H 611 and **H 628**, by Ways and Means Committee, were read the second time by title and filed for third reading.

S 1313, by Transportation Committee, was read the second time by title and filed for third reading.

[S 1319](#), by Judiciary and Rules Committee, was read the second time by title and filed for third reading.

[H 551](#) and [HCR 47](#), by State Affairs Committee, were read the second time by title and filed for third reading.

[S 1327](#) and [S 1328](#), by Education Committee, were read the second time by title and filed for third reading.

[S 1375](#), by Finance Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that [H 561](#) be placed at the bottom of the Third Reading Calendar. There being no objection, it was so ordered.

[H 632](#) - YOUTH ATHLETES

[H 632](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Moyle and Mr. Anderson to open debate.

Pursuant to Rule 38(3), Mr. Moyle disclosed a conflict of interest regarding [H 632](#).

The question being, "Shall [H 632](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bateman, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 59.

NAYS – Barbieri, Batt, Crane, Harwood, McMillan(McMillan), Shepherd, Sims. Total – 7.

Absent and excused – Bilbao, Cronin, Hart, Killen. Total – 4.

Paired Votes:

AYE – McGeachin

NAY – Sims

AYE – Higgins

NAY – Shepherd

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker declared that [H 632](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[HCR 45](#) - PRIVATE INSURANCE EXCHANGE

[HCR 45](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

Pursuant to Rule 38(3), Mr. Nessel disclosed a conflict of interest regarding [HCR 45](#).

The question being, "Shall [HCR 45](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Black, Block(Block), Bolz, Boyle, Chadderdon,

Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Schaefer, Shepherd, Shirley, Simpson, Sims, Stevenson, Thayne, Thompson, Trail, Wills, Wood(35), Mr. Speaker. Total – 49.

NAYS – Bell, Buckner-Webb, Burgoyne, Chew, Gibbs, Jaquet, King, Lacey, Ringo, Rusche, Smith(30), Smith(24), Wood(27). Total – 13.

Absent and excused – Bilbao, Cronin, Hart, Higgins, Killen, McGeachin, Roberts, Vander Woude. Total – 8.

Total – 70.

Whereupon the Speaker declared [HCR 45](#) adopted and ordered the resolution transmitted to the Senate.

[S 1232](#) - UNIFORM PRUDENT INVESTOR ACT

[S 1232](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Sims to open debate.

The question being, "Shall [S 1232](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – None.

Absent and excused – Bilbao, Cronin, Hart, Higgins, Killen, McGeachin, Roberts, Simpson, Vander Woude. Total – 9.

Total – 70.

Whereupon the Speaker declared that [S 1232](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1253](#) - SERVICE BY PUBLICATION - AFFIDAVIT

[S 1253](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Burgoyne to open debate.

The question being, "Shall [S 1253](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – None.

Absent and excused – Bilbao, Cronin, Hart, Higgins, Killen, McGeachin, Simpson. Total – 7.
Total – 70.

Whereupon the Speaker declared that [S 1253](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1265](#) - EXECUTION

[S 1265](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nielsen to open debate.

The question being, "Shall [S 1265](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – None.

Absent and excused – Bilbao, Cronin, Hart, Higgins, Killen, McGeachin, Simpson. Total – 7.
Total – 70.

Whereupon the Speaker declared that [S 1265](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1266](#) - EXECUTION

[S 1266](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nielsen to open debate.

The question being, "Shall [S 1266](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – Ringo. Total – 1.

Absent and excused – Bilbao, Cronin, Hart, Higgins, Killen, McGeachin, Schaefer, Simpson. Total – 8.
Total – 70.

Whereupon the Speaker declared that [S 1266](#) passed the House. Title was approved and the bill ordered returned to the Senate.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 603](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 603](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Bilbao, Cronin, Hart, Higgins, Killen, McGeachin, Schaefer, Simpson. Total – 8.
Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 603](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Shirley to open debate.

The question being, "Shall [H 603](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – Moyle. Total – 1.

Absent and excused – Bilbao, Cronin, Hart, Higgins, Killen, McGeachin, Simpson. Total – 7.
Total – 70.

Whereupon the Speaker declared that [H 603](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 626](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 626](#) be

read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Bilbao, Cronin, Hart, Higgins, Killen, McGeachin, Schaefer, Simpson. Total – 8.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 626](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bateman to open debate.

The question being, "Shall [H 626](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – None.

Absent and excused – Bilbao, Cronin, Hart, Higgins, Killen, McGeachin, Shepherd. Total – 7.

Total – 70.

Whereupon the Speaker declared that [H 626](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 633](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 633](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle,

Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Bilbao, Cronin, Hart, Higgins, Killen, McGeachin, Schaefer, Simpson. Total – 8.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 633](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

The question being, "Shall [H 633](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, King, Lacey, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Bilbao, Cronin, Hart, Higgins, Killen, Lake, McGeachin, Shepherd. Total – 8.

Total – 70.

Whereupon the Speaker declared that [H 633](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the House recess until 1:15 p.m.

Without objection, the Speaker declared the House at recess until 1:15 p.m.

RECESS

Afternoon Session

The House reconvened at 1:15 p.m., the Speaker in the Chair.

Prior to recess, the House was at the Seventh Order of Business.

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

Consideration of General Orders

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mr. Rusche. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Bedke in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

March 12, 2012

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration [S 1269](#), [H 515](#), [H 584](#), [H 542](#), [H 585](#), [H 631](#), [H 619](#), and [H 594](#), as amended, and report them back without recommendation, amended as follows:

HOUSE AMENDMENT TO S.B. NO. 1269

AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 6 through 41; and delete page 2, and insert:

"SECTION 1. That Section 33-5202A, Idaho Code, be, and the same is hereby amended to read as follows:

33-5202A. DEFINITIONS. As used in this chapter, unless the context requires otherwise:

(1) "Authorized chartering entity" means either the local board of trustees of a school district in this state, or the public charter school commission pursuant to the provisions of this chapter.

(2) "Charter" means the grant of authority approved by the authorized chartering entity to the board of directors of the public charter school.

(3) "Founder" means a person, including employees or staff of a public charter school, who makes a material contribution toward the establishment of a public charter school in accordance with criteria determined by the board of directors of the public charter school, and who is designated as such at the time the board of directors acknowledges and accepts such contribution. Provided however, that such designation shall be made only within one hundred eighty (180) calendar days of the initial day of educational instruction offered by such public charter school. The criteria for determining when a person is a founder shall not discriminate against any person on any basis prohibited by the federal or state constitutions or any federal, state or local law. The designation of a person as a founder, and the admission preferences available to the children of a founder, shall not constitute pecuniary benefits.

(4) "Builder" means a person, including employees or staff of a public charter school, who contributes substantial time and effort on behalf of the public charter school in accordance with criteria determined by the board of directors of the public charter school, and who is designated as such at the time the board of directors acknowledges and accepts such contribution, which shall not be construed to include direct monetary contribution. The criteria for determining when a person is a builder shall not discriminate against any person on any basis prohibited by the federal or state constitutions or any federal, state or local law. The designation of a person as a builder and the admission preferences available to the children of a builder shall not constitute pecuniary benefits.

(5) "Petition" means the document submitted by a person or persons to the authorized chartering entity to request the creation of a public charter school.

(56) "Professional-technical regional public charter school" means a public charter secondary school authorized under this chapter to provide programs in professional-technical education which meet the standards and qualifications established by the division of professional-technical education. A professional-technical regional public charter school may be approved by an authorized chartering entity and, by the terms

of its charter, shall operate in association with at least two (2) school districts. Notwithstanding the provisions of section 33-5206(1), Idaho Code, participating school districts need not be contiguous.

(67) "Public charter school" means a school that is authorized under this chapter to deliver public education in Idaho.

(78) "Traditional public school" means any school existing or to be built that is operated and controlled by a school district in this state.

(89) "Virtual school" means a school that delivers a full-time, sequential program of synchronous and/or asynchronous instruction primarily through the use of technology via the internet in a distributed environment. Schools classified as virtual must have an online component to their school with online lessons and tools for student and data management.

SECTION 2. That Section 33-5205, Idaho Code, be, and the same is hereby amended to read as follows:

33-5205. PETITION TO ESTABLISH PUBLIC CHARTER SCHOOL. (1) Any group of persons may petition to establish a new public charter school, or to convert an existing traditional public school to a public charter school.

(a) A petition to establish a new public charter school, including a public virtual charter school, shall be signed by not fewer than thirty (30) qualified electors of the attendance area designated in the petition. Proof of elector qualifications shall be provided with the petition.

(b) A petition to establish a new public virtual school must be submitted directly to the public charter school commission. A petition to establish a new public charter school, other than a new public virtual school, shall first be submitted to the local board of trustees in which the public charter school will be located. A petition shall be considered to be received by an authorized chartering entity as of the next scheduled meeting of the authorized chartering entity after submission of the petition.

(c) The board of trustees may either: (i) consider the petition and approve the charter; or (ii) consider the petition and deny the charter; or (iii) refer the petition to the public charter school commission, but such referral shall not be made until the local board has documented its due diligence in considering the petition. Such documentation shall be submitted with the petition to the public charter school commission. If the petitioners and the local board of trustees have not reached mutual agreement on the provisions of the charter, after a reasonable and good faith effort, within sixty (60) days from the date the charter petition is received, the petitioners may withdraw their petition from the local board of trustees and may submit their charter petition to the public charter school commission, provided it is signed by thirty (30) qualified electors as required by subsection (1)(a) of this section. Documentation of the reasonable and good faith effort between the petitioners and the local board of trustees must be submitted with the petition to the public charter school commission.

(d) The public charter school commission may either: (i) consider the petition and approve the charter; or (ii) consider the petition and deny the charter.

(e) A petition to convert an existing traditional public school shall be submitted to the board of trustees of the district in which the school is located for review and approval. The petition shall be signed by not fewer than sixty percent (60%) of the teachers currently employed by the school district at the school to be converted, and by one (1)

or more parents or guardians of not fewer than sixty percent (60%) of the students currently attending the school to be converted. Each petition submitted to convert an existing school or to establish a new charter school shall contain a copy of the articles of incorporation and the bylaws of the nonprofit corporation, which shall be deemed incorporated into the petition.

(2) Not later than sixty (60) days after receiving a petition signed by thirty (30) qualified electors as required by subsection (1)(a) of this section, the authorized chartering entity shall hold a public hearing for the purpose of discussing the provisions of the charter, at which time the authorized chartering entity shall consider the merits of the petition and the level of employee and parental support for the petition. In the case of a petition submitted to the public charter school commission, such public hearing must be not later than sixty (60) days after receipt of the petition, which may be extended to ninety (90) days if both parties agree to an extension.

In the case of a petition for a public virtual charter school, if the primary attendance area described in the petition of a proposed public virtual charter school extends within the boundaries of five (5) or fewer local school districts, the public charter school commission shall provide notice in writing of the public hearing no less than thirty (30) days prior to such public hearing to those local school districts. Such public hearing shall include any oral or written comments that an authorized representative of the local school districts may provide regarding the merits of the petition and any potential impacts on the school districts.

In the case of a petition for a non-virtual public charter school submitted to the public charter school commission, the board of the district in which the proposed public charter school will be physically located, shall be notified of the hearing in writing, by the public charter school commission, no less than thirty (30) days prior to the public hearing. Such public hearing shall include any oral or written comments that an authorized representative of the school district in which the proposed public charter school would be physically located may provide regarding the merits of the petition and any potential impacts on the school district. The hearing shall include any oral or written comments that petitioners may provide regarding any potential impacts on such school district. If the school district chooses not to provide any oral or written comments as provided for in this subsection (2), such school district shall notify the public charter school commission of such decision. Following review of any petition and any public hearing provided for in this section, the authorized chartering entity shall either approve or deny the charter within sixty (60) days after the date of the public hearing, provided however, that the date may be extended by an additional sixty (60) days if the petition fails to contain all of the information required in this section, or if both parties agree to the extension. This public hearing shall be an opportunity for public participation and oral presentation by the public. This hearing is not a contested case hearing as described in chapter 52, title 67, Idaho Code.

(3) An authorized chartering entity may approve a charter under the provisions of this chapter only if it determines that the petition contains the requisite signatures, the information required by subsections (4) and (5) of this section, and additional statements describing all of the following:

(a) The proposed educational program of the public charter school, designed among other things, to identify what it means to be an "educated person" in the twenty-first century, and how learning best occurs. The goals identified in the program shall include how all educational thoroughness

standards as defined in section 33-1612, Idaho Code, shall be fulfilled.

(b) The measurable student educational standards identified for use by the public charter school. "Student educational standards" for the purpose of this chapter means the extent to which all students of the public charter school demonstrate they have attained the skills and knowledge specified as goals in the school's educational program.

(c) The method by which student progress in meeting those student educational standards is to be measured.

(d) A provision by which students of the public charter school will be tested with the same standardized tests as other Idaho public school students.

(e) A provision which ensures that the public charter school shall be state accredited as provided by rule of the state board of education.

(f) The governance structure of the public charter school including, but not limited to, the person or entity who shall be legally accountable for the operation of the public charter school, and the process to be followed by the public charter school to ensure parental involvement.

(g) The qualifications to be met by individuals employed by the public charter school. Instructional staff shall be certified teachers as provided by rule of the state board of education.

(h) The procedures that the public charter school will follow to ensure the health and safety of students and staff.

(i) A plan for the requirements of section 33-205, Idaho Code, for the denial of school attendance to any student who is an habitual truant, as defined in section 33-206, Idaho Code, or who is incorrigible, or whose conduct, in the judgment of the board of directors of the public charter school, is such as to be continuously disruptive of school discipline, or of the instructional effectiveness of the school, or whose presence in a public charter school is detrimental to the health and safety of other pupils, or who has been expelled from another school district in this state or any other state.

(j) Admission procedures, including provision for overenrollment. Such admission procedures shall provide that the initial admission procedures for a new public charter school, including provision for overenrollment, will be determined by lottery or other random method, except as otherwise provided herein. If initial capacity is insufficient to enroll all pupils who submit a timely application, then the admission procedures may provide that preference shall be given in the following order: first, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school; second, to siblings of pupils already selected by the lottery or other random method; and third, an equitable selection process such as by lottery or other random method. If so stated in its petition, a new public charter school may include the children of full-time employees or builders of the public charter school within the first priority group subject to the limitations therein. Otherwise, such children shall be included in the third priority group. If capacity is insufficient to enroll all pupils for subsequent school terms, who submit a timely application, then the admission procedures may provide that preference shall be given in the following order: first, to pupils returning to the public charter school in the second or any subsequent year of its operation; second, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school; third, to siblings of pupils already enrolled in the public charter school; and

fourth, an equitable selection process such as by lottery or other random method. There shall be no carryover from year to year of the list maintained to fill vacancies. A new lottery shall be conducted each year to fill vacancies which become available. If so stated in its petition, a public charter school may include the following children within the second priority group subject to the limitations therein:

- (i) The children of full-time employees of the public charter school;
- (ii) The children of builders;
- (iii) Children who previously attended the public charter school within the previous three (3) school years, but who withdrew as a result of the relocation of a parent or guardian due to an academic sabbatical, employer or military transfer or reassignment.

Otherwise, such children shall be included in the fourth priority group.

(k) The manner in which an annual audit of the financial and programmatic operations of the public charter school is to be conducted.

(l) The disciplinary procedures that the public charter school will utilize, including the procedure by which students may be suspended, expelled and reenrolled, and the procedures required by section 33-210, Idaho Code.

(m) A provision which ensures that all staff members of the public charter school will be covered by the public employee retirement system, federal social security, unemployment insurance, worker's compensation insurance, and health insurance.

(n) The public school attendance alternative for students residing within the school district who choose not to attend the public charter school.

(o) A description of the transfer rights of any employee choosing to work in a public charter school that is approved by the board of trustees of a school district, and the rights of such employees to return to any noncharter school in the same school district after employment at such charter school.

(p) A provision which ensures that the staff of the public charter school shall be considered a separate unit for purposes of collective bargaining.

(q) The manner by which special education services will be provided to students with disabilities who are eligible pursuant to the federal individuals with disabilities education act, including disciplinary procedures for these students.

(r) A plan for working with parents who have students who are dually enrolled pursuant to section 33-203, Idaho Code.

(s) The process by which the citizens in the area of attendance shall be made aware of the enrollment opportunities of the public charter school.

(t) A proposal for transportation services as required by section 33-5208(4), Idaho Code.

(u) A plan for termination of the charter by the board of directors, to include:

- (i) Identification of who is responsible for dissolution of the charter school;
- (ii) A description of how payment to creditors will be handled;
- (iii) A procedure for transferring all records of students with notice to parents of how to request a transfer of student records to a specific school; and
- (iv) A plan for the disposal of the public charter school's assets.

(4) The petitioner shall provide information regarding the proposed operation and potential effects of the public charter school including, but not limited to, the facilities to be utilized by the public charter school, the manner in which administrative

services of the public charter school are to be provided and the potential civil liability effects upon the public charter school and upon the authorized chartering entity.

(5) At least one (1) person among a group of petitioners of a prospective public charter school shall attend a public charter school workshop offered by the state department of education. The state department of education shall provide notice of dates and locations when workshops will be held, and shall provide proof of attendance to workshop attendees. Such proof shall be submitted by the petitioners to an authorized chartering entity along with the charter petition.

(6) The public charter school commission may approve a charter for a public virtual school under the provisions of this chapter only if it determines that the petition contains the requirements of subsections (3) and (4) of this section and the additional statements describing the following:

- (a) The learning management system by which courses will be delivered;
- (b) The role of the online teacher, including the consistent availability of the teacher to provide guidance around course material, methods of individualized learning in the online course and the means by which student work will be assessed;
- (c) A plan for the provision of professional development specific to the public virtual school environment;
- (d) The means by which public virtual school students will receive appropriate teacher-to-student interaction, including timely, frequent feedback about student progress;
- (e) The means by which the public virtual school will verify student attendance and award course credit. Attendance at public virtual schools shall focus primarily on coursework and activities that are correlated to the Idaho state thoroughness standards;
- (f) A plan for the provision of technical support relevant to the delivery of online courses;
- (g) The means by which the public virtual school will provide opportunity for student-to-student interaction; and
- (h) A plan for ensuring equal access to all students, including the provision of necessary hardware, software and internet connectivity required for participation in online coursework."

CORRECTION TO TITLE

On page 1, delete lines 3 and 4, and insert: "TO REVISE THE DEFINITION OF "FOUNDER," TO PROVIDE A DEFINITION OF "BUILDER" AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 33-5205, IDAHO CODE, TO PROVIDE APPLICATION TO CHILDREN OF BUILDERS."

HOUSE AMENDMENT TO H.B. NO. 515

AMENDMENT TO SECTION 1

On page 2 of the printed bill, delete lines 1 through 3, and insert:

"(6) Each agency, department and commission shall seek to minimize the number of printed copies of strategic plans and annual reports by using electronic versions whenever possible, and by printing only a limited number sufficient for internal needs or anticipated requests for copies for which electronic versions are otherwise inadequate."

AMENDMENT TO SECTION 2

On page 3, in line 35, delete "Not more"; and delete lines 36 through 38, and insert: "Each agency, department and commission shall seek to minimize the number of printed copies of strategic plans and annual reports by using electronic versions

whenever possible, and by printing only a limited number sufficient for internal needs or anticipated requests for copies for which electronic versions are otherwise inadequate."

CORRECTION TO TITLE

On page 1, delete lines 3 through 7, and insert: "TO PROVIDE THAT EACH AGENCY, DEPARTMENT AND COMMISSION SHALL SEEK TO MINIMIZE THE NUMBER OF CERTAIN PRINTED COPIES; AMENDING SECTION 67-1904, IDAHO CODE, TO PROVIDE FOR PERFORMANCE REPORTS AND OTHER DOCUMENTS AND TO PROVIDE THAT EACH AGENCY, DEPARTMENT AND COMMISSION SHALL SEEK TO MINIMIZE THE NUMBER OF CERTAIN PRINTED COPIES."

HOUSE AMENDMENT TO H.B. NO. 584

AMENDMENT TO SECTION 1

On page 4 of the printed bill, in line 40, following "such death" insert: "provided that the homestead continues to be a part of the owner's, beneficiary's, partner's, member's or shareholder's estate".

CORRECTION TO TITLE

On page 1, in line 5, following "DEATH" insert: "IF CERTAIN CIRCUMSTANCES OCCUR".

HOUSE AMENDMENT TO H.B. NO. 542

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 21, following "use" insert: "on federally managed lands".

HOUSE AMENDMENT TO H.B. NO. 585

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete line 39, and insert: "rate of one-tenth of one percent (0.1%)".

AMENDMENT TO THE BILL

On page 3, following line 30, insert:

"SECTION 3. That Section 63-802, Idaho Code, be, and the same is hereby amended to read as follows:

63-802. LIMITATION ON BUDGET REQUESTS – LIMITATION ON TAX CHARGES – EXCEPTIONS. (1) Except as provided in subsections (3) and (4) of this section, no taxing district shall certify a budget request for an amount of property tax revenues to finance an annual budget that exceeds the greater of paragraphs (a) through (i) of this subsection inclusive:

- (a) The dollar amount of property taxes certified for its annual budget for any one (1) of the three (3) tax years preceding the current tax year, whichever is greater, for the past tax year, which amount may be increased by a growth factor of not to exceed three percent (3%) plus the amount of revenue calculated as described in this subsection. Multiply the levy of the previous year, not including any levy described in subsection (4) of this section, or any school district levy reduction resulting from a distribution of state funds pursuant to section 63-3638(11), Idaho Code, by the value shown on the new construction roll compiled pursuant to section 63-301A, Idaho Code; and by the value of annexation during the previous calendar year, as certified by the state tax commission for market values of operating property of public utilities and by the county assessor;
- (b) The dollar amount of property taxes certified for its annual budget during the last year in which a levy was made;

(c) The dollar amount of the actual budget request, if the taxing district is newly created except as may be provided in subsection (1)(h) of this section;

(d) In the case of school districts, the restriction imposed in section 33-802, Idaho Code;

(e) In the case of a nonschool district for which less than the maximum allowable increase in the dollar amount of property taxes is certified for annual budget purposes in any one (1) year, such a district may, in any following year, recover the foregone increase by certifying, in addition to any increase otherwise allowed, an amount not to exceed one hundred percent (100%) of the increase originally foregone. Said additional amount shall be included in future calculations for increases as allowed;

(f) In the case of cities, if the immediately preceding year's levy subject to the limitation provided by this section, is less than 0.004, the city may increase its budget by an amount not to exceed the difference between 0.004 and actual prior year's levy multiplied by the prior year's market value for assessment purposes. The additional amount must be approved by sixty percent (60%) of the voters voting on the question at an election called for that purpose and held on the date in May or November provided by law, and may be included in the annual budget of the city for purposes of this section;

(g) A taxing district may submit to the electors within the district the question of whether the budget from property tax revenues may be increased beyond the amount authorized in this section, but not beyond the levy authorized by statute. The additional amount must be approved by sixty-six and two-thirds percent (66 2/3%) or more of the voters voting on the question at an election called for that purpose and held on the May or November dates provided by section 34-106, Idaho Code. If approved by the required minimum sixty-six and two-thirds percent (66 2/3%) of the voters voting at the election, the new budget amount shall be the base budget for the purposes of this section;

(h) When a nonschool district consolidates with another nonschool district or dissolves and a new district performing similar governmental functions as the dissolved district forms with the same boundaries within three (3) years, the maximum amount of a budget of the district from property tax revenues shall not be greater than the sum of the amounts that would have been authorized by this section for the district itself or for the districts that were consolidated or dissolved and incorporated into a new district;

(i) In the instance or case of cooperative service agencies, the restrictions imposed in sections 33-315 through 33-318, Idaho Code.

(2) In the case of fire districts, during the year immediately following the election of a public utility or public utilities to consent to be provided fire protection pursuant to section 31-1425, Idaho Code, the maximum amount of property tax revenues permitted in subsection (1) of this section may be increased by an amount equal to the current year's taxable value of the consenting public utility or public utilities multiplied by that portion of the prior year's levy subject to the limitation provided by subsection (1) of this section.

(3) No board of county commissioners shall set a levy, nor shall the state tax commission approve a levy for annual budget purposes which exceeds the limitation imposed in subsection (1) of this section, unless authority to exceed such limitation has been approved by a majority of the taxing district's electors voting on the question at an election called for that purpose and held pursuant to section 34-106, Idaho Code, provided however, that

such voter approval shall be for a period of not to exceed two (2) years.

(4) The amount of property tax revenues to finance an annual budget does not include revenues from nonproperty tax sources, and does not include revenue from levies to satisfy judgments pursuant to section 63-1305A, Idaho Code, and revenue from levies that are voter approved for bonds, override levies or supplemental levies, plant facilities reserve fund levies, school emergency fund levies or for levies applicable to newly annexed property or for levies applicable to new construction as evidenced by the value of property subject to the occupancy tax pursuant to section 63-317, Idaho Code, for the preceding tax year."; and renumber sections accordingly.

On page 5, following line 31, insert:

"SECTION 6. That Section 31-1901, Idaho Code, be, and the same is hereby amended to read as follows:

31-1901. COMMISSIONERS MAY ISSUE FUNDING AND REFUNDING BONDS. The board of county commissioners of any county in this state may issue negotiable coupon bonds of their county for the purpose of paying, redeeming, funding or refunding the outstanding indebtedness of the county, whether the indebtedness exists as a warrant indebtedness or bonded indebtedness. The county may also issue bonds for the purpose of paying a judgment meeting the criteria of section 63-1305A, Idaho Code. All such bonds shall be in the form and shall be issued, sold or exchanged and redeemed in accordance with the provisions of chapter 2 of title 57, known as the "Municipal Bond Law" of the state of Idaho, except where different provision is made herein. Provided, that the authority to fund warrant indebtedness shall extend only to the funding of warrant indebtedness existing as of the second Monday in January, 1933, and providing further that all taxes and other revenues which but for the funding of warrants would have been lawfully applicable to the redemption of the warrants so funded shall, as and when collected, be apportioned to and placed in the sinking fund for the payment of the interest and retirement of the principal of such bonds. Bonds issued for the purpose of funding warrants shall bear interest payable semiannually as the board of county commissioners may determine.

SECTION 7. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act."; and renumber sections accordingly.

CORRECTION TO TITLE

On page 1, in line 2, following "RELATING TO" delete "REVENUE AND TAXATION" and insert: "COUNTIES AND PROPERTY TAX LEVIES"; in line 11, following "CORRECTION;" insert: "AMENDING SECTION 63-802, IDAHO CODE, TO REVISE A CODE REFERENCE AND TO PROVIDE THAT THE AMOUNT OF PROPERTY TAX REVENUES TO FINANCE AN ANNUAL BUDGET DOES NOT INCLUDE REVENUE FROM LEVIES TO SATISFY CERTAIN JUDGMENTS AND REVENUE FROM CERTAIN OTHER LEVIES;"; and in line 13, following "REFERENCE;" insert: "AMENDING SECTION 31-1901, IDAHO CODE, TO PROVIDE THAT THE COUNTY MAY ALSO ISSUE BONDS FOR THE PURPOSE OF PAYING A CERTAIN JUDGMENT; PROVIDING SEVERABILITY;".

HOUSE AMENDMENT TO H.B. NO. 631

AMENDMENT TO SECTION 1

On page 2 of the printed bill, delete lines 1 through 4, and insert:

"(e) To, at a minimum, make ICF adjustment payments that restore any rate reductions, in the aggregate, for the state fiscal years 2011 and 2012, within medicare upper payment limits.";
in line 5, delete "(f)" and insert: "(f)"; and in line 10, delete "(g)" and insert: "(g)".

CORRECTION TO TITLE

On page 1, in line 3, following "IDAHO CODE," insert: "TO REMOVE A PROVISION RELATING TO ICF ADJUSTMENT PAYMENTS AND".

HOUSE AMENDMENT TO H.B. NO. 619

AMENDMENT TO SECTION 4

On page 12 of the printed bill, in line 2, following "department." insert: "Provided however, that any alteration of speed limits must be based upon a traffic engineering study approved by the department and completed according to department standards. The alteration of speed limits by local authorities shall be done in consultation with the department. In the event of disagreement between the department and local authorities, the department traffic study shall be adopted, unless the local government traffic study is submitted to the Idaho transportation department board and the board adopts the local study in whole or in part."

HOUSE AMENDMENT TO H.B. NO. 594, As Amended

AMENDMENT TO SECTION 1

On page 1 of the engrossed bill, in line 41, following "general fund" insert: "up to the expenditure limitation in section 67-6803, Idaho Code,".

HOUSE AMENDMENT TO H.B. NO. 594, As Amended

AMENDMENT TO SECTION 1

On page 1 of the engrossed bill, delete lines 38 and 39, and insert:

"(b) (i) Beginning at the end of June 30, 2013, and at the end of every June 30 thereafter, the following shall apply: notwithstanding the provisions of subsection (2)(a) of this section, the state controller";

and following line 41, insert:

"(ii) At the end of June 30, 2012, notwithstanding the provisions of subsection (2)(a) of this section, the state controller shall transfer to the budget stabilization fund all unexpended and unencumbered moneys in excess of the beginning general fund balance used to meet the level of general fund appropriations authorized by the legislature for the fiscal year just beginning."

We have also had under consideration [H 486](#), as amended, and report it back without recommendations and without amendments.

BEDKE, Chairman

Mr. Bedke moved that the report be adopted. Seconded by Mr. Rusche.

Whereupon the Speaker declared the report adopted.

[H 515](#), as amended, [H 584](#), as amended, [H 542](#), as amended, [H 585](#), as amended, [H 631](#), as amended, [H 619](#), as amended, and [H 594](#), as amended, as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

[S 1269](#), as amended in the House, was filed for first reading.

[H 486](#), as amended, was filed for third reading.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

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

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

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Tuesday, March 13, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 2:29 p.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SIXTY-FIFTH LEGISLATIVE DAY
TUESDAY, MARCH 13, 2012

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent and excused – Bilbao, Higgins, McGeachin.

Total – 3.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Charles Baines, Page.

Approval of Journal

March 13, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixty-fourth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

March 12, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

[H 419](#), [H 467](#), [H 468](#), [H 482](#), and [H 498](#)

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

March 12, 2012

Mr. Speaker:

I transmit herewith [S 1336](#), as amended, and [SCR 130](#) which have passed the Senate.

NOVAK, Secretary

[S 1336](#), as amended, and [SCR 130](#) were filed for first reading.

March 12, 2012

Mr. Speaker:

I return herewith [HCR 39](#) and [HCR 48](#) which have passed the Senate.

NOVAK, Secretary

[HCR 39](#) and [HCR 48](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 13, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HJM 13](#), [H 652](#), [H 653](#), [H 654](#), and [H 655](#).

WILLS, Chairman

[HJM 13](#) was referred to the State Affairs Committee.

[H 652](#) was referred to the Business Committee.

[H 653](#), [H 654](#), and [H 655](#) were filed for second reading.

March 13, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed House amendments to [S 1269](#), [H 515](#), [H 584](#), [H 542](#), [H 585](#), [H 631](#), [H 619](#), and [H 594](#), as amended.

WILLS, Chairman

March 13, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [HCR 36](#) and [HJM 8](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [HCR 36](#) and [HJM 8](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 13, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [H 515](#), as amended, [H 584](#), as amended, [H 542](#), as amended, [H 585](#), as amended, [H 631](#), as amended, [H 619](#), as amended, and [H 594](#), as amended, as amended.

WILLS, Chairman

[H 515](#), as amended, [H 584](#), as amended, [H 542](#), as amended, [H 585](#), as amended, [H 631](#), as amended, [H 619](#), as amended, and [H 594](#), as amended, as amended, were filed for first reading of engrossed bills.

March 13, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 465](#), [H 492](#), [H 546](#), [H 499](#), [H 521](#), [H 534](#), [H 441](#), [H 442](#), [H 500](#), [H 501](#), and [H 472](#) to the Governor at 11:16 a.m., as of this date, March 12, 2012.

WILLS, Chairman

March 13, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [HCR 34](#) to the Secretary of State at 11:20 a.m., as of this date, March 12, 2012.

WILLS, Chairman

March 12, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [S 1323](#), as amended, and [S 1329](#) and recommend that they do pass.

NONINI, Chairman

[S 1323](#), as amended, and [S 1329](#) were filed for second reading.

March 12, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 613](#) and recommend that it do pass.

LOERTSCHER, Chairman

[H 613](#) was filed for second reading.

March 12, 2012

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration [S 1335](#) and recommend that it do pass.

RAYBOULD, Chairman

[S 1335](#) was filed for second reading.

March 12, 2012

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [H 650](#) and recommend that it do pass.

ANDRUS, Chairman

[H 650](#) was filed for second reading.

March 12, 2012

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [S 1356](#), as amended, and recommend that it do pass.

PALMER, Chairman

[S 1356](#), as amended, was filed for second reading.

March 12, 2012

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 586](#) and report it back with amendments attached to be placed on General Orders for consideration.

PALMER, Chairman

[H 586](#) was placed on General Orders for consideration.

March 13, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [SCR 124](#) and recommend that it do pass.

NONINI, Chairman

[SCR 124](#) was filed for second reading.

Mr. Rusche asked unanimous consent that [H 486](#), as amended, be placed on General Orders for consideration. There being no objection it was so ordered.

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

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 49 BY EDUCATION COMMITTEE

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND HONORING
MILDRED RINKER BAILEY.

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

WHEREAS, Mildred Rinker Bailey, now remembered as the "First Girl Singer" who performed with a big band in America, was an enrolled member of the Coeur d'Alene Tribe and raised on the family farm near De Smet, Idaho, on the Coeur d'Alene Indian Reservation; and

WHEREAS, Mildred Bailey's mother, Josephine, also a Coeur d'Alene Tribal Member, was an accomplished pianist and spent many hours instructing Mildred and her brother, Al, on singing and playing music; and

WHEREAS, at the age of twelve, Mildred and her family moved to Spokane, Washington, where she and her brother, Al, became lifelong friends with a local singing drummer they recruited named Harry (Bing) Crosby; and

WHEREAS, in his 1953 autobiography Bing Crosby recalled "I was lucky in knowing the great jazz and blues singer Mildred Bailey so early in life. She made records which are still vocal classics and she taught me much about singing and interpreting popular songs"; and

WHEREAS, Mildred Bailey moved to Los Angeles, California, in the early 1920s where she began singing in cabarets around Hollywood and helped Bing Crosby find work with a traveling jazz show that Crosby later credited with launching his career; and

WHEREAS, Mildred Bailey landed a spot with the Paul Whiteman Orchestra, the most famous big band in America, where Bailey became the "First Girl Singer" to perform with a big band, a groundbreaking achievement that opened the door of opportunity for later jazz greats; and

WHEREAS, her notable recordings included popular songs of the day such as "Rockin' Chair," "Honeysuckle Rose," "When Day is Done," "Long About Midnight," "Thanks for the Memory," "I Don't Stand a Ghost of a Chance With You," "Darn That Dream," and many more; and

WHEREAS, Mildred Bailey was one of the most popular jazz singers of her era, voted by national magazines as the "Top Female Jazz Vocalist" multiple times and was inducted into the Big Band and Jazz Hall of Fame in 1989; and

WHEREAS, the U.S. Postal Service commemorated her historic contribution to jazz by issuing a 29-cent stamp with her picture on it in 1994, joining Billie Holiday and Bessie Smith in receiving that recognition.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize and honor Mildred Rinker Bailey as a jazz pioneer who blazed a trail that hundreds of other women have now traveled, and we will never forget her contributions to the American jazz and blues musical idiom.

BE IT FURTHER RESOLVED that Mildred Rinker Bailey should be appropriately recognized for such achievements by organizations dedicated to the recognition of outstanding artist contributions to jazz music.

HCR 49 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

SCR 130, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

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

**HOUSE BILL NO. 656
BY EDUCATION COMMITTEE
AN ACT**

RELATING TO EDUCATION; AMENDING SECTION 33-1004E, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN ADJUSTMENTS TO A DISTRICT'S SALARY-BASED APPORTIONMENT; AND PROVIDING A CONTINGENT SUNSET DATE.

**HOUSE BILL NO. 657
BY APPROPRIATIONS COMMITTEE
AN ACT**

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF INDEPENDENT COUNCILS, INDIRECT SUPPORT SERVICES, AND PUBLIC HEALTH SERVICES FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING LEGISLATIVE INTENT FOR PROGRAM INTEGRITY; REQUIRING MONTHLY FORECAST REPORTING FOR THE MEDICAL ASSISTANCE SERVICES AND THE INDIRECT SUPPORT SERVICES DIVISIONS; DIRECTING REPORTING FOR THE MEDICAID PROGRAM INTEGRITY UNIT COLLECTIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

**HOUSE BILL NO. 658
BY APPROPRIATIONS COMMITTEE
AN ACT**

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; AMENDING SECTION 4, CHAPTER 298, LAWS OF 2011; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 659
BY APPROPRIATIONS COMMITTEE
AN ACT**

APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR COLLEGE AND UNIVERSITIES AND THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2013; PROVIDING NON-GENERAL FUND REAPPROPRIATION FOR FISCAL YEAR 2013; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; PROVIDING LEGISLATIVE INTENT FOR SYSTEMWIDE NEEDS; PROVIDING LEGISLATIVE INTENT FOR UNIVERSITY RESEARCH; PROVIDING LEGISLATIVE INTENT FOR

REPORTING; AND EXEMPTING APPROPRIATION OBJECT AND PROGRAM TRANSFER LIMITATIONS.

**HOUSE BILL NO. 660
BY WAYS AND MEANS COMMITTEE
AN ACT**

RELATING TO JUDGES' RETIREMENT AND COMPENSATION; AMENDING SECTION 1-2001, IDAHO CODE, TO REVISE PROVISIONS RELATING TO COMPENSATION ON RETIREMENT FOR SUPREME COURT JUSTICES, COURT OF APPEALS JUDGES AND DISTRICT JUDGES; AMENDING SECTION 1-2001b, IDAHO CODE, TO REVISE PROVISIONS TO PROVIDE FOR CERTAIN NOTICES TO, FILINGS WITH AND RESPONSIBILITIES OF THE RETIREMENT BOARD; AMENDING SECTION 1-2002, IDAHO CODE, TO REQUIRE THE SUBMISSION OF A CERTAIN REPORT RELATING TO THE STATUS AND CONDITION OF THE JUDGES' RETIREMENT FUND; AMENDING SECTION 1-2002, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE JUDGES' RETIREMENT FUND, TO PROVIDE POWERS AND DUTIES OF THE RETIREMENT BOARD, TO PROVIDE FOR INDEMNIFICATION AND TO REQUIRE THE SUBMISSION OF A CERTAIN ANNUAL REPORT RELATING TO THE STATUS AND CONDITION OF THE JUDGES' RETIREMENT FUND; AMENDING SECTION 1-2003, IDAHO CODE, TO REVISE PROVISIONS RELATING TO FEES IN CIVIL ACTIONS AND APPEALS, TO PROVIDE A CORRECT CODE REFERENCE, TO CORRECT A REFERENCE TO THE INDUSTRIAL COMMISSION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 1-2004, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DEDUCTIONS FROM SALARIES OF JUSTICES AND JUDGES AND RELATING TO CONTRIBUTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 20, TITLE 1, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 1-2004A, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO EMPLOYER CONTRIBUTIONS, AMOUNTS, RATES AND AMORTIZATION; AMENDING CHAPTER 20, TITLE 1, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 1-2004B, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO EMPLOYEE CONTRIBUTIONS; AMENDING SECTION 1-2008, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE INVESTMENT OF THE JUDGES' RETIREMENT FUND AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 1-2009, IDAHO CODE, TO ESTABLISH ADDITIONAL PROVISIONS RELATING TO BENEFITS TO SURVIVING SPOUSES OF JUSTICES AND JUDGES; AMENDING SECTION 1-2010, IDAHO CODE, TO REVISE PROVISIONS TO PROVIDE THAT CERTAIN INFORMATION BE ON FILE WITH THE RETIREMENT BOARD; AMENDING SECTION 1-2012, IDAHO CODE, TO REVISE PROVISIONS TO GRANT THE RETIREMENT BOARD RULEMAKING AUTHORITY; PROVIDING A SUNSET DATE AND PROVIDING AN EFFECTIVE DATE.

**HOUSE BILL NO. 661
BY WAYS AND MEANS COMMITTEE
AN ACT**

RELATING TO NEW EMPLOYEES; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3029E, IDAHO CODE, TO PROVIDE DEFINITIONS AND CONSTRUCTION OF TERMS; AMENDING CHAPTER 30, TITLE 63, IDAHO

CODE, BY THE ADDITION OF A NEW SECTION 63-3029EE, IDAHO CODE, TO PROVIDE A SPECIAL INCOME TAX CREDIT FOR NEW EMPLOYEES AND TO PROVIDE PROCEDURES; DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION AND PROVIDING A SUNSET DATE.

**HOUSE BILL NO. 662
BY EDUCATION COMMITTEE
AN ACT**

RELATING TO THE YOUTH CHALLENGE PROGRAM; AMENDING SECTION 46-805, IDAHO CODE, TO PROVIDE FOR FEDERAL FUNDS AND STATE FUNDING, TO REMOVE DUPLICATIVE LANGUAGE AND TO PROVIDE THAT THE SCHOOL DISTRICT WHERE THE YOUTH CHALLENGE PROGRAM IS LOCATED MAY TAKE STEPS TO HAVE THE YOUTH CHALLENGE PROGRAM BE CONSIDERED AND DESIGNATED AS AN ALTERNATIVE SECONDARY SCHOOL; AND AMENDING SECTION 2, CHAPTER 322, LAWS OF 2011, TO EXTEND A SUNSET DATE.

**HOUSE BILL NO. 663
BY EDUCATION COMMITTEE
AN ACT**

RELATING TO EDUCATION; AMENDING SECTION 33-906, IDAHO CODE, TO DEFINE TERMS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 33-906B, IDAHO CODE, TO DEFINE A TERM, TO ESTABLISH PROVISIONS ASSIGNING A FACTOR FOR ELIGIBLE PUBLIC CHARTER SCHOOLS AND TO ESTABLISH PROVISIONS RELATING TO A CALCULATION.

[H 656](#), [H 657](#), [H 658](#), [H 659](#), [H 660](#), [H 661](#), [H 662](#), and [H 663](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1269](#), as amended in the House, by Education Committee, was introduced, read the first time by title, and filed for second reading.

[S 1336](#), as amended, by State Affairs Committee, was introduced, read the first time by title, and referred to the Commerce and Human Resources Committee.

First Reading of Engrossed Bills

[H 515](#), as amended, and [H 619](#), as amended, by State Affairs Committee, were introduced, read the first time by title, and filed for second reading.

[H 584](#), as amended, [H 585](#), as amended, and [H 594](#), as amended, as amended, by Revenue and Taxation Committee, were introduced, read the first time by title, and filed for second reading.

[H 542](#), as amended, by Resources and Conservation Committee, was introduced, read the first time by title, and filed for second reading.

[H 631](#), as amended, by Ways and Means Committee, was introduced, read the first time by title, and filed for second reading.

Second Reading of Bills and Joint Resolutions

[H 645](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[H 634](#), by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 645](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 645](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Ellsworth, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – Eskridge. Total – 1.

Absent and excused – Batt, Bilbao, Crane, Higgins, Lake, McGeachin, Palmer, Shirley. Total – 8.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 645](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Black to open debate.

The question being, "Shall [H 645](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Bedke, Bell, Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Hartgen, Jaquet, Killen, King, Lacey, Luker, Moyle, Nessel, Patrick, Pence, Raybould, Ringo, Roberts, Rusche, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Mr. Speaker. Total – 39.

NAYS – Andrus, Barbieri, Barrett, Bateman, Bayer, Boyle, Guthrie, Hart, Harwood, Henderson, Lake, Loertscher, Marriott, McMillan(McMillan), Nielsen, Nonini, Perry, Schaefer, Shepherd, Simpson, Sims, Vander Woude. Total – 22.

Absent and excused – Batt, Bilbao, Crane, Hagedorn, Higgins, McGeachin, Palmer, Shirley, Wood(35). Total – 9.

Total – 70.

Whereupon the Speaker declared that [H 645](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 634](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State

of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 634](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Ellsworth, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – Eskridge. Total – 1.

Absent and excused – Batt, Bilbao, Crane, Higgins, Lake, McGeachin, Palmer, Shirley. Total – 8.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 634](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bayer to open debate.

The question being, "Shall [H 634](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Bayer, Bedke, Bell, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 61.

NAYS – None.

Absent and excused – Batt, Bilbao, Black, Crane, Higgins, McGeachin, Palmer, Shirley, Wood(35). Total – 9.

Total – 70.

Whereupon the Speaker declared that [H 634](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

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

Third Reading of Bills and Joint Resolutions

At this time, the Speaker introduced Raul Labrador, United States Congressman, who spoke briefly to the members of the House.

[H 611](#) - LIVESTOCK LIENS

[H 611](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Boyle to open debate.

The question being, "Shall [H 611](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Bayer, Bedke, Bell, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Batt, Bilbao, Black, Crane, Higgins, McGeachin, Palmer, Shirley. Total – 8.

Total – 70.

Whereupon the Speaker declared that [H 611](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that [H 628](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

Mr. Moyle asked unanimous consent that [H 551](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

[HCR 47](#) - PARKING FACILITY

[HCR 47](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bedke to open debate.

The question being, "Shall [HCR 47](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Nessel, Nielsen, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – Moyle, Nonini, Sims. Total – 3.

Absent and excused – Bilbao, Black, Higgins, McGeachin, Palmer, Shirley. Total – 6.

Total – 70.

Whereupon the Speaker declared [HCR 47](#) adopted and ordered the resolution transmitted to the Senate.

At this time, Mr. Bayer took the Chair.

S 1214 - IDAHO STATE BAR

S 1214 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Burgoyne to open debate.

Pursuant to Rule 38(3), Mr. Killen disclosed a conflict of interest regarding **S 1214**.

The question being, "Shall **S 1214** pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 63.

NAYS – None.

Absent and excused – Bilbao, DeMordaunt, Henderson, Higgins, McGeachin, Shirley, Mr. Speaker. Total – 7.

Total – 70.

Whereupon the Speaker Pro Tem declared that **S 1214** passed the House. Title was approved and the bill ordered returned to the Senate.

S 1272 - TELEGRAPHS

S 1272 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. McMillan to open debate.

The question being, "Shall **S 1272** pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 63.

NAYS – None.

Absent and excused – Bilbao, Henderson, Higgins, Lake, McGeachin, Shirley, Mr. Speaker. Total – 7.

Total – 70.

Whereupon the Speaker Pro Tem declared that **S 1272** passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Crane asked unanimous consent that Rule 70 be suspended for the balance of the remainder of session. There being no objection, it was so ordered.

S 1259 - AGRICULTURE

S 1259 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Patrick to open debate.

The question being, "Shall **S 1259** pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bedke, Bell, Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Nessel, Nielsen, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35). Total – 52.

NAYS – Barbieri, Barrett, Bayer, Boyle, Crane, Hart, Harwood, Moyle, Nonini, Palmer, Shepherd, Simpson, Vander Woude. Total – 13.

Absent and excused – Bilbao, Higgins, McGeachin, Shirley, Mr. Speaker. Total – 5.

Total – 70.

Whereupon the Speaker Pro Tem declared that **S 1259** passed the House. Title was approved and the bill ordered returned to the Senate.

S 1215, as amended - CORRECTION DEPARTMENT

S 1215, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Burgoyne to open debate.

The question being, "Shall **S 1215**, as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 63.

NAYS – None.

Absent and excused – Bilbao, Hagedorn, Higgins, McGeachin, Moyle, Shirley, Mr. Speaker. Total – 7.

Total – 70.

Whereupon the Speaker Pro Tem declared that **S 1215**, as amended, passed the House. Title was approved and the bill ordered returned to the Senate.

S 1292 - EXECUTION

S 1292 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Luker to open debate.

The question being, "Shall [S 1292](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Schaefer, Shepherd, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 63.

NAYS – Ringo, Rusche. Total – 2.

Absent and excused – Bilbao, Higgins, McGeachin, Shirley, Mr. Speaker. Total – 5.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1292](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1308](#) - SICK LEAVE - TEACHERS

[S 1308](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Thayne to open debate.

The question being, "Shall [S 1308](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 65.

NAYS – None.

Absent and excused – Bilbao, Higgins, McGeachin, Shirley, Mr. Speaker. Total – 5.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1308](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1312](#) - MOTOR VEHICLES

[S 1312](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Wood(35) to open debate.

The question being, "Shall [S 1312](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle,

Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 65.

NAYS – None.

Absent and excused – Bilbao, Higgins, McGeachin, Shirley, Mr. Speaker. Total – 5.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1312](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1236](#) - AGRICULTURE DEPARTMENT

[S 1236](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Lacey to open debate.

Pursuant to Rule 38(3), Mr. Vander Woude disclosed a conflict of interest regarding [S 1236](#).

The question being, "Shall [S 1236](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Loertscher, Luker, McMillan(McMillan), Moyle, Nessel, Nielsen, Palmer, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Sims, Smith(30), Stevenson, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 55.

NAYS – Barbieri, DeMordaunt, Marriott, Nonini, Patrick, Shepherd, Simpson, Smith(24), Thayne. Total – 9.

Absent and excused – Bilbao, Higgins, Lake, McGeachin, Shirley, Mr. Speaker. Total – 6.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1236](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle asked unanimous consent that the House recess until 1:15 p.m.

Without objection, the Speaker Pro Tem declared the House at recess until 1:15 p.m.

RECESS
Afternoon Session

The House reconvened at 1:15 p.m., the Speaker in the Chair.

Prior to recess, the House was at the Eleventh Order of Business.

[S 1277](#), as amended - DIETITIANS

[S 1277](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thayne to open debate.

The question being, "Shall [S 1277](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Bilbao, Block(Block), Boyle, Higgins, McGeachin. Total – 5.

Total – 70.

Whereupon the Speaker declared that [S 1277](#), as amended, passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1278](#) - ATHLETIC TRAINERS

[S 1278](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thayne to open debate.

At this time, Mr. Guthrie took the Chair.

The question being, "Shall [S 1278](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Bilbao, Block(Block), Higgins, McGeachin, Simpson. Total – 5.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1278](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1324](#) - ATTORNEY'S FEES

[S 1324](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Smith(24) to open debate.

The question being, "Shall [S 1324](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Bolz, Boyle, Buckner-Webb,

Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Bilbao, Block(Block), Higgins, McGeachin, Simpson. Total – 5.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1324](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1225](#) - REAL ESTATE LICENSE LAW

[S 1225](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. DeMordaunt to open debate.

The question being, "Shall [S 1225](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Bateman, Batt, Bayer, Bedke, Bell, Black, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27). Total – 57.

NAYS – Barrett, Boyle, McMillan(McMillan), Nielsen, Schaefer, Wood(35). Total – 6.

Absent and excused – Bilbao, Block(Block), Crane, Higgins, Lake, McGeachin, Mr. Speaker. Total – 7.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1225](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1226](#) - REAL ESTATE LICENSE LAW

[S 1226](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Rusche to open debate.

The question being, "Shall [S 1226](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30),

Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27). Total – 62.

NAYS – Wood(35). Total – 1.

Absent and excused – Bilbao, Block(Block), Crane, Higgins, Lake, McGeachin, Mr. Speaker. Total – 7.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1226](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1227](#) - REAL ESTATE LICENSE LAW

[S 1227](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Ms. Smith(30) to open debate.

The question being, "Shall [S 1227](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27). Total – 62.

NAYS – None.

Absent and excused – Bilbao, Block(Block), Crane, Higgins, Lake, McGeachin, Wood(35), Mr. Speaker. Total – 8.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1227](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1228](#) - REAL ESTATE LICENSE LAW

[S 1228](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Collins to open debate.

The question being, "Shall [S 1228](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 63.

NAYS – None.

Absent and excused – Bilbao, Block(Block), Crane, Higgins, Lake, McGeachin, Wood(35). Total – 7.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1228](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1268](#) - INSURANCE DEDUCTIBLES

[S 1268](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Thompson and Mr. Patrick to open debate.

The question being, "Shall [S 1268](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Bateman, Batt, Bayer, Bedke, Bell, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, DeMordaunt, Ellsworth, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 57.

NAYS – Andrus, Barrett, Harwood, Marriott, Shepherd, Wood(35). Total – 6.

Absent and excused – Bilbao, Block(Block), Crane, Cronin, Eskridge, Higgins, McGeachin. Total – 7.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1268](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1301](#) - EDUCATION

[S 1301](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Trail to open debate.

The question being, "Shall [S 1301](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hart, Hartgen, Harwood, Henderson, Jaquet, King, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 59.

NAYS – Chew, Hagedorn, Killen, Lacey, Ringo, Rusche, Smith(30). Total – 7.

Absent and excused – Bilbao, Block(Block), Higgins, McGeachin. Total – 4.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1301](#) passed the House. Title was approved and the bill ordered returned to the Senate.

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

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

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Wednesday, March 14, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 2:02 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**SIXTY-SIXTH LEGISLATIVE DAY
WEDNESDAY, MARCH 14, 2012**

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 68 members present.
Absent and excused – Trail, Wills. Total – 2.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Myleah Keller, Page.

Approval of Journal

March 14, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixty-fifth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO

CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that Carlos Bilbao, State Representative, District 11, House Seat B, Canyon and Gem Counties, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated Roger Reynoldson of Parma, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint Roger Reynoldson, Acting State Representative, District 11, House Seat B, Canyon and Gem Counties, State of Idaho, for a term commencing on March 13, 2012, and continuing until the incumbent shall resume the performance of the 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 13th day of March, in the year of our Lord two thousand and twelve and of the

Independence of the United States of America, the two hundred and thirty-sixth year.

/s/ C.L. "BUTCH" OTTER
Governor
/s/ BEN T. YSURSA
Secretary of State

The Certificate of Appointment was ordered filed in the office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Roger Reynoldson.

OFFICE OF THE GOVERNOR
Boise

March 13, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bill, to wit:

[H 466](#)

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

OFFICE OF THE GOVERNOR
Boise

March 13, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

[H 484](#) and [H 489](#)

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

OFFICE OF THE GOVERNOR
Boise

March 13, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bill, to wit:

[H 517](#)

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

THE OFFICE OF THE GOVERNOR
Boise

March 13, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I am transmitting today to the Secretary of State the following House bill which will be allowed to become law without my signature within the time limited by law:

H 574

as prescribed by the Constitution.

A likely June decision from the United States Supreme Court after its hearing this spring on challenges to the Patient Protection and Affordable Care Act - Obamacare - puts the need for this supplemental appropriation in doubt, particularly as it relates to the \$7.5 million ongoing General Fund portion of House Bill 574.

If the Supreme Court strikes down the federal mandate as unconstitutional, as the State of Idaho contends it should, then the General fund money will be necessary. However, it is my firm belief that thorough evaluation and responsible reforms are needed in the administration of and expectations for the Catastrophic Health Care Fund before an ongoing appropriation of any size is approved.

The goal should be a workable, well-defined process for paying medical costs for indigent citizens, replacing the existing patchwork of county and state responsibilities. According to the Department of Health and Welfare, that system would require claims processing that meets industry standards, case management for Medicaid-eligible chronic disease patients, an integrated software system for eligibility determinations at both the county and State levels, and a rewrite of Idaho's indigent and catastrophic health care statutes with a concise description of the role of counties, the State, hospitals and other providers, and citizens.

If the Supreme Court upholds the Obamacare mandate including Medicaid expansion, against the arguments of Idaho and 25 other states, then the "Cat Fund's" purpose will cease to exist and a supplemental appropriation for a projected FY 2012 shortfall in that fund will be strictly a one-time question.

Therefore, I respectfully call the Legislature's attention to the high level of uncertainty attached to the need for at least the ongoing element of this supplemental appropriation. If the Obamacare mandate is quashed, I look forward to working with the Legislature to carefully consider how best to address the shortcomings that both the State and counties have experienced with the Cat Fund's equity and effectiveness over the years before appropriating more money to its continuing operations as they now exist.

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

March 13, 2012

Mr. Speaker:

I return herewith enrolled **HCR 37** which has been signed by the President.

NOVAK, Secretary

Enrolled **HCR 37** was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

March 13, 2012

Mr. Speaker:

I return herewith enrolled **H 379**, **H 460**, **H 462**, **H 463**, **H 526**, **H 600**, **H 601**, and **H 602** which have been signed by the President.

NOVAK, Secretary

Enrolled **H 379**, **H 460**, **H 462**, **H 463**, **H 526**, **H 600**, **H 601**, and **H 602** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 13, 2012

Mr. Speaker:

I transmit herewith **S 1360**, **S 1376**, **S 1377**, **S 1330**, **S 1366**, **S 1370**, **S 1381**, **S 1382**, and **S 1369** which have passed the Senate.

NOVAK, Secretary

S 1360, **S 1376**, **S 1377**, **S 1330**, **S 1366**, **S 1370**, **S 1381**, **S 1382**, and **S 1369** were filed for first reading.

March 13, 2012

Mr. Speaker:

I return herewith **H 540**, as amended, **H 459**, **H 461**, **H 525**, **H 543**, and **H 403** which have passed the Senate.

NOVAK, Secretary

H 540, as amended, **H 459**, **H 461**, **H 525**, **H 543**, and **H 403** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 14, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed **HCR 49**, **H 656**, **H 657**, **H 658**, **H 659**, **H 660**, **H 661**, **H 662**, and **H 663**.
WILLS, Chairman

HCR 49, **H 657**, **H 658**, **H 659**, and **H 662** were filed for second reading.

H 656 and **H 663** were referred to the Education Committee.

H 660 was referred to the Judiciary, Rules, and Administration Committee.

H 661 was referred to the Revenue and Taxation Committee.

March 14, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **HCR 39** and **HCR 48**.

WILLS, Chairman

The Speaker announced he was about to sign enrolled **HCR 39** and **HCR 48** and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 13, 2012

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, return **S 1336**, as amended, to the Desk for re-referral.

BLOCK, Chairman

[S 1336](#), as amended, was referred to the State Affairs committee.

March 13, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [SCR 128](#), [SCR 129](#), and [SJM 104](#) and recommend that they do pass.

LOERTSCHER, Chairman

[SCR 128](#), [SCR 129](#), and [SJM 104](#) were filed for second reading.

March 13, 2012

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [H 458](#), [S 1321](#), as amended, [SCR 120](#), and [SCR 121](#) and recommend that they do pass.

STEVENSON, Chairman

[H 458](#), [S 1321](#), as amended, [SCR 120](#), and [SCR 121](#) were filed for second reading.

March 13, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [H 648](#), [H 651](#), and [S 1337](#), as amended, and recommend that they do pass.

WILLS, Chairman

[H 648](#), [H 651](#), and [S 1337](#), as amended, were filed for second reading.

March 13, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [H 639](#) and report it back with amendments attached to be placed on General Orders for consideration.

WILLS, Chairman

[H 639](#) was placed on General Orders for consideration.

March 13, 2012

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [H 624](#) and [H 649](#) and recommend that they do pass.

BLACK, Chairman

[H 624](#) and [H 649](#) were filed for second reading.

March 14, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 559](#) and recommend that it do pass.

LAKE, Chairman

[H 559](#) was filed for second reading.

March 14, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [S 1286](#) and [SCR 123](#) and recommend that they do pass.

LOERTSCHER, Chairman

[S 1286](#) and [SCR 123](#) were filed for second reading.

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

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

HOUSE BILL NO. 664

BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; PROVIDING LEGISLATIVE INTENT WITH REGARD TO THE TAX COMPLIANCE INITIATIVE; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 665

BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

HOUSE BILL NO. 666

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO FILING OF FEDERAL TAX LIENS; AMENDING CHAPTER 16, TITLE 1, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 1-1608, IDAHO CODE, TO PROVIDE THAT NEITHER THE STATE OF IDAHO NOR ANY STATE COURT SHALL DEPRIVE ANY PERSON OF LIFE, LIBERTY OR PROPERTY WITHOUT DUE PROCESS OF LAW, AND NEITHER SHALL THE STATE OF IDAHO NOR ANY STATE COURT DENY ANY PERSON WITHIN ITS JURISDICTION EQUAL PROTECTION OF THE LAW AND TO REQUIRE COURT ACTION BEFORE ATTACHING PROCEEDS FROM A LIEN; AMENDING SECTION 45-202, IDAHO CODE, TO PROVIDE FOR DUE PROCESS OF LAW WHEN FILING FEDERAL TAX LIENS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 45-203, IDAHO CODE, TO REQUIRE DUE PROCESS OF LAW BEFORE NOTICE OF ANY LIEN MAY BE FILED AND TO MAKE A TECHNICAL CORRECTION; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 667

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO LICENSES TO RETAIL LIQUOR; AMENDING SECTION 23-903, IDAHO CODE, TO PROVIDE THAT CERTAIN LICENSES MAY BE TRANSFERABLE PURSUANT TO A SALE IN ACCORDANCE WITH SPECIFIED PROVISIONS OF LAW, TO PROVIDE THAT CERTAIN LICENSES SHALL NOT BE TRANSFERABLE, TO PROVIDE EXCEPTIONS, TO REVISE VERBIAGE, TO PROVIDE FOR FEES FOR GONDOLA RESORT COMPLEXES, TO PROVIDE THAT OWNERS, OPERATORS AND LESSEES OF RESTAURANTS SITUATED IN CERTAIN RESORT CITIES MAY BE ISSUED LICENSES SUBJECT TO THE APPROVAL OF THE MAYOR AND CITY COUNCIL,

TO PROHIBIT THE ISSUANCE OF LICENSES FOR A DESIGNATED PERIOD OF TIME TO SPECIFIED PERSONS, TO PROVIDE THAT CERTAIN LICENSES ARE NOT TRANSFERABLE TO ANOTHER LOCATION, TO DEFINE A TERM, TO PROVIDE FOR CERTAIN FEES, TO REMOVE A PROVISION RELATING TO FEES AND TO REMOVE A PROVISION RELATING TO TRANSFERABILITY OF CERTAIN LICENSES.

[H 664](#), [H 665](#), [H 666](#), and [H 667](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1360](#), [S 1376](#), [S 1377](#), [S 1381](#), and [S 1382](#), by Finance Committee, were introduced, read the first time by title, and filed for second reading.

[S 1330](#) and [S 1366](#), by State Affairs Committee, were introduced, read the first time by title, and referred to the State Affairs Committee.

[S 1370](#), by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

[S 1369](#), by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Commerce and Human Resources Committee.

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

Second Reading of Bills and Joint Resolutions

[H 653](#), [H 584](#), as amended, [H 585](#), as amended, and [H 594](#), as amended, as amended, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

[H 654](#) and [H 655](#), by Appropriations Committee, were read the second time by title and filed for third reading.

[S 1323](#), as amended, and [S 1335](#), by State Affairs Committee, were read the second time by title and filed for third reading.

[S 1329](#) and [S 1269](#), as amended in the House, by Education Committee, were read the second time by title and filed for third reading.

[H 613](#), [H 650](#), and [H 631](#), as amended, by Ways and Means Committee, were read the second time by title and filed for third reading.

[S 1356](#), as amended, and [SCR 124](#), by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

[H 515](#), as amended, and [H 619](#), as amended, by State Affairs Committee, were read the second time by title and filed for third reading.

[H 542](#), as amended, by Resources and Conservation Committee, was read the second time by title and filed for third reading.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 653](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be

dispensed with, this being a case of urgency; and that [H 653](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Bedke, Loertscher, Trail, Wills. Total – 4.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 653](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Smith(24) to open debate.

The question being, "Shall [H 653](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Trail, Wills. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 653](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 654](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 654](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao(Reynoldson), Black, Block(Block),

Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, McMillan(McMillan), Moyle, Nesset, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Bedke, Loertscher, Trail, Wills.
Total – 4.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 654](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hagedorn to open debate.

The question being, "Shall [H 654](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan(McMillan), Moyle, Nesset, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Trail, Wills. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 654](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 655](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 655](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, McMillan(McMillan), Moyle, Nesset, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Bedke, Loertscher, Trail, Wills.
Total – 4.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 655](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall [H 655](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, Ellsworth, Eskridge, Gibbs, Guthrie, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Marriott, McGeachin, Nesset, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shepherd, Shirley, Smith(30), Smith(24), Stevenson, Thompson, Vander Woude, Wood(27), Mr. Speaker. Total – 51.

NAYS – Barbieri, Barrett, DeMordaunt, Hart, Harwood, Luker, McMillan(McMillan), Moyle, Nielsen, Nonini, Palmer, Schaefer, Simpson, Sims, Thayn, Wood(35). Total – 16.

Absent and excused – Hagedorn, Trail, Wills. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 655](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 613](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 613](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, McMillan(McMillan), Moyle, Nesset, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Bedke, Loertscher, Trail, Wills.
Total – 4.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 613](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hartgen to open debate.

At this time, Mr. Hagedorn took the Chair.

The question being, "Shall [H 613](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Trail, Wills. Total – 2.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 613](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 650](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 650](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Bedke, Loertscher, Trail, Wills. Total – 4.

Total – 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 650](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Andrus to open debate.

Mr. Lake asked unanimous consent that, pursuant to Rule 22, discussion of [S 1303](#) be allowed in debate of [H 650](#). There being no objection it was so ordered.

The question being, "Shall [H 650](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – Barbieri, Barrett, Hart, Harwood. Total – 4.

Absent and excused – Trail, Wills. Total – 2.

Paired Votes:

AYE – Burgoyne NAY – Harwood

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 650](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 515](#), as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 515](#), as amended, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Bedke, Loertscher, Trail, Wills. Total – 4.

Total – 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 515](#), as amended, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Nonini to open debate.

The question being, "Shall [H 515](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block(Block),

Bolz, Boyle, Buckner-Webb, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan(McMillan), Moyle, Nasset, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Burgoyne, Trail, Wills. Total – 3.
Total – 70.

Whereupon the Speaker Pro Tem declared that [H 515](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 584](#), as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 584](#), as amended, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, McMillan(McMillan), Moyle, Nasset, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Bedke, Loertscher, Trail, Wills.
Total – 4.
Total – 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 584](#), as amended, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Moyle to open debate.

The question being, "Shall [H 584](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bilbao(Reynoldson), Black, Block(Block), Bolz, Boyle, Buckner-Webb, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan(McMillan), Moyle, Nasset, Nielsen, Nonini, Palmer, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30),

Smith(24), Thayn, Thompson, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – Bell, Patrick, Stevenson. Total – 3.

Absent and excused – Burgoyne, Trail, Wills. Total – 3.
Total – 70.

Whereupon the Speaker Pro Tem declared that [H 584](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

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

Third Reading of Bills and Joint Resolutions

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

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

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Thursday, March 15, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 12:09 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**SIXTY-SEVENTH LEGISLATIVE DAY
THURSDAY, MARCH 15, 2012**

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused – Wills. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Courtney Wills, Page.

Approval of Journal

March 15, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixty-sixth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

March 14, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bill, to wit:

[H 546](#)

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

OFFICE OF THE GOVERNOR
Boise

March 14, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

[H 441](#), [H 442](#), [H 465](#), [H 472](#), [H 492](#), [H 499](#), [H 500](#), [H 501](#), [H 521](#), and [H 534](#)

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

March 14, 2012

Mr. Speaker:

I transmit herewith enrolled [S 1232](#), [S 1253](#), [S 1265](#), and [S 1266](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1232](#), [S 1253](#), [S 1265](#), and [S 1266](#) and, when so signed, ordered them returned to the Senate.

March 14, 2012

Mr. Speaker:

I transmit herewith enrolled [S 1214](#), [S 1215](#), as amended, [S 1225](#), [S 1226](#), [S 1227](#), [S 1228](#), [S 1236](#), [S 1259](#), [S 1268](#), [S 1272](#), [S 1277](#), as amended, [S 1278](#), [S 1292](#), [S 1301](#), [S 1308](#), [S 1312](#), and [S 1324](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1214](#), [S 1215](#), as amended, [S 1225](#), [S 1226](#), [S 1227](#), [S 1228](#), [S 1236](#), [S 1259](#), [S 1268](#), [S 1272](#), [S 1277](#), as amended, [S 1278](#), [S 1292](#), [S 1301](#), [S 1308](#), [S 1312](#), and [S 1324](#) and, when so signed, ordered them returned to the Senate.

March 14, 2012

Mr. Speaker:

I return herewith enrolled [HCR 36](#), [HJM 8](#), [HCR 39](#), and [HCR 48](#) which have been signed by the President.

NOVAK, Secretary

Enrolled [HCR 36](#), [HJM 8](#), [HCR 39](#), and [HCR 48](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

March 14, 2012

Mr. Speaker:

I transmit herewith [S 1373](#) and [S 1384](#) which have passed the Senate.

NOVAK, Secretary

[S 1373](#) and [S 1384](#) were filed for first reading.

March 15, 2012

Mr. Speaker:

I transmit herewith [S 1357](#), as amended, and [S 1295](#), as amended, which have passed the Senate.

NOVAK, Secretary

[S 1357](#), as amended, and [S 1295](#), as amended, were filed for first reading.

March 14, 2012

Mr. Speaker:

I return herewith [H 464](#) which has passed the Senate.

NOVAK, Secretary

[H 464](#) was referred to the Judiciary, Rules, and Administration Committee for enrolling.

March 14, 2012

Mr. Speaker:

I return herewith [H 450](#), as amended in the Senate, which has passed the Senate.

NOVAK, Secretary

[H 450](#), as amended in the Senate, was ordered held at the Desk.

Mrs. Perry asked unanimous consent that the House concur in the Senate amendments to [H 450](#), as amended in the Senate. There being no objection, it was so ordered.

[H 450](#), as amended in the Senate, was referred to the Judiciary, Rules, and Administration Committee for engrossing.

Report of Standing Committees

March 15, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 664](#), [H 665](#), [H 666](#), and [H 667](#).

WILLS, Chairman

[H 664](#) and [H 665](#) were filed for second reading.

[H 666](#) was referred to the Business Committee.

[H 667](#) was referred to the State Affairs Committee.

March 15, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 540](#), as amended, [H 459](#), [H 461](#), [H 525](#), [H 543](#), and [H 403](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 540](#), as amended, [H 459](#), [H 461](#), [H 525](#), [H 543](#), and [H 403](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 15, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 379](#), [H 460](#), [H 462](#), [H 463](#), [H 526](#), [H 600](#), [H 601](#), and [H 602](#) to the Governor at 11:19 a.m., as of this date, March 14, 2012.

WILLS, Chairman

March 15, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [HCR 37](#) to the Secretary of State at 11:16 a.m., as of this date, March 14, 2012.

WILLS, Chairman

March 14, 2012

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 414](#) and [SCR 130](#) and recommend that they do pass.

PALMER, Chairman

[H 414](#) and [SCR 130](#) were filed for second reading.

March 14, 2012

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration [H 647](#) and recommend that it do pass.

BARRETT, Chairman

[H 647](#) was filed for second reading.

March 14, 2012

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [S 1303](#), [S 1304](#), and [S 1346](#) and recommend that they do pass.

ANDRUS, Chairman

[S 1303](#), [S 1304](#), and [S 1346](#) were filed for second reading.

March 14, 2012

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [S 1255](#), as amended, as amended, [S 1280](#), [S 1293](#), [S 1294](#), as amended, [S 1309](#), and [S 1326](#) and recommend that they do pass.

MCGEACHIN, Chairman

[S 1255](#), as amended, as amended, [S 1280](#), [S 1293](#), [S 1294](#), as amended, [S 1309](#), and [S 1326](#) were filed for second reading.

March 15, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 661](#) and recommend that it do pass.

LAKE, Chairman

[H 661](#) was filed for second reading.

March 15, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [HJM 13](#) and [S 1344](#) and recommend that they do pass.

LOERTSCHER, Chairman

[HJM 13](#) and [S 1344](#) were filed for second reading.

March 14, 2012

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [S 1302](#) and report it back with amendments attached to be placed on General Orders for consideration.

ANDRUS, Chairman

[S 1302](#) was placed on General Orders for consideration.

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

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

March 14, 2012

PETITION TO WAIVE JOINT RULE 20

Dear Speaker Denney:

We, the undersigned, hereby petition the presiding officer of the House of Representatives pursuant to Joint Rule 20 to

waive the provisions of Joint Rule 20 with regard to introduction of a proposed Constitutional Amendment after the 36th day of the Regular Legislative Session. This waiver would allow introduction of RS 21525 (**HJR 2**), which preserves the right to hunt, fish, and trap for the people of Idaho..

We would appreciate your consideration of this petition.

Sincerely,
 /s/ Mike Moyle, Majority Leader
 /s/ Scott Bedke, Assistant Majority Leader
 /s/ Ken A. Roberts, Caucus Chairman

The Speaker announced that pursuant to the 36th day deadline, and a petition being presented, Joint Rule No. 20 would be waived for the purpose of introducing joint resolutions to make amendments to the Constitution of the State of Idaho.

HOUSE BILL NO. 668
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE LAVA HOT SPRINGS FOUNDATION FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

HOUSE BILL NO. 669
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE SOIL AND WATER CONSERVATION COMMISSION FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

HOUSE BILL NO. 670
BY EDUCATION COMMITTEE
 AN ACT

RELATING TO EDUCATION; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 57, TITLE 33, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE DEFINITIONS, TO ESTABLISH PROVISIONS RELATING TO A TAX CREDIT FOR CONTRIBUTIONS MADE TO A SCHOLARSHIP GRANTING ORGANIZATION, TO ESTABLISH PROVISIONS RELATING TO THE DUTIES AND RESPONSIBILITIES OF SCHOLARSHIP GRANTING ORGANIZATIONS, TO ESTABLISH PROVISIONS RELATING TO THE DUTIES AND RESPONSIBILITIES OF THE STATE DEPARTMENT OF EDUCATION, TO PROVIDE FOR RULES, TO ESTABLISH PROVISIONS RELATING TO THE DUTIES AND RESPONSIBILITIES OF PARTICIPATING SCHOOLS; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 671
BY EDUCATION COMMITTEE
 AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-524, IDAHO CODE, TO REMOVE LANGUAGE RELATING TO A FINDING AND DECLARATION BY THE LEGISLATURE, TO ESTABLISH PROVISIONS RELATING TO SCHOOL DISTRICTS' LIABILITY ARISING OUT OF CERTAIN ACTS OF EMPLOYEES, TO ESTABLISH PROVISIONS RELATING TO PROVIDING A DEFENSE TO EMPLOYEES, TO ESTABLISH PROVISIONS

RELATING TO A SCHOOL DISTRICT'S RESPONSIBILITY FOR THE PAYMENT OF CERTAIN JUDGMENTS, TO ESTABLISH PROVISIONS RELATING TO SCHOOL DISTRICTS NOT BEING ENTITLED TO CONTRIBUTION, INDEMNIFICATION OR REIMBURSEMENT FOR CERTAIN LEGAL FEES OR EXPENSES, TO PROVIDE THAT THIS SECTION SHALL NOT EXPAND THE TERMS OR PROVISIONS OF CERTAIN LAWS, TO ESTABLISH PROVISIONS RELATING TO THE CREATION OF A CERTAIN REGISTRY, TO REVISE PROVISIONS RELATING TO SCHOOL DISTRICTS PROVIDING EMPLOYEES WITH A CERTAIN LIST, TO REVISE PROVISIONS RELATING TO A CERTAIN FORM PROVIDED BY THE DEPARTMENT, TO REVISE PROVISIONS RELATING TO SCHOOL DISTRICTS HAVING A CURRENT LIST AVAILABLE AND TO REVISE DEFINITIONS.

HOUSE BILL NO. 672
BY EDUCATION COMMITTEE
 AN ACT

RELATING TO FISCAL MATTERS OF SCHOOL DISTRICTS; ESTABLISHING PROVISIONS RELATING TO CERTAIN MAINTENANCE MATCH MONEYS FOR THE MAINTENANCE AND REPAIR OF CERTAIN STUDENT-OCCUPIED BUILDINGS.

HOUSE BILL NO. 673
BY WAYS AND MEANS COMMITTEE
 AN ACT

RELATING TO CORD BLOOD EDUCATION; AMENDING CHAPTER 37, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3704, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR EDUCATION FOR PREGNANT WOMEN REGARDING CORD BLOOD BANKING AND TO PROVIDE FOR THE TYPE OF INFORMATION GIVEN TO PREGNANT WOMEN.

HOUSE JOINT RESOLUTION NO. 2
BY WAYS AND MEANS COMMITTEE
 A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE I, OF THE CONSTITUTION OF THE STATE OF IDAHO, BY THE ADDITION OF A NEW SECTION 23, ARTICLE I, TO PROVIDE THAT THE RIGHTS TO HUNT, FISH AND TRAP, INCLUDING BY THE USE OF TRADITIONAL METHODS, ARE A VALUED PART OF THE HERITAGE OF THE STATE OF IDAHO AND SHALL FOREVER BE PRESERVED FOR THE PEOPLE AND MANAGED THROUGH THE LAWS, RULES AND PROCLAMATIONS THAT PRESERVE THE FUTURE OF HUNTING, FISHING AND TRAPPING, TO PROVIDE THAT PUBLIC HUNTING, FISHING AND TRAPPING OF WILDLIFE SHALL BE A PREFERRED MEANS OF MANAGING AND CONTROLLING WILDLIFE AND TO PROVIDE THAT THE RIGHTS SET FORTH DO NOT CREATE A RIGHT TO TRESPASS ON PRIVATE PROPERTY, SHALL NOT AFFECT RIGHTS TO DIVERT, APPROPRIATE AND USE WATER, OR ESTABLISH ANY MINIMUM AMOUNT OF WATER IN ANY WATER BODY, AND SHALL NOT LEAD TO A DIMINUTION OF OTHER PRIVATE RIGHTS; 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.

[H 668](#), [H 669](#), [H 670](#), [H 671](#), [H 672](#), [H 673](#), and [HJR 2](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1373](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

[S 1384](#), by Finance Committee, was introduced, read the first time by title, and filed for second reading.

[S 1357](#), as amended, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Revenue and Taxation Committee.

[S 1295](#), as amended, by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Commerce and Human Resources Committee.

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

Second Reading of Bills and Joint Resolutions

[HCR 49](#) and [H 662](#), by Education Committee, were read the second time by title and filed for third reading.

[H 657](#), [H 658](#), and [H 659](#), by Appropriations Committee, were read the second time by title and filed for third reading.

[SCR 128](#), [SCR 129](#), [SJM 104](#), [SCR 121](#), [S 1286](#), and [SCR 123](#), by State Affairs Committee, were read the second time by title and filed for third reading.

[H 458](#), by Resources and Conservation Committee, was read the second time by title and filed for third reading.

[S 1321](#), as amended, and [SCR 120](#), by Resources and Environment Committee, were read the second time by title and filed for third reading.

[H 648](#), [H 651](#), [H 624](#), and [H 649](#), by Ways and Means Committee, were read the second time by title and filed for third reading.

[S 1337](#), as amended, by Judiciary and Rules Committee, was read the second time by title and filed for third reading.

[H 559](#), by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

[S 1360](#), [S 1376](#), [S 1377](#), [S 1381](#), and [S 1382](#), by Finance Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Bedke asked unanimous consent that [H 628](#) be placed on General Orders for consideration. There being no objection it was so ordered.

Mr. Moyle asked unanimous consent that beginning Friday, March 16, 2012, all Senate Finance bills be placed before all other Senate bills on the Third Reading Calendar. There being no objection, it was so ordered.

[H 551](#) - CORONERS

[H 551](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Henderson to open debate.

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

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Marriott, McGeachin, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – Barrett, Luker. Total – 2.

Absent and excused – Shepherd, Wills. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 551](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 542](#), as amended, - MOTORIZED VEHICLES - HUNTING

[H 542](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Boyle to open debate.

At this time, Ms. Jaquet took the Chair.

Pursuant to Rule 38(3), Ms. Sims disclosed a conflict of interest regarding [H 542](#), as amended.

The question being, "Shall [H 542](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Batt, Bayer, Bedke, Bell, Black, Block(Block), Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Hagedorn, Hart, Hartgen, Harwood, Henderson, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Thayne, Thompson, Trail, Vander Woude, Wood(35), Mr. Speaker. Total – 48.

NAYS – Bateman, Bilbao(Reynoldson), Bolz, Buckner-Webb, Burgoyne, Chew, Cronin, Gibbs, Guthrie, Higgins, Jaquet, Killen, King, Lacey, Pence, Ringo, Rusche, Smith(30), Smith(24), Stevenson, Wood(27). Total – 21.

Absent and excused – Wills. Total – 1.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 542](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 585](#), as amended, - REVENUE AND TAXATION

[H 585](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Roberts to open debate.

Mr. Moyle asked unanimous consent that the House recess until 1:15 p.m.

Without objection, the Speaker Pro Tem declared the House at recess until 1:15 p.m.

RECESS
Afternoon Session

The House reconvened at 1:15 a.m., the Speaker in the Chair.

Prior to recess, the House was at the Eleventh Order of Business.

H 585, as amended, having previously been read the third time at length, was before the House for final consideration.

At this time, Mr. Nessel took the Chair.

The question being, "Shall **H 585**, as amended, pass?"

Roll call resulted as follows:

AYES – Bedke, Black, Block(Block), Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, Gibbs, Guthrie, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Nessel, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shirley, Smith(30), Smith(24), Stevenson, Trail, Wood(27), Wood(35). Total – 32.

NAYS – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao(Reynoldson), Bolz, Boyle, Crane, DeMordaunt, Ellsworth, Eskridge, Hagedorn, Hart, Hartgen, Harwood, Henderson, Loertscher, Marriott, McGeachin, McMillan(McMillan), Moyle, Nielsen, Nonini, Palmer, Patrick, Schaefer, Shepherd, Simpson, Sims, Thayne, Vander Woude, Mr. Speaker. Total – 36.

Absent and excused – Thompson, Wills. Total – 2.

Paired Votes:

AYE – Killen NAY – Batt

AYE – Higgins NAY – Harwood

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker Pro Tem declared that **H 585**, as amended, failed to pass the House and ordered the bill filed in the office of the Chief Clerk.

**H 631, as amended, - INTERMEDIATE CARE FACILITY
ASSESSMENT**

H 631, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Wood(27) to open debate.

The question being, "Shall **H 631**, as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Harwood, Killen, Thompson, Wills. Total – 4.

Total – 70.

Whereupon the Speaker Pro Tem declared that **H 631**, as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 619, as amended, - SPEED LIMITS

H 619, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Smith(24) and Mr. Palmer to open debate.

The question being, "Shall **H 619**, as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Chadderdon, Chew, Collins, Crane, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Ringo, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 56.

NAYS – Barbieri, Barrett, Bilbao(Reynoldson), Burgoyne, Cronin, DeMordaunt, Jaquet, McMillan(McMillan), Pence, Rusche. Total – 10.

Absent and excused – Harwood, Killen, Thompson, Wills. Total – 4.

Total – 70.

Whereupon the Speaker Pro Tem declared that **H 619**, as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

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

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

Adjournment

Mr. Moyle moved that the House adjourn until 9 a.m., Friday, March 16, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 2:32 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SIXTY-EIGHTH LEGISLATIVE DAY
FRIDAY, MARCH 16, 2012

House of Representatives

The House convened at 9 a.m., the Speaker in the Chair.

Roll call showed 69 members present.

Absent and excused – Block(Block). Total – 1.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Holly Monaghan, Page.

Approval of Journal

March 16, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixty-seventh Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

March 15, 2012

Mr. Speaker:

I return herewith enrolled [H 540](#), as amended, [H 459](#), [H 461](#), [H 525](#), [H 543](#), and [H 403](#) which have been signed by the President.

NOVAK, Secretary

Enrolled [H 540](#), as amended, [H 459](#), [H 461](#), [H 525](#), [H 543](#), and [H 403](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 15, 2012

Mr. Speaker:

I transmit herewith [S 1358](#), as amended, [SCR 131](#), and [SCR 132](#) which have passed the Senate.

NOVAK, Secretary

[S 1358](#), as amended, [SCR 131](#), and [SCR 132](#) were filed for first reading.

March 15, 2012

Mr. Speaker:

I return herewith [H 595](#), [H 512](#), as amended, [H 481](#), [H 556](#), [H 513](#), [H 615](#), [H 616](#), [H 617](#), [H 618](#), [H 516](#), [H 396](#), [H 397](#),

[H 399](#), [H 400](#), [H 401](#), [H 621](#), and [H 598](#) which have passed the Senate.

NOVAK, Secretary

[H 595](#), [H 512](#), as amended, [H 481](#), [H 556](#), [H 513](#), [H 615](#), [H 616](#), [H 617](#), [H 618](#), [H 516](#), [H 396](#), [H 397](#), [H 399](#), [H 400](#), [H 401](#), [H 621](#), and [H 598](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

March 15, 2012

Mr. Speaker:

I return herewith [H 497](#), as amended in the Senate, [H 457](#), as amended in the Senate, and [H 511](#), as amended, as amended in the Senate, which have passed the Senate.

NOVAK, Secretary

[H 497](#), as amended in the Senate, [H 457](#), as amended in the Senate, and [H 511](#), as amended, as amended in the Senate, were ordered held at the Desk.

Mr. Hart asked unanimous consent that the House concur in the Senate amendments to [H 497](#), as amended in the Senate. There being no objection, it was so ordered.

Mrs. Wood(35) asked unanimous consent that the House concur in the Senate amendments to [H 457](#), as amended in the Senate. There being no objection, it was so ordered.

Mrs. Batt asked unanimous consent that the House concur in the Senate amendments to [H 511](#), as amended, as amended in the Senate. There being no objection, it was so ordered.

[H 497](#), as amended in the Senate, [H 457](#), as amended in the Senate, and [H 511](#), as amended, as amended in the Senate, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

Report of Standing Committees

March 16, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 668](#), [H 669](#), [H 670](#), [H 671](#), [H 672](#), [H 673](#), and [HJR 2](#).

WILLS, Chairman

[H 668](#) and [H 669](#) were filed for second reading.

[H 670](#), [H 671](#), and [H 672](#) were referred to the Education Committee.

[H 673](#) was referred to the Ways and Means Committee.

[HJR 2](#) was referred to the Resources and Conservation Committee.

March 16, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 464](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 464](#) and, when so signed, ordered it transmitted to the Senate for the signature of the President.

March 16, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [H 450](#), as amended in the Senate.

WILLS, Chairman

[H 450](#), as amended in the Senate, was filed for first reading of engrossed bills.

March 16, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [HCR 36](#), [HJM 8](#), [HCR 39](#), and [HCR 48](#) to the Secretary of State at 10:52 a.m., as of this date, March 15, 2012.

WILLS, Chairman

March 15, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 663](#) and recommend that it do pass.

NONINI, Chairman

[H 663](#) was filed for second reading.

March 15, 2012

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration [S 1369](#) and recommend that it do pass.

BLOCK, Chairman

[S 1369](#) was filed for second reading.

March 15, 2012

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [S 1271](#) and [SCR 125](#) and recommend that they do pass.

STEVENSON, Chairman

[S 1271](#) and [SCR 125](#) were filed for second reading.

March 15, 2012

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [S 1256](#) and report it back with amendments attached to be placed on General Orders for consideration.

STEVENSON, Chairman

[S 1256](#) was placed on General Orders for consideration.

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

Motions, Memorials, and Resolutions

[SCR 131](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

[SCR 132](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

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

HOUSE BILL NO. 674 BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

HOUSE BILL NO. 675 BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

HOUSE BILL NO. 676 BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

HOUSE BILL NO. 677 BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE COMMISSION FOR PARDONS AND PAROLE FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE COMMISSION FOR PARDONS AND PAROLE FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 678 BY APPROPRIATIONS COMMITTEE

AN ACT

RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF CORRECTION; AMENDING SECTION 1, CHAPTER 297, LAWS OF 2011, TO SHIFT MONEYS BETWEEN EXPENSE CLASSES; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR COUNTY AND OUT-OF-STATE PLACEMENT FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXEMPTING A PORTION OF THE APPROPRIATION FROM PROGRAM TRANSFER LIMITATIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 679 BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE BOND PAYMENT PROGRAM FOR FISCAL YEAR 2013.

HOUSE BILL NO. 680
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; EXEMPTING THE DEPARTMENT FROM CERTAIN TRANSFER LIMITATIONS; AND PROVIDING REAPPROPRIATION AUTHORITY FOR CERTAIN BALANCES.

HOUSE BILL NO. 681
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND DECLARING AN EMERGENCY.

[H 674](#), [H 675](#), [H 676](#), [H 677](#), [H 678](#), [H 679](#), [H 680](#), and [H 681](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1358](#), as amended, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Education Committee.

First Reading of Engrossed Bills

[H 450](#), as amended in the Senate, by Judiciary, Rules, and Administration Committee, was introduced, read the first time by title, and filed for second reading.

Second Reading of Bills and Joint Resolutions

[H 664](#) and [H 665](#), by Appropriations Committee, were read the second time by title and filed for third reading.

[H 414](#), by Transportation and Defense Committee, was read the second time by title and filed for third reading.

[SCR 130](#), by Judiciary and Rules Committee, was read the second time by title and filed for third reading.

[H 647](#) and [H 661](#), by Ways and Means Committee, were read the second time by title and filed for third reading.

[S 1303](#) and [S 1304](#), by Agricultural Affairs Committee, were read the second time by title and filed for third reading.

[S 1346](#) and [S 1384](#), by Finance Committee, were read the second time by title and filed for third reading.

[S 1255](#), as amended, as amended, [S 1280](#), [S 1293](#), [S 1294](#), as amended, [S 1309](#), and [S 1326](#), by Health and Welfare Committee, were read the second time by title and filed for third reading.

[HJM 13](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[S 1344](#), by State Affairs Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

[H 594](#), as amended, as amended, - BUDGET STABILIZATION FUND

[H 594](#), as amended, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Lake to open debate.

Mrs. Barrett asked unanimous consent that, pursuant to Rule 22, discussion of other pending legislation be allowed in debate of [H 594](#), as amended, as amended. There being no objection it was so ordered.

The question being, "Shall [H 594](#), as amended, as amended, pass?"

Roll call resulted as follows:

AYES – Andrus, Barrett, Bateman, Bedke, Black, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Collins, Crane, DeMordaunt, Gibbs, Guthrie, Hagedorn, Hartgen, Higgins, Killen, Lake, Loertscher, Marriott, McGeachin, McMillan(McMillan), Moyle, Nessel, Nielsen, Palmer, Perry, Raybould, Roberts, Rusche, Schaefer, Shepherd, Simpson, Smith(30), Smith(24), Thompson, Wills, Wood(35), Mr. Speaker. Total – 40.

NAYS – Anderson, Barbieri, Batt, Bayer, Bell, Bilbao(Reynoldson), Bolz, Chew, Cronin, Ellsworth, Eskridge, Hart, Harwood, Jaquet, King, Lacey, Luker, Nonini, Patrick, Pence, Ringo, Sims, Stevenson, Thayne, Trail, Vander Woude, Wood(27). Total – 27.

Absent and excused – Block(Block), Henderson, Shirley. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 594](#), as amended, as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 657](#) - APPROPRIATION - DEPARTMENT OF HEALTH AND WELFARE

[H 657](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

At this time, Mr. Lake took the Chair.

The question being, "Shall [H 657](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bell, Bilbao(Reynoldson), Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, Nessel, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 55.

NAYS – Barbieri, Barrett, DeMordaunt, Hart, Harwood, McMillan(McMillan), Moyle, Nielsen, Nonini, Sims, Wood(35). Total – 11.

Absent and excused – Bedke, Block(Block), Henderson, Shirley. Total – 4.
Total – 70.

Whereupon the Speaker Pro Tem declared that [H 657](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 658](#) - APPROPRIATION - DEPARTMENT OF HEALTH AND WELFARE

[H 658](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Wood(27) to open debate.

Pursuant to Rule 38(3), Mr. Bolz disclosed a conflict of interest regarding [H 658](#).

The question being, "Shall [H 658](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, Moyle, Nessel, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shepherd, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 55.

NAYS – Barbieri, Barrett, Boyle, DeMordaunt, Hart, Harwood, McMillan(McMillan), Nielsen, Nonini, Palmer, Schaefer, Sims, Wood(35). Total – 13.

Absent and excused – Block(Block), Shirley. Total – 2.
Total – 70.

Whereupon the Speaker Pro Tem declared that [H 658](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 659](#) - APPROPRIATION - STATE BOARD OF EDUCATION FOR COLLEGE AND UNIVERSITIES

[H 659](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Thompson to open debate.

Pursuant to Rule 38(3), Mr. Simpson disclosed a conflict of interest regarding [H 659](#).

The question being, "Shall [H 659](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan(McMillan), Moyle, Nessel, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 58.

NAYS – Barbieri, Barrett, Boyle, Harwood, Nielsen, Palmer, Shepherd, Sims, Wood(35). Total – 9.

Absent and excused – Black, Block(Block), Shirley. Total – 3.
Total – 70.

Whereupon the Speaker Pro Tem declared that [H 659](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 662](#) - YOUTH CHALLENGE PROGRAM

[H 662](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Roberts to open debate.

Mr. Roberts asked unanimous consent that [H 662](#) be returned to the Education Committee. There being no objection, it was so ordered.

[H 458](#) - FISH AND GAME

[H 458](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Gibbs to open debate.

The question being, "Shall [H 458](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Bolz, Boyle, Buckner-Webb, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Marriott, McGeachin, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Block(Block), Burgoyne, Harwood, Luker. Total – 4.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 458](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 648](#) - JUDGMENT

[H 648](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Smith(24) to open debate.

The question being, "Shall [H 648](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Bolz, Buckner-Webb, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry,

Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Anderson, Block(Block), Boyle, Burgoyne, Loertscher, Roberts. Total – 6.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 648](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 651](#) - JUDGES

[H 651](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Wills to open debate.

The question being, "Shall [H 651](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Batt, Bedke, Bell, Bilbao(Reynoldson), Black, Bolz, Buckner-Webb, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, Moyle, Nessel, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Shirley, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Mr. Speaker. Total – 50.

NAYS – Barrett, Bateman, Bayer, Harwood, McMillan(McMillan), Nielsen, Nonini, Palmer, Schaefer, Shepherd, Simpson, Sims, Vander Woude. Total – 13.

Absent and excused – Block(Block), Boyle, Burgoyne, Higgins, Loertscher, Roberts, Wood(35). Total – 7.
Total – 70.

Whereupon the Speaker Pro Tem declared that [H 651](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 624](#) - TRUST DEEDS

[H 624](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Crane to open debate.

Pursuant to Rule 38(3), Mr. Crane disclosed a conflict of interest regarding [H 624](#).

The question being, "Shall [H 624](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Bateman, Batt, Bedke, Bell, Bilbao(Reynoldson), Black, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, Ellsworth, Gibbs, Guthrie, Higgins, Jaquet, Killen, King, Lacey, Loertscher, Luker, Nessel, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Shirley, Simpson, Smith(30), Stevenson, Thompson, Trail, Wills, Wood(27). Total – 40.

NAYS – Anderson, Barbieri, Barrett, Bayer, Boyle, DeMordaunt, Eskridge, Hagedorn, Hart, Hartgen, Harwood, Henderson, Lake, Marriott, McGeachin, McMillan(McMillan), Moyle, Nielsen, Nonini, Palmer, Schaefer, Shepherd, Sims, Smith(24), Thayne, Vander Woude, Wood(35). Total – 27.

Absent and excused – Block(Block), Roberts, Mr. Speaker. Total – 3.

Paired Votes:

AYE – Burgoyne NAY – Barbieri

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 624](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 649](#) - INSURANCE

[H 649](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Black to open debate.

The question being, "Shall [H 649](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bedke, Bell, Bilbao(Reynoldson), Black, Bolz, Buckner-Webb, Chadderdon, Chew, Collins, Cronin, Ellsworth, Eskridge, Gibbs, Guthrie, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, Nessel, Nielsen, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 53.

NAYS – Barbieri, Barrett, Bayer, Boyle, Crane, DeMordaunt, Hagedorn, Hart, McMillan(McMillan), Moyle, Nonini, Palmer, Simpson. Total – 13.

Absent and excused – Block(Block), Burgoyne, Roberts, Mr. Speaker. Total – 4.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 649](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that [H 559](#) and [HCR 49](#) retain their places on the Third Reading Calendar until Monday, March 19, 2012. There being no objection, it was so ordered.

[S 1350](#) - APPROPRIATION - IDAHO STATE LOTTERY

[S 1350](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Ringo to open debate.

Pursuant to Rule 38(3), Mr. Guthrie disclosed a conflict of interest regarding [S 1350](#).

Pursuant to Rule 38(3), Mr. Vander Woude disclosed a conflict of interest regarding [S 1350](#).

The question being, "Shall [S 1350](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Bolz, Buckner-Webb, Chadderdon, Chew, Collins, Crane, Cronin, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, McGeachin, McMillan(McMillan), Moyle, Nessel,

Nonini, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Smith(30), Smith(24), Stevenson, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 46.

NAYS – Andrus, Barbieri, Barrett, Bateman, Boyle, DeMordaunt, Hart, Harwood, Lake, Loertscher, Luker, Marriott, Nielsen, Palmer, Shirley, Simpson, Sims, Thayne, Wood(35). Total – 19.

Absent and excused – Black, Block(Block), Burgoyne, Roberts, Shepherd. Total – 5.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1350](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1351](#) - APPROPRIATION - PUBLIC HEALTH DISTRICTS

[S 1351](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Ringo to open debate.

The question being, "Shall [S 1351](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Bolz, Boyle, Buckner-Webb, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan(McMillan), Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Black, Block(Block), Burgoyne, Hart, Moyle, Roberts. Total – 6.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1351](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1352](#) - APPROPRIATION - MEDICAL BOARDS

[S 1352](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Wood(27) to open debate.

The question being, "Shall [S 1352](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Bolz, Boyle, Buckner-Webb, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Block(Block), Burgoyne, Ellsworth, Roberts. Total – 4.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1352](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1353](#) - APPROPRIATION - BUILDING SAFETY

[S 1353](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Ms. Jaquet to open debate.

The question being, "Shall [S 1353](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Bolz, Boyle, Buckner-Webb, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Block(Block), Burgoyne, Raybould, Roberts. Total – 4.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1353](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1354](#) - APPROPRIATIONS - HISPANIC AFFAIRS

[S 1354](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Thompson to open debate.

The question being, "Shall [S 1354](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Bolz, Buckner-Webb, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, McGeachin, Moyle, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Shepherd, Shirley, Simpson, Smith(30), Stevenson, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 53.

NAYS – Barbieri, Barrett, Boyle, Hart, Harwood, Luker, Marriott, McMillan(McMillan), Palmer, Sims, Thayne, Wood(35). Total – 12.

Absent and excused – Block(Block), Burgoyne, Roberts, Schaefer, Smith(24). Total – 5.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1354](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1359](#) - APPROPRIATIONS - ENVIRONMENTAL QUALITY DEPARTMENT

[S 1359](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Eskridge to open debate.

Pursuant to Rule 38(3), Mr. Simpson disclosed a conflict of interest regarding [S 1359](#).

The question being, "Shall [S 1359](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Bateman, Bedke, Bell, Bilbao(Reynoldson), Black, Bolz, Buckner-Webb, Chadderdon, Chew, Cronin, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, McGeachin, Nessel, Patrick, Pence, Raybould, Ringo, Rusche, Shirley, Simpson, Smith(30), Stevenson, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 42.

NAYS – Andrus, Barrett, Batt, Bayer, Boyle, Collins, Crane, DeMordaunt, Hart, Hartgen, Harwood, Marriott, McMillan(McMillan), Moyle, Nielsen, Nonini, Palmer, Perry, Schaefer, Shepherd, Sims, Thayne, Wood(35). Total – 23.

Absent and excused – Barbieri, Block(Block), Burgoyne, Roberts, Smith(24). Total – 5.
Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1359](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1361](#) - APPROPRIATIONS - ENERGY RESOURCES

[S 1361](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Eskridge to open debate.

The question being, "Shall [S 1361](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Bolz, Buckner-Webb, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, McGeachin, Moyle, Nessel, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27). Total – 54.

NAYS – Barrett, Boyle, Marriott, McMillan(McMillan), Nielsen, Palmer, Schaefer, Shepherd, Sims, Wood(35). Total – 10.

Absent and excused – Barbieri, Block(Block), Burgoyne, Henderson, Roberts, Mr. Speaker. Total – 6.
Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1361](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1367](#) - APPROPRIATION - GOVERNOR, EXECUTIVE OFFICE OF

[S 1367](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Thompson to open debate.

The question being, "Shall [S 1367](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Bolz, Boyle, Buckner-Webb, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 61.

NAYS – Barrett, McMillan(McMillan), Schaefer. Total – 3.

Absent and excused – Barbieri, Block(Block), Burgoyne, Henderson, Roberts, Mr. Speaker. Total – 6.
Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1367](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, March 19, 2012. There being no objection, it was so ordered.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 664](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 664](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Bolz, Boyle, Buckner-Webb, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 64.

NAYS – None.

Absent and excused – Barbieri, Block(Block), Burgoyne, Henderson, Roberts, Mr. Speaker. Total – 6.
Total – 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative,

the motion carried, the rules were suspended, and [H 664](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Bolz to open debate.

The question being, "Shall [H 664](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Bolz, Boyle, Buckner-Webb, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 59.

NAYS – McMillan(McMillan), Sims. Total – 2.

Absent and excused – Barbieri, Block(Block), Burgoyne, Chadderdon, Hart, Hartgen, Henderson, Roberts, Mr. Speaker. Total – 9.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 664](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 665](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 665](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Bolz, Boyle, Buckner-Webb, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 64.

NAYS – None.

Absent and excused – Barbieri, Block(Block), Burgoyne, Henderson, Roberts, Mr. Speaker. Total – 6.

Total – 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 665](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Ringo to open debate.

The question being, "Shall [H 665](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Bolz, Boyle, Buckner-Webb, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan(McMillan), Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 60.

NAYS – None.

Absent and excused – Barbieri, Block(Block), Burgoyne, Hart, Hartgen, Harwood, Henderson, Moyle, Roberts, Mr. Speaker. Total – 10.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 665](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Bedke moved that all rules of the House interfering with the immediate consideration of [H 647](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 647](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Bolz, Boyle, Buckner-Webb, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 64.

NAYS – None.

Absent and excused – Barbieri, Block(Block), Burgoyne, Henderson, Roberts, Mr. Speaker. Total – 6.

Total – 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 647](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Perry to open debate.

Pursuant to Rule 38(3), Mr. Wills disclosed a conflict of interest regarding [H 647](#).

The question being, "Shall [H 647](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Bolz, Boyle, Buckner-Webb, Chadderdon, Chew, Collins,

Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Guthrie, Hagedorn, Hart, Harwood, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan(McMillan), Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Rusche, Schaefer, Shepherd, Simpson, Sims, Smith(30), Smith(24), Thayn, Thompson, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 54.

NAYS – Bilbao(Reynoldson), Higgins, Nielsen, Raybould, Ringo, Shirley, Wills. Total – 7.

Absent and excused – Anderson, Barbieri, Block(Block), Burgoyne, Gibbs, Hartgen, Henderson, Roberts, Stevenson. Total – 9.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 647](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Bedke moved that all rules of the House interfering with the immediate consideration of [H 661](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 661](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Bolz, Boyle, Buckner-Webb, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 64.

NAYS – None.

Absent and excused – Barbieri, Block(Block), Burgoyne, Henderson, Roberts, Mr. Speaker. Total – 6.

Total – 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 661](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Moyle to open debate.

The question being, "Shall [H 661](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Bolz, Boyle, Buckner-Webb, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Guthrie, Hagedorn, Hart, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30),

Smith(24), Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – None.

Absent and excused – Anderson, Barbieri, Block(Block), Burgoyne, Gibbs, Hartgen, Henderson, Roberts, Stevenson. Total – 9.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 661](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House returned to the Fourth Order of Business.

Consideration of Messages from the Governor and the Senate

March 16, 2012

Mr. Speaker:

I transmit herewith [SCR 133](#) which has passed the Senate.

NOVAK, Secretary

[SCR 133](#) was filed for first reading.

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

Motions, Memorials, and Resolutions

[SCR 133](#), by State Affairs Committee, was introduced, read the first time by title, and filed for second reading.

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

Adjournment

Mr. Moyle moved that the House adjourn until 9:30 a.m., Monday, March 19, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 12:20 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SEVENTY-FIRST LEGISLATIVE DAY
MONDAY, MARCH 19, 2012

House of Representatives

The House convened at 9:30 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Aubrianne Christensen, Page.

Approval of Journal

March 19, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixty-eighth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

March 16, 2012

Mr. Speaker:

I transmit herewith [S 1388](#), [S 1389](#), [S 1391](#), and [S 1392](#) which have passed the Senate.

NOVAK, Secretary

[S 1388](#), [S 1389](#), [S 1391](#), and [S 1392](#) were filed for first reading.

March 16, 2012

Mr. Speaker:

I return herewith [H 622](#), [H 579](#), [H 541](#), and [H 420](#) which have passed the Senate.

NOVAK, Secretary

[H 622](#), [H 579](#), [H 541](#), and [H 420](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 19, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 674](#), [H 675](#), [H 676](#), [H 677](#), [H 678](#), [H 679](#), [H 680](#), and [H 681](#).

WILLS, Chairman

[H 674](#), [H 675](#), [H 676](#), [H 677](#), [H 678](#), [H 679](#), [H 680](#), and [H 681](#) were filed for second reading.

March 19, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 595](#), [H 512](#), as amended, [H 481](#), [H 556](#), [H 513](#), [H 615](#), [H 616](#), [H 617](#), [H 618](#), [H 516](#), [H 396](#), [H 397](#), [H 399](#), [H 400](#), [H 401](#), [H 621](#), and [H 598](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 595](#), [H 512](#), as amended, [H 481](#), [H 556](#), [H 513](#), [H 615](#), [H 616](#), [H 617](#), [H 618](#), [H 516](#), [H 396](#), [H 397](#), [H 399](#), [H 400](#), [H 401](#), [H 621](#), and [H 598](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 19, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [H 497](#), as amended in the Senate, [H 457](#), as amended in the Senate, and [H 511](#), as amended, as amended in the Senate.

WILLS, Chairman

[H 497](#), as amended in the Senate, [H 457](#), as amended in the Senate, and [H 511](#), as amended, as amended in the Senate, were filed for first reading of engrossed bills.

March 19, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 540](#), as amended, [H 459](#), [H 461](#), [H 525](#), [H 543](#), and [H 403](#) to the Governor at 9:45 a.m., as of this date, March 16, 2012.

WILLS, Chairman

March 16, 2012

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [S 1279](#) and [S 1370](#) and recommend that they do pass.

MCGEACHIN, Chairman

[S 1279](#) and [S 1370](#) were filed for second reading.

March 16, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [HJR 1](#) and report it back with amendments attached to be placed on General Orders for consideration.

LOERTSCHER, Chairman

[HJR 1](#) was placed on General Orders for consideration.

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

Motions, Memorials, and Resolutions

HOUSE JOINT MEMORIAL NO. 14 BY STATE AFFAIRS COMMITTEE

A JOINT MEMORIAL

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

THE CONGRESS OF THE UNITED STATES, THE PRIME MINISTER OF SPAIN, THE PRESIDENT OF FRANCE, THE PRESIDENT OF THE GOVERNMENT OF THE BASQUE AUTONOMOUS COMMUNITY AND THE PRESIDENT OF THE FORAL GOVERNMENT OF NAVARRE.

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

WHEREAS, the State of Idaho is a North American center of the Basque population, and many of those citizens of this state have kept close ties to the homeland of their forefathers; and

WHEREAS, from the time of the government of the last dictatorship in Spain until the present, the Basque Country has experienced decades of terror and violence; and

WHEREAS, in 1972, the Second Regular Session of the Forty-first Idaho Legislature adopted Senate Joint Memorial No. 115 that condemned the government of the last dictatorship in Spain and urged peace and democracy in the Basque Country; and

WHEREAS, in 2002, the Second Regular Session of the Fifty-sixth Idaho Legislature unanimously adopted Senate Joint Memorial No. 114 that condemned all terrorist organizations operating in the world and specifically the terrorist organization Euskadi 'ta Askatasuna (ETA) in Spain and expressed strong support for an immediate end to all violence in the Basque Country and for the establishment of peace and freedom through all democratic and lawful means as well as the recognition of the right to self-determination; and

WHEREAS, in 2006, the Second Regular Session of the Fifty-eighth Idaho Legislature adopted House Joint Memorial No. 26 that condemned all acts of terrorism and violence by all organizations and individuals within the Basque Country and throughout the world.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the State of Idaho recognizes and commends ETA's statements of a definitive cessation of its armed activity and end to terrorism, and further commends the governments of Spain, France, the Basque Autonomous Community and Navarre for their actions to promote dialogue on the future of the Basque territories and achieving a lasting peace.

BE IT FURTHER RESOLVED that the State of Idaho extends its encouragement and support to their democratic governments in their ongoing efforts to establish a negotiation process to create a lasting peace, to recognize all victims of terrorism and to consider all democratic forms of referenda on the constitutional future of the Basque territories.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President and Secretary of State of the United States, 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, the Prime Minister of Spain, the President of France, the President of the Basque Autonomous Community and the President of the Foral Government of Navarre.

HJM 14 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

HOUSE BILL NO. 682 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF MEDICAL ASSISTANCE SERVICES AND LICENSING AND CERTIFICATION FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING LEGISLATIVE INTENT FOR PROGRAM INTEGRITY; PROVIDING FOR REAPPROPRIATION OF GENERAL FUNDS; DIRECTING ADDITIONAL NURSING FACILITY ADJUSTMENT PAYMENTS; REQUIRING MONTHLY FORECAST REPORTING FOR THE MEDICAL ASSISTANCE SERVICES AND THE INDIRECT SUPPORT SERVICES DIVISIONS; PROVIDING FOR TRANSFERS IN ADDITION TO TEN PERCENT FOR MEDICAL ASSISTANCE SERVICES FOR THE COORDINATED, ENHANCED, AND BASIC MEDICAID PLANS; PROVIDING LEGISLATIVE INTENT FOR MEDICAL ASSISTANCE SERVICES FOR REPORTING THE IMPLEMENTATION OF HOUSE BILL NO. 260, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE; PROVIDING LEGISLATIVE INTENT FOR IMPLEMENTING MEDICAID MANAGED CARE; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 683 BY APPROPRIATIONS COMMITTEE AN ACT

RELATING TO APPROPRIATIONS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR HEALTH EDUCATION PROGRAMS; AMENDING SECTION 1, CHAPTER 249, LAWS OF 2011, TO MOVE MONEYS FROM OPERATING EXPENDITURES TO PERSONNEL COSTS; APPROPRIATING MONEYS FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND PROVIDING NON-GENERAL FUND REAPPROPRIATION FOR FISCAL YEAR 2013.

HOUSE BILL NO. 684 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR SPECIAL PROGRAMS FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND PROVIDING GENERAL FUND REAPPROPRIATION FOR THE SCHOLARSHIPS AND GRANTS PROGRAM FOR FISCAL YEAR 2013.

HOUSE BILL NO. 685 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2013; EXEMPTING

APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE GUARDIAN AD LITEM FUND FOR FISCAL YEAR 2013; AND PROVIDING GUIDANCE FOR NON-JUDICIAL EMPLOYEE COMPENSATION AND BENEFITS.

HOUSE BILL NO. 686
BY APPROPRIATIONS COMMITTEE
AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF DRUG POLICY FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

HOUSE BILL NO. 687
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE UNCLAIMED PROPERTY PROGRAM; AMENDING SECTION 63-3077E, IDAHO CODE, TO AUTHORIZE THE RELEASE OF TAXPAYER ADDRESSES AND TAXPAYER IDENTIFYING NUMBERS FROM THE STATE TAX COMMISSION TO THE UNCLAIMED PROPERTY PROGRAM FOR INTERNAL USE; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 688
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO RESIDENCY AND VOTING; AMENDING SECTION 34-405, IDAHO CODE, TO REVISE PROVISIONS REGARDING GAIN OR LOSS OF RESIDENCE BY REASON OF ABSENCE FROM THE STATE; AMENDING SECTION 34-1002, IDAHO CODE, TO PROVIDE A WRITTEN WARNING ON THE APPLICATION FOR AN ABSENT ELECTOR'S BALLOT FORM, TO PROVIDE THAT CERTAIN OVERSEAS VOTERS SHALL BE ALLOWED TO VOTE FOR FEDERAL OFFICES ONLY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-1008, IDAHO CODE, TO REVISE PROCEDURES FOR COUNTING ABSENTEE BALLOTS; AND AMENDING CHAPTER 14, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1414, IDAHO CODE, TO PROVIDE THAT ANY SECRETARY OF STATE RULES, POLICIES, PROCEDURES OR PRINTED DIRECTIVES THAT AMEND OR CONTRAVENE STATE STATUTES SHALL NOT BE PERMITTED; AND PROVIDING SEVERABILITY.

[H 682](#), [H 683](#), [H 684](#), [H 685](#), [H 686](#), [H 687](#), and [H 688](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1388](#), [S 1389](#), [S 1391](#), and [S 1392](#), by Finance Committee, were introduced, read the first time by title, and filed for second reading.

First Reading of Engrossed Bills

[H 497](#), as amended in the Senate, by Judiciary, Rules, and Administration Committee, was introduced, read the first time by title, and filed for second reading.

[H 457](#), as amended in the Senate, by Resources and Conservation Committee, was introduced, read the first time by title, and filed for second reading.

[H 511](#), as amended, as amended in the Senate, by Transportation and Defense Committee, was introduced, read the first time by title, and filed for second reading.

Second Reading of Bills and Joint Resolutions

[H 668](#) and [H 669](#), by Appropriations Committee, were read the second time by title and filed for third reading.

[H 663](#), by Education Committee, was read the second time by title and filed for third reading.

[S 1369](#), by Judiciary and Rules Committee, was read the second time by title and filed for third reading.

[S 1271](#), by Resources and Environment Committee, was read the second time by title and filed for third reading.

[SCR 125](#) and [SCR 133](#), by State Affairs Committee, were read the second time by title and filed for third reading.

[H 450](#), as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the second time by title and filed for third reading.

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

Consideration of General Orders

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mr. Rusche. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Roberts in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

March 19, 2012

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration [H 606](#), [H 578](#), [H 486](#), as amended, [H 639](#), [H 628](#), and [S 1256](#) and report them back without recommendation, amended as follows:

HOUSE AMENDMENT TO H.B. NO. 606

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 21 and 22, and insert:

"(i) Is incorporated or organized in the state of Idaho for the primary purpose of processing and marketing agricul-";

in line 26, following "state;" insert: "and"; in line 28, delete "; and" and insert: "."; delete lines 29 and 30; and in line 36, following "makes" delete "a qualified" and insert: "an".

On page 2, in line 1, following "per" insert: "qualified".

AMENDMENT TO SECTION 2

On page 3, in line 14, following "2017" insert: "; provided that subsection (3)(c) of Section 63-3029L, Idaho Code, shall remain in effect beyond December 31, 2017".

HOUSE AMENDMENT TO H.B. NO. 578**AMENDMENT TO SECTION 3**

On page 2 of the printed bill, delete lines 11 through 16, and insert:

"(1) "Gold and silver coin" means any coin or bullion having at least fifty percent (50%) gold or silver content, the market value of which derives primarily from the value of such content, and which is:

- (a) Issued at any time by the United States as legal tender; or
- (b) Determined by congress to be legal tender; or
- (c) Ruled by a final, unappealable judgment or order of a court of competent jurisdiction to be within the authority of the state of Idaho to make legal tender."

AMENDMENT TO SECTION 4

On page 2, delete lines 32 through 35, and insert:

"63-4603. DESIGNATION OF LEGAL TENDER.

- (1) Gold and silver coin is legal tender in the state of Idaho under the laws thereof."

On page 3, following line 28, insert:

"(e) For a purchase made or obligation satisfied with gold or silver coin that gives rise to tax liability pursuant to title 63, Idaho Code, any tax due shall be paid in gold or silver coin unless the state tax commission directs that such tax shall be paid in other legal tender, in which case the amount of the tax due shall be equal to the market value of the gold and silver coin valued in such other legal tender as of the date of the purchase payment or obligation satisfaction as calculated using the then most current London fixing price. The provisions of this paragraph (e) shall take precedence over the provisions of paragraph (d) of this subsection (2) in the event of a conflict between the application of these two paragraphs to any particular transaction."

AMENDMENT TO SECTION 5

On page 3, in line 42, delete "any sales, excise, gross receipts, income,"; and delete lines 43 and 44, and insert: "gains tax."

AMENDMENT TO THE BILL

On page 4, following line 6, insert:

"SECTION 6. That Section 63-3022H, Idaho Code, be, and the same is hereby amended to read as follows:

63-3022H. DEDUCTION OF CAPITAL GAINS. (1)

If an individual taxpayer reports capital gain net income in determining taxable income, eighty percent (80%) in taxable year 2001 and sixty percent (60%) in taxable years thereafter of the capital gain net income from the sale or exchange of qualified property shall be a deduction in determining Idaho taxable income. Any capital gain on the exchange of gold and silver coin, as defined in section 63-4602, Idaho Code, for another form of United States legal tender shall not be included in taxable income.

(2) The deduction provided in this section is limited to the amount of the capital gain net income from all property included in taxable income. Gains treated as ordinary income by the Internal Revenue Code do not qualify for the deduction allowed in this section. The deduction otherwise allowable under this section shall be reduced by the amount of any federal capital gains deduction relating to such property, but not below zero.

(3) Property held by an estate, trust, S corporation, partnership, limited liability company or an individual is "qualified property" under this section if the property had an Idaho situs at the time of sale and is:

- (a) Real property held at least twelve (12) months;

(b) Tangible personal property used in Idaho for at least twelve (12) months by a revenue-producing enterprise;

(c) Cattle or horses held for breeding, draft, dairy or sporting purposes for at least twenty-four (24) months if more than one-half (1/2) of the taxpayer's gross income (as defined in section 61(a) of the Internal Revenue Code) for the taxable year is from farming or ranching operations in Idaho;

(d) Breeding livestock other than cattle or horses held at least twelve (12) months if more than one-half (1/2) of the taxpayer's gross income (as defined in section 61(a) of the Internal Revenue Code) for the taxable year is from farming or ranching operations in Idaho;

(e) Timber grown in Idaho and held at least twenty-four (24) months;

(f) In determining the period for which property subject to this section has been held by a taxpayer, the provisions of section 1223 of the Internal Revenue Code shall apply, except that the holding period shall not include the holding period of property given up in an exchange, when such property would not have constituted qualified property under this section without regard to meeting the holding period nor shall the holding period include any time period in which the property subject to this section was held by a corporation other than an S corporation.

(4) As used in this section "revenue-producing enterprise" means:

(a) The production, assembly, fabrication, manufacture, or processing of any agricultural, mineral or manufactured product;

(b) The storage, warehousing, distribution, or sale at wholesale of any products of agriculture, mining or manufacturing;

(c) The feeding of livestock at a feedlot;

(d) The operation of laboratories or other facilities for scientific, agricultural, animal husbandry, or industrial research, development, or testing.

(5) As used in this section the term "real property" means land and other tangible property permanently upon or affixed to the land;"

and renumber the remaining section of the bill accordingly.

CORRECTION TO TITLE

On page 1, in line 9, following "TENDER" insert: "AND TO ESTABLISH PROVISIONS RELATING TO THE PAYMENT OF CERTAIN TAXES"; and in line 12, following "COSTS;" insert: "AMENDING SECTION 63-3022H, IDAHO CODE, TO PROVIDE THAT ANY CAPITAL GAIN ON THE EXCHANGE OF GOLD AND SILVER COIN FOR ANOTHER FORM OF UNITED STATES LEGAL TENDER SHALL NOT BE INCLUDED IN TAXABLE INCOME;"

HOUSE AMENDMENT TO H.B. NO. 486, As Amended**AMENDMENT TO SECTION 1**

On page 1 of the engrossed bill, delete lines 10 through 30, and insert:

"18-1524. USING TANNING BEDS OR SIMILAR DEVICES OR MACHINES BY MINORS. (1) As used in this section:

(a) "Tanning device" means an ultraviolet tanning device.

(b) "Ultraviolet tanning device" means equipment that emits electromagnetic radiation with wavelengths in the air between two hundred (200) and four hundred (400) nanometers used for tanning of the skin including, but not limited to, a sunlamp, tanning booth or tanning bed.

(c) "Tanning device" and "ultraviolet tanning device" shall not include:

- (i) Devices for personal use in a private residence; or
- (ii) Devices used to apply chemicals to the skin to achieve a bronze color, commonly referred to as spray-on, mist-on or sunless tans.

(2) No person age fifteen (15) years or younger may use a tanning device or ultraviolet tanning device unless such use is authorized by prescription from a licensed medical provider to treat an underlying medical condition. Additionally, no person shall use a tanning device or ultraviolet tanning device on a person fifteen (15) years of age or younger unless medical consent via a prescription is provided.

(3) No person between sixteen (16) and eighteen (18) years of age may use a tanning device or ultraviolet tanning device unless such person's parent or legal guardian provides in-person consent or such person has authorization via prescription from a licensed medical provider to use a tanning device to treat an underlying medical condition. For purposes of this subsection, "consent" means that a parent or legal guardian of a person between sixteen (16) and eighteen (18) years of age appears in person at the time of such person's initial use of an ultraviolet tanning device and signs a written consent form in the presence of the owner or an employee of the tanning facility. The person's parent or legal guardian may withdraw consent at any time. Unless so withdrawn, consent shall be valid for twelve (12) months from the date the written consent form is signed and must be renewed annually in accordance with the provisions of this subsection. The written consent form required by this subsection shall state that the parent or legal guardian has read and understands the warnings given by the tanning facility, consents to the person's use of an ultraviolet tanning device and agrees that the person will use protective eyewear provided by the tanning facility. The written consent form described in this subsection shall be on paper with dimensions not less than eight and one-half (8.5) inches by eleven (11) inches and be clear, legible and include the following provisions:

(a) "DANGER – ULTRAVIOLET RADIATION FROM TANNING DEVICES IS KNOWN TO CAUSE CANCER IN HUMANS" in letters at least one-half (.5) of an inch high within five (5) inches of, and on the same page as, the parent or legal guardian's signature; and

(b) "Exposure to ultraviolet radiation may cause skin cancer, including potentially fatal melanoma, as well as serious eye and skin injury including, but not limited to, wrinkling, dryness, fragility and bruising of the skin."

(4) Any person under the age of eighteen (18) years authorized to use an ultraviolet tanning device pursuant to this section shall be limited to no more than three (3) uses of ultraviolet tanning devices per week and not more than one (1) use within a twenty-four (24) hour period, unless a parent or legal guardian of such person provides for stricter limits by setting such limits on the consent form required in subsection (3) of this section. The parent or legal guardian of a person under the age of eighteen (18) years may also limit the total number of uses of an ultraviolet tanning device for the next ensuing twelve (12) month period by setting such limits on the consent form.

(5) Proof of age shall be verified for any person under the age of eighteen (18) years by the owner or employee of a tanning facility. Proof of age shall be satisfied with government issued identification or a government issued document containing the date of birth of the individual including, but not limited to, a driver's license, passport or birth certificate.

(6) It shall be unlawful for a minor to provide false identification or make any false statement regarding his age in an attempt to use an ultraviolet tanning device.

(7) An owner or employee of a tanning facility shall not make verbal claims or advertise or distribute promotional materials that claim in any way that a tanning device is safe or free from risk.

(8) Any tanning facility with one (1) or more patrons under eighteen (18) years of age shall post a warning sign in a place readily visible to persons entering the establishment. The sign shall have dimensions not less than eight and one-half (8.5) inches by eleven (11) inches. Lettering must be clear and legible with the following provisions:

(a) "DANGER" in orange or red letters at least two (2) inches in height, followed by "ULTRAVIOLET RADIATION FROM TANNING DEVICES IS KNOWN TO CAUSE CANCER IN HUMANS" in letters at least sixty-six hundredths (.66) of an inch in height; and

(b) "Exposure to ultraviolet radiation may cause skin cancer, including potentially fatal melanoma, as well as serious eye and skin injury including, but not limited to, wrinkling, dryness, fragility and bruising of the skin." in letters at least one-quarter (.25) of an inch in height.

The sign required pursuant to this subsection shall also be posted within three (3) feet of each tanning device and in a location that is readily visible to a person about to use the device. The liability of a tanning facility owner or a manufacturer of an ultraviolet tanning device shall not be affected by posting the signs described in this subsection.

(9) A person who violates this section is guilty of a misdemeanor and shall be fined not more than one hundred dollars (\$100). If there is a subsequent violation of this section within one (1) year of the initial violation, such person shall be fined three hundred dollars (\$300). For all other subsequent violations, such person shall be fined not less than three hundred dollars (\$300) and not more than one thousand dollars (\$1,000). Provided however:

(a) An employee shall not be in violation of this section if such employee, prior to allowing a minor to use an ultraviolet tanning device, requested, examined and reasonably relied upon identification from a minor falsely stating such minor's age as at least eighteen (18) years of age;

(b) No violation shall occur if valid parental consent is obtained and maintained on file as described in subsection (3) of this section; and

(c) An owner of a tanning facility shall not be in violation of this section if such owner can show that an employee believed to be in violation was trained to understand the provisions of this section. Proof of training may be satisfied by a form to be kept on file by the owner, signed by the employee stating that the employee understands the age restrictions in this section. If no such training is in place, the owner shall be fined in accordance with this subsection.

(10) Nothing in this section shall be construed to prohibit local units of government from passing ordinances which are more stringent than the provisions of this section."

CORRECTION TO TITLE

On page 1, in line 4, following "ON MINORS" delete ", TO" and insert: "FIFTEEN YEARS OF AGE OR YOUNGER, TO PROHIBIT THE USE OF A TANNING DEVICE OR ULTRAVIOLET TANNING DEVICE ON MINORS BETWEEN THE AGES OF SIXTEEN AND EIGHTEEN, TO PROVIDE FOR EXCEPTIONS AND PARENTAL CONSENT, TO PROVIDE FOR LIMITS ON THE USE OF A TANNING DEVICE FOR A MINOR EXEMPT FROM THIS SECTION, TO PROVIDE FOR PROOF OF AGE VERIFICATION, TO PROHIBIT MINORS FROM PROVIDING FALSE INFORMATION, TO PROHIBIT AN OWNER OR EMPLOYEE

FROM CLAIMING OR ADVERTISING THAT A TANNING DEVICE IS FREE FROM RISK, TO PROVIDE FOR WARNING SIGNS, TO PROVIDE FOR PENALTIES AND TO PROVIDE SCOPE FOR LOCAL GOVERNMENTS."; and delete line 5.

HOUSE AMENDMENT TO H.B. NO. 639

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 13, following "Idaho" insert: "Nothing in this section shall affect contract provisions relating to arbitration so long as the contract does not require arbitration to be conducted outside the state of Idaho".

CORRECTION TO TITLE

On page 1, in line 3, following "CONTRACT" insert: ", TO PROVIDE APPLICATION TO ARBITRATION".

HOUSE AMENDMENT TO H.B. NO. 628

AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 7 through 22, and insert:

"SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature that this bill clarifies Section 40-2312, Idaho Code, to reflect the Legislature's intent that Section 40-2312, Idaho Code, applies to highways in existence in 1985 when the statute was recodified and applies to highways created thereafter. It is further the intent of the Legislature that highways in existence in 1985 and which were created by prescription or common law dedication or otherwise established by use are limited to the width of their historic use and are not required, pursuant to the statute, to be a minimum of fifty feet wide.

SECTION 2. That Section 40-2312, Idaho Code, be, and the same is hereby amended to read as follows:

40-2312. WIDTH OF HIGHWAYS. (1) All highways, except bridges and those located within cities, shall be not less than fifty (50) feet wide, ~~except those of a lesser width presently existing, and may be as wide as required for proper construction and maintenance in the discretion of the authority in charge of the construction and maintenance.~~

(2) The provisions of subsection (1) of this section shall not apply to highways of a lesser width. Highways may be as wide as required for historical construction and maintenance in the discretion of the authority in charge of the construction and maintenance and such space as has historically been used for installation and maintenance of utilities.

(3) Bridges located outside incorporated cities shall be the same width to and across the river, creek or stream as the highway leading to it."

CORRECTION TO TITLE

On page 1, delete lines 2 through 5, and insert: "RELATING TO WIDTH OF HIGHWAYS; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 40-2312, IDAHO CODE, TO REVISE PROVISIONS RELATING TO WIDTH OF CERTAIN HIGHWAYS AND TO PROVIDE FOR AN EXCEPTION."

HOUSE AMENDMENT TO S.B. NO. 1256

AMENDMENT TO SECTION 1

On page 3 of the printed bill, in line 23, delete "will" and insert: "may"; in line 24, delete "will" and insert: "may"; and delete lines 45 and 46 and insert: "other research and management activities approved by the commission".

On page 4, in line 2, following "permits," insert: "Moneys raised pursuant to this subsection may not be used to transplant additional bighorn sheep into that portion of southwest Idaho south of the Snake River and west of U.S. highway no. 93, nor for litigation or environmental impact statements involving bighorn sheep".

We have also had under consideration [H 477](#), [H 586](#), and [S 1302](#), report progress and beg leave to sit again.

Roberts, Chairman

Mr. Roberts moved that the report be adopted. Seconded by Mr. Rusche.

Whereupon the Speaker declared the report adopted.

[H 606](#), as amended, [H 578](#), as amended, [H 486](#), as amended, as amended, [H 639](#), as amended, and [H 628](#), as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

[S 1256](#), as amended in the House, was filed for first reading.

[H 477](#), [H 586](#), and [S 1302](#) were retained on General Orders.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

[H 559](#) - ECONOMIC ESTIMATES

[H 559](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Moyle and Mr. Nonini to open debate.

Pursuant to Rule 38(3), Mr. Reynoldson disclosed a conflict of interest regarding [H 559](#).

The question being, "Shall [H 559](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bilbao(Reynoldson), Black, Block(Block), Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Luker, Marriott, McGeachin, McMillan, Moyle, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Thayn, Thompson, Vander Woude, Wills, Wood(35), Mr. Speaker. Total – 48.

NAYS – Bell, Bolz, Buckner-Webb, Burgoyne, Chew, Cronin, Higgins, Jaquet, Killen, King, Lacey, Lake, Nessel, Pence, Ringo, Rusche, Smith(30), Smith(24), Stevenson, Trail, Wood(27). Total – 21.

Absent and excused – Loertscher. Total – 1.

Paired Votes:

AYE – Gibbs

NAY – Chew

AYE – Batt

NAY – Pence

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker declared that [H 559](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [SCR 133](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [SCR 133](#) be read the first time by title, second time by title, and third time at length, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Batt, Cronin, Gibbs, Loertscher. Total – 4.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [SCR 133](#) was read the first time by title, second time by title, and third time at length, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hagedorn to open debate.

At this time, Mrs. McGeachin took the Chair.

The question being, "Shall [SCR 133](#) be adopted?"

Whereupon the Speaker Pro Tem declared [SCR 133](#) adopted by voice vote and ordered the resolution returned to the Senate.

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

Third Reading of Bills and Joint Resolutions

[H 414](#) - STATE RAIL AND INTERMODAL FACILITY SYSTEM PLAN

[H 414](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Bedke to open debate.

Mr. Bedke asked unanimous consent that, pursuant to Rule 22, discussion of other pending legislation be allowed in debate of [H 414](#). There being no objection it was so ordered.

The question being, "Shall [H 414](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thompson, Trail, Vander Woude, Wills, Wood(27). Total – 56.

NAYS – Barbieri, Barrett, Hart, Harwood, Luker, Nonini, Schaefer, Simpson, Thayne, Wood(35). Total – 10.

Absent and excused – Batt, Gibbs, Loertscher, Mr. Speaker. Total – 4.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 414](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[HCR 49](#) - MILDRED RINKER BAILEY

[HCR 49](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Nonini and Mr. Anderson to open debate.

The question being, "Shall [HCR 49](#) be adopted?"

Whereupon the Speaker Pro Tem declared [HCR 49](#) adopted by voice vote and ordered the resolution transmitted to the Senate.

Mr. Moyle asked unanimous consent that the House recess until 1:15 p.m.

Without objection, the Speaker Pro Tem declared the House at recess until 1:15 p.m.

RECESS

Afternoon Session

The House reconvened at 1:15 p.m., the Speaker in the Chair.

Prior to recess, the House was at the Eleventh Order of Business.

There being no objection, the House returned to the Eighth Order of Business.

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

HOUSE BILL NO. 689

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO PUBLIC ASSISTANCE LAW; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-205, IDAHO CODE, TO REQUIRE THAT THE STATE DEPARTMENT OF HEALTH AND WELFARE OR ITS AUTHORIZED AGENT ISSUE CERTAIN BENEFITS OVER THE COURSE OF MULTIPLE CONSECUTIVE DAYS IN A MONTH AT THE DISCRETION OF THE DIRECTOR.

HOUSE BILL NO. 690

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO TRANSPORTATION AND ECONOMIC DEVELOPMENT ZONES; AMENDING CHAPTER 36, TITLE

63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3642, IDAHO CODE, TO PROVIDE DEFINITIONS; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3643, IDAHO CODE, TO AUTHORIZE THE IDAHO TRANSPORTATION DEPARTMENT AND THE IDAHO DEPARTMENT OF COMMERCE TO ENTER INTO AGREEMENTS FOR THE CREATION OF TRANSPORTATION AND ECONOMIC DEVELOPMENT ZONES, TO PROVIDE FOR CERTAIN CRITERIA, TO ESTABLISH PROVISIONS RELATING TO THE CONSIDERATION OF CERTAIN FACTORS, TO ESTABLISH PROVISIONS RELATING TO PROJECT COST, TO ESTABLISH PROVISIONS RELATING TO A CONSTRUCTION AND FUNDING SCHEDULE AND SUBMITTING SUCH SCHEDULE TO A BOND ISSUER, TO ESTABLISH PROVISIONS RELATING TO FINANCING, TO ESTABLISH PROVISIONS RELATING TO THE SELECTION OF AN ECONOMIST, TO ESTABLISH PROVISIONS RELATING TO THE WORK TO BE PERFORMED BY SUCH ECONOMIST, TO ESTABLISH PROVISIONS RELATING TO CERTAIN FINDINGS, TO ESTABLISH PROVISIONS RELATING TO A FILING WITH THE STATE TAX COMMISSION, TO ESTABLISH PROVISIONS RELATING TO CERTAIN ACCOUNTS, TO PROVIDE FOR DEPOSIT OF CERTAIN MONEYS, TO ESTABLISH PROVISIONS RELATING TO THE PAYMENT OF CERTAIN AMOUNTS, TO ESTABLISH PROVISIONS RELATING TO CONTINUOUSLY APPROPRIATED AMOUNTS, TO ESTABLISH PROVISIONS RELATING TO CERTAIN BONDS OR NOTES TO FUND AN APPROVED PROJECT, TO PROVIDE THAT A PROJECT SHALL BE CONSTRUCTED EXPEDITIOUSLY AND TO PROVIDE THAT CERTAIN MONEYS SHALL REVERT TO THE GENERAL FUND.

HOUSE BILL NO. 691
BY WAYS AND MEANS COMMITTEE
AN ACT

RELATING TO SPECIAL USE PERMITS, CONDITIONS AND PROCEDURES; AMENDING SECTION 67-6512, IDAHO CODE, TO REVISE PROVISIONS RELATING TO NOTICE; AMENDING SECTION 67-6512, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO EXCEPTIONS OR WAIVERS OF CERTAIN STANDARDS; DECLARING AN EMERGENCY, PROVIDING APPLICATION AND PROVIDING AN EFFECTIVE DATE.

H 689, **H 690**, and **H 691** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

Third Reading of Bills and Joint Resolutions

At this time, Mr. Patrick took the Chair.

HJM 13 - BEYOND THE BORDER ACTION PLAN

HJM 13 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Eskridge to open debate.

The question being, "Shall **HJM 13** be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Bedke, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, Moyle, Nessel, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 56.

NAYS – Barbieri, Barrett, Bayer, Hart, Harwood, McMillan, Nielsen, Shepherd, Thayne, Wood(35). Total – 10.

Absent and excused – Batt, Boyle, Gibbs, Nonini. Total – 4.
Total – 70.

Whereupon the Speaker Pro Tem declared **HJM 13** adopted and ordered the memorial transmitted to the Senate.

S 1368 - APPROPRIATION - LIEUTENANT GOVERNOR

S 1368 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Thompson to open debate.

The question being, "Shall **S 1368** pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Bayer, Bedke, Bell, Bilbao(Reynoldson), Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 63.

NAYS – None.

Absent and excused – Batt, Black, Boyle, Gibbs, Nonini, Palmer, Mr. Speaker. Total – 7.

Total – 70.

Whereupon the Speaker Pro Tem declared that **S 1368** passed the House. Title was approved and the bill ordered returned to the Senate.

S 1375 - APPROPRIATION - COMMISSION ON AGING

S 1375 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Ringo to open debate.

The question being, "Shall **S 1375** pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bateman, Bayer, Bell, Bilbao(Reynoldson), Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, Ellsworth, Eskridge, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd,

Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 60.

NAYS – Barbieri, DeMordaunt, McMillan. Total – 3.

Absent and excused – Batt, Bedke, Black, Boyle, Gibbs, Harwood, Nonini. Total – 7.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1375](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle asked unanimous consent that [S 1360](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

[S 1376](#) - APPROPRIATION - STATE INDEPENDENT LIVING COUNCIL

[S 1376](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Wood(27) to open debate.

The question being, "Shall [S 1376](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Bayer, Bedke, Bell, Bilbao(Reynoldson), Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 60.

NAYS – Hart, Harwood, McMillan, Schaefer, Sims. Total – 5.

Absent and excused – Batt, Black, Boyle, Gibbs, Nonini. Total – 5.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1376](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1377](#) - APPROPRIATION - DIVISION OF VOCATIONAL REHABILITATION

[S 1377](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Ringo to open debate.

The question being, "Shall [S 1377](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bateman, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence,

Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – Barbieri. Total – 1.

Absent and excused – Batt, Boyle, Gibbs, Nonini. Total – 4.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1377](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1381](#) - APPROPRIATION - EDUCATIONAL PUBLIC BROADCASTING

[S 1381](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Ringo to open debate.

The question being, "Shall [S 1381](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, Moyle, Nessel, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 56.

NAYS – Barbieri, Barrett, Hart, Harwood, Loertscher, McMillan, Nielsen, Shepherd, Thayn. Total – 9.

Absent and excused – Batt, Boyle, Gibbs, Nonini, Schaefer. Total – 5.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1381](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1382](#) - APPROPRIATION - OFFICE OF SPECIES CONSERVATION

[S 1382](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Vander Woude to open debate.

The question being, "Shall [S 1382](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bateman, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, McGeachin, Moyle, Nessel, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 59.

NAYS – Barbieri, Marriott, McMillan, Nielsen, Shepherd, Sims. Total – 6.

Absent and excused – Batt, Boyle, Gibbs, Loertscher, Nonini.
Total – 5.
Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1382](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1346](#) - LIVESTOCK PROCEEDS

[S 1346](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Bolz to open debate.

The question being, "Shall [S 1346](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Batt, Boyle, Gibbs, Loertscher, Nonini.
Total – 5.
Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1346](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1384](#) - APPROPRIATION - LABOR DEPARTMENT

[S 1384](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Bolz to open debate.

The question being, "Shall [S 1384](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Bateman, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 61.

NAYS – Barrett, Hart, Harwood, Wood(35). Total – 4.

Absent and excused – Batt, Boyle, Gibbs, Jaquet, Nonini.
Total – 5.
Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1384](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1314](#) - INSTITUTIONAL FUNDS - PRUDENT MANAGEMENT

[S 1314](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. DeMordaunt to open debate.

The question being, "Shall [S 1314](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – Harwood. Total – 1.

Absent and excused – Boyle, Gibbs, Nonini. Total – 3.
Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1314](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1291](#) - RANGELANDS

[S 1291](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Ms. Pence to open debate.

The question being, "Shall [S 1291](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bedke, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shepherd, Shirley, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 56.

NAYS – Barbieri, Barrett, Bayer, Crane, Hart, Harwood, McGeachin, Nonini, Schaefer, Simpson, Sims, Vander Woude. Total – 12.

Absent and excused – Boyle, Gibbs. Total – 2.
Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1291](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle asked unanimous consent that the House recess until 4 p.m.

Without objection, the Speaker Pro Tem declared the House at recess until 4 p.m.

RECESS
Afternoon Session

The House reconvened at 4 p.m., the Speaker in the Chair.

Prior to recess, the House was at the Eleventh Order of Business.

S 1298 - CODIFIER CORRECTIONS

S 1298 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Luker to open debate.

The question being, "Shall S 1298 pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, King, Lacey, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Anderson, Jaquet, Lake, McGeachin, Nonini. Total – 5.

Total – 70.

Whereupon the Speaker declared that S 1298 passed the House. Title was approved and the bill ordered returned to the Senate.

S 1299 - MILITARY EDUCATION

S 1299 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wills to open debate.

The question being, "Shall S 1299 pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Anderson, Jaquet, McGeachin, Nonini. Total – 4.

Total – 70.

Whereupon the Speaker declared that S 1299 passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle asked unanimous consent that S 1274, as amended in the House, retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

S 1243, as amended in the House, as amended in the House - SPECIAL LICENSE PLATES

S 1243, as amended in the House, as amended in the House, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ellsworth to open debate.

The question being, "Shall S 1243, as amended in the House, as amended in the House, pass?"

Roll call resulted as follows:

AYES – Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Killen, King, Lacey, Lake, Loertscher, Moyle, Nessel, Palmer, Pence, Raybould, Ringo, Roberts, Rusche, Shirley, Sims, Smith(30), Stevenson, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 51.

NAYS – Barbieri, Barrett, Hart, Harwood, Luker, Marriott, McGeachin, McMillan, Nielsen, Patrick, Perry, Schaefer, Shepherd, Simpson, Smith(24), Thayne. Total – 16.

Absent and excused – Anderson, Jaquet, Nonini. Total – 3.

Total – 70.

Whereupon the Speaker declared that S 1243, as amended in the House, as amended in the House, passed the House. Title was approved and the bill ordered returned to the Senate.

S 1289 - IRRIGATION DISTRICTS

S 1289 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bedke to open debate.

The question being, "Shall S 1289 pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Anderson, Jaquet, Nonini. Total – 3.

Total – 70.

Whereupon the Speaker declared that S 1289 passed the House. Title was approved and the bill ordered returned to the Senate.

S 1290 - DRAINAGE DISTRICTS

S 1290 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hagedorn to open debate.

The question being, "Shall **S 1290** pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Anderson, Jaquet, Nonini. Total – 3.

Total – 70.

Whereupon the Speaker declared that **S 1290** passed the House. Title was approved and the bill ordered returned to the Senate.

S 1307 - SECURED TRANSACTIONS

S 1307 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Barbieri to open debate.

The question being, "Shall **S 1307** pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – Harwood. Total – 1.

Absent and excused – Anderson, Black, Jaquet, Nonini. Total – 4.

Total – 70.

Whereupon the Speaker declared that **S 1307** passed the House. Title was approved and the bill ordered returned to the Senate.

S 1332 - ATTORNEY'S FEES

S 1332 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Burgoyne to open debate.

The question being, "Shall **S 1332** pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Anderson, Black, Jaquet, Nonini. Total – 4.

Total – 70.

Whereupon the Speaker declared that **S 1332** passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle asked unanimous consent that **S 1338** retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

S 1340 - COURT ORDERED TESTING

S 1340 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Burgoyne to open debate.

The question being, "Shall **S 1340** pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – Sims. Total – 1.

Absent and excused – Anderson, Black, Jaquet, Nonini. Total – 4.

Total – 70.

Whereupon the Speaker declared that **S 1340** passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle asked unanimous consent that **S 1341** retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

There being no objection, the House returned to the Fifth Order of Business.

Report of Standing Committees

March 19, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed House

amendments to [H 606](#), [H 578](#), [H 486](#), as amended, [H 639](#), [H 628](#), and [S 1256](#).

WILLS, Chairman

March 19, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [H 606](#), as amended, [H 578](#), as amended, [H 486](#), as amended, as amended, [H 639](#), as amended, and [H 628](#), as amended.

WILLS, Chairman

[H 606](#), as amended, [H 578](#), as amended, [H 486](#), as amended, as amended, [H 639](#), as amended, and [H 628](#), as amended, were filed for first reading of engrossed bills.

March 19, 2012

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [HJR 2](#) and report it back with amendments attached to be placed on General Orders for consideration.

STEVENSON, Chairman

[HJR 2](#) was placed on General Orders for consideration.

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

First Reading of Engrossed Bills

[H 606](#), as amended, by Revenue and Taxation Committee, was introduced, read the first time by title, and filed for second reading.

[H 578](#), as amended, by State Affairs Committee, was introduced, read the first time by title, and filed for second reading.

[H 486](#), as amended, as amended, by Health and Welfare Committee, was introduced, read the first time by title, and filed for second reading.

[H 639](#), as amended, and [H 628](#), as amended, by Ways and Means Committee, were introduced, read the first time by title, and filed for second reading.

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

Third Reading of Bills and Joint Resolutions

[S 1260](#) - NURSES

[S 1260](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

The question being, "Shall [S 1260](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson,

Thayn, Thompson, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Anderson, Black, Boyle, Jaquet, Nonini, Wills. Total – 6.

Total – 70.

Whereupon the Speaker declared that [S 1260](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1261](#) - NURSES

[S 1261](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Roberts to open debate.

At this time, Mr. Shirley took the Chair.

The question being, "Shall [S 1261](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Anderson, Black, Jaquet, Nonini, Wills. Total – 5.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1261](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1262](#) - NURSING

[S 1262](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Thayn to open debate.

The question being, "Shall [S 1262](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Anderson, Black, Cronin, Jaquet, Nonini, Wills. Total – 6.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1262](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1273](#) - NURSES

[S 1273](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Ms. Chew to open debate.

The question being, "Shall [S 1273](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao(Reynoldson), Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Bedke, Black, Harwood, Jaquet, McGeachin, Nonini, Palmer, Wills. Total – 8.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1273](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle asked unanimous consent that [S 1231](#), as amended, retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

Mr. Moyle asked unanimous consent that [S 1313](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

[S 1319](#) - MOTOR VEHICLES - PROOF OF INSURANCE

[S 1319](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Ellsworth to open debate.

The question being, "Shall [S 1319](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – Schaefer. Total – 1.

Absent and excused – Black, Jaquet, Nonini, Shepherd, Wills. Total – 5.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1319](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle asked unanimous consent that [S 1327](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

Mr. Moyle asked unanimous consent that [S 1328](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

[S 1323](#), as amended - LIBRARY DISTRICT TRUSTEES

[S 1323](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. DeMordaunt to open debate.

The question being, "Shall [S 1323](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Killen, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – Harwood. Total – 1.

Absent and excused – Black, Jaquet, Lake, Nonini, Roberts, Wills. Total – 6.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1323](#), as amended, passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle asked unanimous consent that [S 1329](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

[S 1335](#) - IDAHO ENERGY RESOURCES AUTHORITY

[S 1335](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Eskridge to open debate.

The question being, "Shall [S 1335](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Black, Lake, Nonini, Roberts, Wills.
Total – 5.
Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1335](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle asked unanimous consent that [S 1356](#), as amended, retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

[S 1269](#), as amended in the House - EDUCATION - PUBLIC CHARTER SCHOOLS

[S 1269](#), as amended in the House, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. DeMordaunt to open debate.

Pursuant to Rule 38(3), Mr. DeMordaunt disclosed a conflict of interest regarding [S 1269](#), as amended in the House.

The question being, "Shall [S 1269](#), as amended in the House, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao(Reynoldson), Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 59.

NAYS – Chew, Cronin, Killen, King, Lacey, Ringo, Rusche, Smith(30). Total – 8.

Absent and excused – Black, Nonini, Wills. Total – 3.
Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1269](#), as amended in the House, passed the House. Title was approved and the bill ordered returned to the Senate.

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

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

Adjournment

Mr. Moyle moved that the House adjourn until 9:30 a.m., Tuesday, March 20, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 5:30 p.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SEVENTY-SECOND LEGISLATIVE DAY
TUESDAY, MARCH 20, 2012

House of Representatives

The House convened at 9:30 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Tom Dougherty.

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

Approval of Journal

March 20, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Seventy-first Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

March 19, 2012

Mr. Speaker:

I transmit herewith enrolled [S 1350](#), [S 1351](#), [S 1352](#), [S 1353](#), [S 1354](#), [S 1359](#), [S 1361](#), and [S 1367](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1350](#), [S 1351](#), [S 1352](#), [S 1353](#), [S 1354](#), [S 1359](#), [S 1361](#), and [S 1367](#) and, when so signed, ordered them returned to the Senate.

March 19, 2012

Mr. Speaker:

I return herewith enrolled [H 464](#) which has been signed by the President.

NOVAK, Secretary

Enrolled [H 464](#) was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 19, 2012

Mr. Speaker:

I transmit herewith [S 1387](#) and [S 1348](#), as amended, which have passed the Senate.

NOVAK, Secretary

[S 1387](#) and [S 1348](#), as amended, were filed for first reading.

March 19, 2012

Mr. Speaker:

I return herewith [H 421](#), [H 422](#), [H 523](#), as amended, [H 503](#), [H 558](#), [H 490](#), [H 636](#), [H 638](#), [H 637](#), [H 641](#), [H 642](#), [H 643](#), [H 644](#), [H 448](#), and [H 532](#) which have passed the Senate.

NOVAK, Secretary

[H 421](#), [H 422](#), [H 523](#), as amended, [H 503](#), [H 558](#), [H 490](#), [H 636](#), [H 638](#), [H 637](#), [H 641](#), [H 642](#), [H 643](#), [H 644](#), [H 448](#), and [H 532](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

March 19, 2012

Mr. Speaker:

I return herewith [H 426](#), as amended in the Senate, which has passed the Senate.

NOVAK, Secretary

[H 426](#), as amended in the Senate, was ordered held at the Desk.

Report of Standing Committees

March 20, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HJM 14](#), [H 682](#), [H 683](#), [H 684](#), [H 685](#), [H 686](#), [H 687](#), [H 688](#), [H 689](#), [H 690](#), and [H 691](#).

WILLS, Chairman

[HJM 14](#), [H 682](#), [H 683](#), [H 684](#), [H 685](#), [H 686](#), and [H 687](#) were filed for second reading.

[H 688](#) was referred to the State Affairs Committee.

[H 689](#) was referred to the Commerce and Human Resources Committee.

[H 690](#) was referred to the Ways and Means Committee.

[H 691](#) was referred to the Local Government Committee.

March 20, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 622](#), [H 579](#), [H 541](#), and [H 420](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 622](#), [H 579](#), [H 541](#), and [H 420](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 19, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [S 1270](#) and [S 1330](#) and recommend that they do pass.

LOERTSCHER, Chairman

[S 1270](#) and [S 1330](#) were filed for second reading.

March 19, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [H 660](#) and recommend that it do pass.

WILLS, Chairman

[H 660](#) was filed for second reading.

March 19, 2012

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration [S 1295](#), as amended, and recommend that it do pass.

BLOCK, Chairman

[S 1295](#), as amended, was filed for second reading.

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

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

HOUSE BILL NO. 692 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO DAYLIGHT SAVING TIME; AMENDING CHAPTER 1, TITLE 73, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 73-123, IDAHO CODE, TO PROVIDE THAT THE STATE OF IDAHO SHALL BE EXEMPT FROM THE DAYLIGHT SAVING TIME PROVISIONS OF FEDERAL LAW; AND PROVIDING AN EFFECTIVE DATE.

[H 692](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1256](#), as amended in the House, by Resources and Environment Committee, was introduced, read the first time by title, and filed for second reading.

[S 1387](#) and [S 1348](#), as amended, by State Affairs Committee, were introduced, read the first time by title, and referred to the State Affairs Committee.

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

Second Reading of Bills and Joint Resolutions

[H 674](#), [H 675](#), [H 676](#), [H 677](#), [H 678](#), [H 679](#), [H 680](#), and [H 681](#), by Appropriations Committee, were read the second time by title and filed for third reading.

[S 1279](#), by Health and Welfare Committee, was read the second time by title and filed for third reading.

[S 1370](#), by Judiciary and Rules Committee, was read the second time by title and filed for third reading.

[S 1388](#), [S 1389](#), [S 1391](#), and [S 1392](#), by Finance Committee, were read the second time by title and filed for third reading.

[H 497](#), as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the second time by title and filed for third reading.

[H 457](#), as amended in the Senate, by Resources and Conservation Committee, was read the second time by title and filed for third reading.

[H 511](#), as amended, as amended in the Senate, by Transportation and Defense Committee, was read the second time by title and filed for third reading.

[H 606](#), as amended, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

[H 578](#), as amended, by State Affairs Committee, was read the second time by title and filed for third reading.

[H 486](#), as amended, as amended, by Health and Welfare Committee, was read the second time by title and filed for third reading.

[H 639](#), as amended, and [H 628](#), as amended, by Ways and Means Committee, were read the second time by title and filed for third reading.

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

Consideration of General Orders

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mr. Rusche. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Bedke in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

March 20, 2012

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration [HJR 1](#) and [HJR 2](#) and report them back without recommendation, amended as follows:

HOUSE AMENDMENT TO H.J.R. NO. 1

AMENDMENT TO SECTION 1

On page 1 of the printed resolution, delete lines 24 through 27, and insert:

"(2) (a) Except as provided in subsection (2)(b) of this section, no bill or resolution described in this section shall become a law without the concurrence of a majority two-thirds of the members present of each house if such bill or resolution:

- (i) Creates a new tax or fee; or
- (ii) Increases an existing tax or fee; or
- (iii) Reduces or eliminates a deduction, exemption, credit or other device used to compute tax or fee liability.

(b) Two-thirds concurrence shall not be required if a bill or resolution containing any combination of subsections (2)(a)(i), (2)(a)(ii) and (2)(a)(iii) of this section would not result in increased revenue."

AMENDMENT TO SECTION 2

On page 1, delete lines 31 through 33, and insert: "Idaho be amended to provide that no bill or resolution shall become law without the concurrence of two-thirds of the members of each house of the legislature if the bill or resolution creates a new tax or fee, or increases an existing tax or fee or reduces or eliminates a deduction, exemption, credit or other device used to compute tax or fee liability and to provide that such two-thirds concurrence shall not be required if a bill or resolution would not result in increased revenue?""

CORRECTION TO TITLE

On page 1, delete lines 4 through 6, and insert: "NO BILL OR RESOLUTION SHALL BECOME LAW WITHOUT THE CONCURRENCE OF TWO-THIRDS OF THE MEMBERS OF EACH HOUSE OF THE LEGISLATURE IF THE BILL OR RESOLUTION CREATES A NEW TAX OR FEE, OR INCREASES AN EXISTING TAX OR FEE OR REDUCES OR ELIMINATES A DEDUCTION, EXEMPTION, CREDIT

OR OTHER DEVICE USED TO COMPUTE TAX OR FEE LIABILITY AND TO PROVIDE THAT SUCH TWO-THIRDS CONCURRENCE SHALL NOT BE REQUIRED IF A BILL OR RESOLUTION WOULD NOT RESULT IN INCREASED REVENUE; STATING THE QUESTION TO".

HOUSE AMENDMENT TO H.J.R. NO. 2

AMENDMENT TO SECTION 1

On page 1 of the printed resolution, in line 29, delete "and controlling"; in line 33, delete "and"; also in line 33, following "private rights" insert: ", and shall not prevent the suspension or revocation, pursuant to statute enacted by the Legislature, of an individual's hunting, fishing or trapping license".

AMENDMENT TO SECTION 2

On page 2, in line 1, delete "and con-"; in line 2, delete "trolling"; in line 5, delete "and"; also in line 5, following "private rights" insert: ", and shall not prevent the suspension or revocation, pursuant to statute enacted by the Legislature, of an individual's hunting, fishing or trapping license".

CORRECTION TO TITLE

On page 1, in line 9, delete "AND CONTROLLING"; in line 13, delete "AND"; also in line 13, following "PRIVATE RIGHTS" insert: ", AND SHALL NOT PREVENT THE SUSPENSION OR REVOCATION, PURSUANT TO STATUTE ENACTED BY THE LEGISLATURE, OF AN INDIVIDUAL'S HUNTING, FISHING OR TRAPPING LICENSE".

We have also had under consideration [H 477](#), [H 586](#), and [S 1302](#), report progress and beg leave to sit again.

BEDKE, Chairman

Mr. Bedke moved that the report be adopted. Seconded by Mr. Rusche.

Whereupon the Speaker declared the report adopted.

[HJR 1](#), as amended, and [HJR 2](#), as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

[H 477](#), [H 586](#), and [S 1302](#) were retained on General Orders.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that [S 1274](#), as amended in the House, be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

[S 1274](#), as amended in the House, - TEXTING AND DRIVING

[S 1274](#), as amended in the House, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ellsworth and Mr. Wills to open debate.

At this time, Mr. Nonini took the Chair.

The question being, "Shall [S 1274](#), as amended in the House, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bateman, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, McGeachin, Moyle, Nessel, Nielsen, Palmer, Pence, Raybould, Ringo, Roberts, Rusche, Shirley, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 53.

NAYS – Barbieri, Batt, Bayer, Boyle, Crane, Hart, Harwood, Marriott, McMillan, Nonini, Patrick, Perry, Schaefer, Shepherd, Simpson, Sims, Wood(35). Total – 17.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1274](#), as amended in the House, passed the House. Title was approved and the bill ordered returned to the Senate.

[H 668](#) - APPROPRIATION - LAVA HOT SPRINGS

[H 668](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Eskridge to open debate.

The question being, "Shall [H 668](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – Burgoyne. Total – 1.

Absent and excused – Ellsworth, Wills. Total – 2.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 668](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 669](#) - APPROPRIATION - SOIL AND WATER CONSERVATION COMMISSION

[H 669](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Hagedorn to open debate.

The question being, "Shall [H 669](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer,

Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Roberts. Total – 1.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 669](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 663](#) - EDUCATION

[H 663](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. DeMordaunt to open debate.

Pursuant to Rule 38(3), Mr. DeMordaunt disclosed a conflict of interest regarding [H 663](#).

Pursuant to Rule 38(3), Mr. Thayn disclosed a conflict of interest regarding [H 663](#).

Mr. DeMordaunt asked unanimous consent that [H 663](#) be returned to the Education Committee. There being no objection, it was so ordered.

Mr. Moyle asked unanimous consent that the House recess until 2:30 p.m.

Without objection, the Speaker Pro Tem declared the House at recess until 2:30 p.m.

RECESS Afternoon Session

The House reconvened at 2:30 p.m., the Speaker in the Chair.

Prior to recess, the House was at the Eleventh Order of Business.

There being no objection, the House returned to the Fifth Order of Business.

Report of Standing Committees

March 20, 2012

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration [H 691](#) and recommend that it do pass.

BARRETT, Chairman

[H 691](#) was filed for second reading.

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

Third Reading of Bills and Joint Resolutions

Mr. Wood(27) asked unanimous consent that [H 683](#) be returned to the Appropriations Committee. There being no objection, it was so ordered.

[H 450](#), as amended in the Senate, - ALCOHOLIC BEVERAGES

[H 450](#), as amended in the Senate, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Perry to open debate.

Mr. Vander Woude asked unanimous consent that, pursuant to Rule 38(3), he be excused from voting on [H 450](#), as amended in the Senate, due to a conflict of interest. There being no objection, it was so ordered.

Pursuant to Rule 38(3), Mrs. Batt disclosed a conflict of interest regarding [H 450](#), as amended in the Senate.

The question being, "Shall [H 450](#), as amended in the Senate, pass?"

Roll call resulted as follows:

AYES – Anderson, Barrett, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Collins, Cronin, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Harwood, Henderson, Jaquet, Killen, King, Lacey, Luker, McGeachin, McMillan, Nessel, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Shirley, Smith(30), Smith(24), Stevenson, Thayn, Trail, Wills, Wood(27), Mr. Speaker. Total – 44.

NAYS – Andrus, Barbieri, Bateman, Boyle, Crane, DeMordaunt, Hart, Hartgen, Lake, Loertscher, Marriott, Moyle, Nielsen, Nonini, Palmer, Schaefer, Shepherd, Simpson, Sims, Thompson, Wood(35). Total – 21.

Absent and excused – Black, Chew, Higgins, Roberts. Total – 4.

Excused from voting – Vander Woude. Total – 1.

Total – 70.

Whereupon the Speaker declared [H 450](#), as amended in the Senate, passed the House. Title was approved and the bill referred to the Judiciary, Rules, and Administration Committee for enrolling.

[S 1360](#) - APPROPRIATIONS - ENDOWMENT FUND INVESTMENT BOARD

[S 1360](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Patrick to open debate.

The question being, "Shall [S 1360](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 65.

NAYS – Schaefer, Simpson, Wood(35). Total – 3.

Absent and excused – Higgins, Roberts. Total – 2.

Total – 70.

Whereupon the Speaker declared that [S 1360](#) passed the House. Title was approved and the bill ordered returned to the Senate.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 674](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 674](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Higgins, Roberts. Total – 2.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 674](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall [H 674](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Jaquet, Killen, King, Lacey, Loertscher, Luker, McGeachin, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 61.

NAYS – Harwood, Lake, Marriott, McMillan, Nielsen, Schaefer, Wood(35). Total – 7.

Absent and excused – Higgins, Roberts. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 674](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 675](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 675](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Higgins, Roberts. Total – 2.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 675](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ringo to open debate.

The question being, "Shall [H 675](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 64.

NAYS – Hartgen, Harwood, Schaefer, Wood(35). Total – 4.

Absent and excused – Higgins, Roberts. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 675](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 676](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 676](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd,

Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Higgins, Roberts. Total – 2.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 676](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall [H 676](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 64.

NAYS – Barbieri, Harwood, Nielsen. Total – 3.

Absent and excused – Higgins, Roberts, Wood(35). Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 676](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 677](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 677](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Higgins, Roberts. Total – 2.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 677](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall [H 677](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Higgins, Roberts, Wood(35). Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 677](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 678](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 678](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Higgins, Roberts. Total – 2.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 678](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall [H 678](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin,

McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – Ringo. Total – 1.

Absent and excused – Higgins. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 678](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 679](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 679](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Higgins, Roberts. Total – 2.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 679](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thompson to open debate.

The question being, "Shall [H 679](#) pass?"

Roll call resulted as follows:

AYES – Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 65.

NAYS – Wood(35). Total – 1.

Absent and excused – Anderson, Andrus, Hagedorn, Higgins. Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 679](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 680](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 680](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Higgins, Roberts. Total – 2.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 680](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall [H 680](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – Gibbs, Loertscher. Total – 2.

Absent and excused – Andrus, Higgins, Lake, Pence. Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 680](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 457](#), as amended in the Senate, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a

case of urgency; and that [H 457](#), as amended in the Senate, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Higgins, Roberts. Total – 2.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 457](#), as amended in the Senate, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood(35) to open debate.

The question being, "Shall [H 457](#), as amended in the Senate, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Jaquet, Killen, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – King. Total – 1.

Absent and excused – Henderson, Higgins, Lake, Pence. Total – 4.

Total – 70.

Whereupon the Speaker declared [H 457](#), as amended in the Senate, passed the House. Title was approved and the bill referred to the Judiciary, Rules, and Administration Committee for enrolling.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 681](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 681](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Higgins, Roberts. Total – 2.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 681](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Patrick to open debate.

Mrs. Batt asked unanimous consent that, pursuant to Rule 38(3), she be excused from voting on [H 681](#) due to a conflict of interest. There being no objection, it was so ordered.

The question being, "Shall [H 681](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – Schaefer. Total – 1.

Absent and excused – Henderson, Higgins, Lake, Pence. Total – 4.

Excused from voting – Batt. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 681](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 511](#), as amended, as amended in the Senate, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 511](#), as amended, as amended in the Senate, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane,

Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Higgins, Roberts. Total – 2.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 511](#), as amended, as amended in the Senate, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Batt to open debate.

The question being, "Shall [H 511](#), as amended, as amended in the Senate, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – Cronin. Total – 1.

Absent and excused – Henderson, Higgins, Lake, Roberts. Total – 4.

Total – 70.

Whereupon the Speaker declared [H 511](#), as amended, as amended in the Senate, passed the House. Title was approved and the bill referred to the Judiciary, Rules, and Administration Committee for enrolling.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 606](#), as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 606](#), as amended, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson,

Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Higgins, Roberts. Total – 2.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 606](#), as amended, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Lacey and Ms. Pence to open debate.

The question being, "Shall [H 606](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Jaquet, Killen, King, Lacey, Loertscher, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – Barbieri, Barrett, Harwood, Luker, Marriott, Sims. Total – 6.

Absent and excused – Higgins, Lake. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 606](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 578](#), as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 578](#), as amended, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Higgins, Roberts. Total – 2.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 578](#), as amended, was

The question being, "Shall [H 639](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Higgins, Lake. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 639](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 628](#), as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 628](#), as amended, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Higgins, Roberts. Total – 2.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 628](#), as amended, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bedke to open debate.

Pursuant to Rule 38(3), Mr. Bedke disclosed a conflict of interest regarding [H 628](#), as amended.

Pursuant to Rule 38(3), Mr. Loertscher disclosed a conflict of interest regarding [H 628](#), as amended.

Pursuant to Rule 38(3), Mr. Palmer disclosed a conflict of interest regarding [H 628](#), as amended.

The question being, "Shall [H 628](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block), Bolz, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wood(27), Mr. Speaker. Total – 53.

NAYS – Buckner-Webb, Burgoyne, Chew, Cronin, Harwood, Jaquet, Killen, King, Nessel, Ringo, Rusche, Schaefer, Smith(24), Wood(35). Total – 14.

Absent and excused – Black, Higgins, Wills. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 628](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

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

Third Reading of Bills and Joint Resolutions

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

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

Adjournment

Mr. Moyle moved that the House adjourn until 9:30 a.m., Wednesday, March 21, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 5:44 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SEVENTY-THIRD LEGISLATIVE DAY
WEDNESDAY, MARCH 21, 2012

House of Representatives

The House convened at 9:30 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Aubrianne Christensen, Page.

Approval of Journal

March 21, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Seventy-second Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

March 20, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

[H 379](#) and [H 526](#)

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

OFFICE OF THE GOVERNOR
Boise

March 20, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

[H 460](#), [H 462](#), and [H 463](#)

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

OFFICE OF THE GOVERNOR
Boise

March 20, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

[H 600](#), [H 601](#), and [H 602](#)

within the time prescribed by law, the same having arrived in the Office of the Governor at the hour of 11:19 a.m. on March 14, 2012.

I support these appropriations, but I also want to ensure that our valued State employees, members of the Legislature and our constituents take away a clear message from their enactment:

I remain committed to improving the financial compensation of our most deserving State employees. I asked for a targeted, one-time, merit-based 3-percent change in employee compensation (CEC) premised on giving agency directors and administrators as much flexibility as possible in managing their operations while encouraging retention and rewarding employees for exemplary work. That was my expressed priority. The Legislature opted instead for an ongoing 2-percent, across-the-board increase for all State employees, meeting none of the purpose-driven criteria in my Executive Budget recommendation and instead imposing an ongoing budget obligation.

There is an apparent contradiction in the Legislature imposing an ongoing CEC obligation while basing its appropriations on a FY 2013 revenue estimate lower than that used in developing my Executive Budget recommendation. However, the CEC decision should in no way and under no circumstances inhibit the Legislature's approval of my other budget priorities – providing tax relief and rebuilding our reserve accounts

My signature on these appropriations bills should not be mistaken for willingness on my part, or any acceptance by me of legislative necessity, to shortchange or sidetrack my other stated budget priorities. I look forward to your continued constructive

and positive consideration of those issues in the waning days of this session.

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

March 20, 2012

Mr. Speaker:

I transmit herewith enrolled [S 1260](#), [S 1261](#), [S 1262](#), [S 1273](#), [S 1289](#), [S 1290](#), [S 1291](#), [S 1298](#), [S 1299](#), [S 1307](#), [S 1314](#), [S 1319](#), [S 1323](#), as amended, [S 1332](#), [S 1335](#), [S 1340](#), [S 1346](#), [S 1368](#), [S 1375](#), [S 1376](#), [S 1377](#), [S 1381](#), [S 1382](#), [S 1384](#), and [SCR 133](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1260](#), [S 1261](#), [S 1262](#), [S 1273](#), [S 1289](#), [S 1290](#), [S 1291](#), [S 1298](#), [S 1299](#), [S 1307](#), [S 1314](#), [S 1319](#), [S 1323](#), as amended, [S 1332](#), [S 1335](#), [S 1340](#), [S 1346](#), [S 1368](#), [S 1375](#), [S 1376](#), [S 1377](#), [S 1381](#), [S 1382](#), [S 1384](#), and [SCR 133](#) and, when so signed, ordered them returned to the Senate.

March 20, 2012

Mr. Speaker:

I return herewith enrolled [H 595](#), [H 512](#), as amended, [H 481](#), [H 556](#), [H 513](#), [H 615](#), [H 616](#), [H 617](#), [H 618](#), [H 516](#), [H 396](#), [H 397](#), [H 399](#), [H 400](#), [H 401](#), [H 621](#), and [H 598](#) which have been signed by the President.

NOVAK, Secretary

Enrolled [H 595](#), [H 512](#), as amended, [H 481](#), [H 556](#), [H 513](#), [H 615](#), [H 616](#), [H 617](#), [H 618](#), [H 516](#), [H 396](#), [H 397](#), [H 399](#), [H 400](#), [H 401](#), [H 621](#), and [H 598](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 20, 2012

Mr. Speaker:

I transmit herewith [S 1380](#), as amended, and [S 1407](#) which have passed the Senate.

NOVAK, Secretary

[S 1380](#), as amended, and [S 1407](#) were filed for first reading.

March 20, 2012

Mr. Speaker:

I return herewith [H 522](#), as amended, [H 386](#), as amended, [H 549](#), [H 550](#), [H 590](#), [H 604](#), [H 582](#), [H 491](#), as amended, [H 376](#), [H 570](#), [H 502](#), as amended, [H 569](#), [H 609](#), and [H 519](#) which have passed the Senate.

NOVAK, Secretary

[H 522](#), as amended, [H 386](#), as amended, [H 549](#), [H 550](#), [H 590](#), [H 604](#), [H 582](#), [H 491](#), as amended, [H 376](#), [H 570](#), [H 502](#), as amended, [H 569](#), [H 609](#), and [H 519](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

March 20, 2012

Mr. Speaker:

I return herewith [H 514](#) which has failed to pass the Senate.

NOVAK, Secretary

[H 514](#) was ordered filed in the office of the Chief Clerk.

[H 426](#), as amended in the Senate, was previously held at the Desk.

Mr. Thayne asked unanimous consent that the House concur in the Senate amendments to [H 426](#), as amended in the Senate. There being no objection, it was so ordered.

[H 426](#), as amended in the Senate, was referred to the Judiciary, Rules, and Administration Committee for engrossing.

Report of Standing Committees

March 21, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 692](#).

WILLS, Chairman

[H 692](#) was referred to the State Affairs Committee.

March 21, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed House amendments to [HJR 1](#) and [HJR 2](#).

WILLS, Chairman

March 21, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 421](#), [H 422](#), [H 523](#), as amended, [H 503](#), [H 558](#), [H 490](#), [H 636](#), [H 638](#), [H 637](#), [H 641](#), [H 642](#), [H 643](#), [H 644](#), [H 448](#), [H 532](#), [H 450](#), as amended in the Senate, [H 457](#), as amended in the Senate, and [H 511](#), as amended, as amended in the Senate.

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 421](#), [H 422](#), [H 523](#), as amended, [H 503](#), [H 558](#), [H 490](#), [H 636](#), [H 638](#), [H 637](#), [H 641](#), [H 642](#), [H 643](#), [H 644](#), [H 448](#), [H 532](#), [H 450](#), as amended in the Senate, [H 457](#), as amended in the Senate, and [H 511](#), as amended, as amended in the Senate, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 21, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [HJR 1](#), as amended, and [HJR 2](#), as amended.

WILLS, Chairman

[HJR 1](#), as amended, and [HJR 2](#), as amended, were filed for first reading of engrossed bills.

March 21, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 464](#) to the Governor at 10 a.m., as of this date, March 20, 2012.

WILLS, Chairman

March 20, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [S 1343](#), [S 1363](#), [S 1365](#), [S 1366](#), and [S 1373](#) and recommend that they do pass.

LOERTSCHER, Chairman

[S 1343](#), [S 1363](#), [S 1365](#), [S 1366](#), and [S 1373](#) were filed for second reading.

March 20, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [S 1357](#), as amended, and recommend that it do pass.

LAKE, Chairman

[S 1357](#), as amended, was filed for second reading.

March 20, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 670](#) and report it back with amendments attached to be placed on General Orders for consideration.

NONINI, Chairman

[H 670](#) was placed on General Orders for consideration.

March 20, 2012

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [SCR 131](#) and recommend that it do pass.

MCGEACHIN, Chairman

[SCR 131](#) was filed for second reading.

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

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

HOUSE BILL NO. 693 BY WAYS AND MEANS COMMITTEE AN ACT

RELATING TO THE DEPARTMENT OF ADMINISTRATION; AMENDING SECTION 67-5709, IDAHO CODE, TO PROVIDE FOR RULES GOVERNING THE CAPITOL MALL AND TO PROVIDE FOR ENFORCEMENT OF SUCH RULES, TO DEFINE THE CAPITOL MALL, TO AUTHORIZE STATE ENTITIES TO SUBJECT ADDITIONAL PROPERTY TO THE RULES GOVERNING THE CAPITOL MALL, TO PROVIDE FOR LAW ENFORCEMENT JURISDICTION OVER THE CAPITOL MALL, AND TO MAKE TECHNICAL CORRECTIONS; TO PROVIDE APPLICATION TO CERTAIN FLOORS OF THE STATE CAPITOL BUILDING; TO REQUIRE THE PROMULGATION OF RULES WITHIN THIRTY DAYS, WITH AN EFFECTIVE DATE NO EARLIER THAN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS ACT; AND DECLARING AN EMERGENCY.

[H 693](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1380](#), as amended, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

[S 1407](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

First Reading of Engrossed Bills

[HJR 1](#), as amended, by State Affairs Committee, was introduced, read the first time by title, and filed for second reading.

[HJR 2](#), as amended, by Ways and Means Committee, was introduced, read the first time by title, and filed for second reading.

Second Reading of Bills and Joint Resolutions

[HJM 14](#) and [H 687](#), by State Affairs Committee, were read the second time by title and filed for third reading.

[H 682](#), [H 684](#), [H 685](#), and [H 686](#), by Appropriations Committee, were read the second time by title and filed for third reading.

[S 1270](#) and [S 1330](#), by State Affairs Committee, were read the second time by title and filed for third reading.

[H 660](#) and [H 691](#), by Ways and Means Committee, were read the second time by title and filed for third reading.

[S 1295](#), as amended, by Health and Welfare Committee, was read the second time by title and filed for third reading.

[S 1256](#), as amended in the House, by Resources and Environment Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

At this time, the Speaker introduced Denis Stevens, Consul General of Canada, who spoke briefly to the members of the House.

[H 497](#), as amended in the Senate, - DNA TESTING

[H 497](#), as amended in the Senate, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hart to open debate.

The question being, "Shall [H 497](#), as amended in the Senate, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker.
Total – 67.

NAYS – None.

Absent and excused – Buckner-Webb, Hagedorn, Stevenson.
Total – 3.

Total – 70.

Whereupon the Speaker declared [H 497](#), as amended in the Senate, passed the House. Title was approved and the bill referred to the Judiciary, Rules, and Administration Committee for enrolling.

[S 1388](#) - APPROPRIATION - COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

[S 1388](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ringo to open debate.

The question being, "Shall [S 1388](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Buckner-Webb, Hagedorn, Lake, Moyle, Roberts, Stevenson. Total – 6.

Total – 70.

Whereupon the Speaker declared that [S 1388](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1389](#) - APPROPRIATION - DEPARTMENT OF WATER RESOURCES

[S 1389](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Patrick to open debate.

The question being, "Shall [S 1389](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Eskridge, Gibbs, Guthrie, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 60.

NAYS – Barbieri, Boyle, Harwood, Mr. Speaker. Total – 4.

Absent and excused – Ellsworth, Hagedorn, Lake, Moyle, Roberts, Stevenson. Total – 6.

Total – 70.

Whereupon the Speaker declared that [S 1389](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1391](#) - APPROPRIATION - STATE LIQUOR DIVISION

[S 1391](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall [S 1391](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb,

Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, Eskridge, Gibbs, Guthrie, Hart, Hartgen, Higgins, Jaquet, Killen, King, Lacey, Luker, McGeachin, McMillan, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Smith(30), Smith(24), Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 53.

NAYS – Andrus, Barbieri, DeMordaunt, Harwood, Loertscher, Marriott, Simpson, Sims, Vander Woude. Total – 9.

Absent and excused – Ellsworth, Hagedorn, Henderson, Lake, Moyle, Palmer, Roberts, Stevenson. Total – 8.

Total – 70.

Whereupon the Speaker declared that [S 1391](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1392](#) - APPROPRIATION - REGULATORY BOARDS, SELF-GOVERNING

[S 1392](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall [S 1392](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Eskridge, Gibbs, Guthrie, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 60.

NAYS – Barbieri, Barrett, Harwood, Wood(35). Total – 4.

Absent and excused – Ellsworth, Hagedorn, Lake, Moyle, Roberts, Stevenson. Total – 6.

Total – 70.

Whereupon the Speaker declared that [S 1392](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1338](#) - CHILD ENTICEMENT

[S 1338](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall [S 1338](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – Barrett, Hart. Total – 2.

Absent and excused – Hagedorn, Lake, Moyle, Roberts, Stevenson. Total – 5.
Total – 70.

Whereupon the Speaker declared that [S 1338](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1341](#) - SEXUAL OFFENDER REGISTRATION

[S 1341](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Shirley and Ms. Jaquet to open debate.

The question being, "Shall [S 1341](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – Block(Block). Total – 1.

Absent and excused – Hagedorn, Lake, Moyle, Roberts, Stevenson. Total – 5.
Total – 70.

Whereupon the Speaker declared that [S 1341](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1231](#), as amended, - MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM

[S 1231](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Crane to open debate.

The question being, "Shall [S 1231](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McMillan, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – None.

Absent and excused – Bell, Hagedorn, Lake, McGeachin, Moyle, Roberts, Stevenson. Total – 7.
Total – 70.

Whereupon the Speaker declared that [S 1231](#), as amended, passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1313](#) - HAZARDOUS WASTE

[S 1313](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wills to open debate.

The question being, "Shall [S 1313](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bilbao, Black, Block(Block), Bolz, Boyle, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Gibbs, Guthrie, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – Moyle. Total – 1.

Absent and excused – Bell, Buckner-Webb, Eskridge, Hagedorn, Nonini. Total – 5.
Total – 70.

Whereupon the Speaker declared that [S 1313](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1327](#) - EDUCATION

[S 1327](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thayn to open debate.

The question being, "Shall [S 1327](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Chadderdon, Collins, Crane, DeMordaunt, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Stevenson, Thayn, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 53.

NAYS – Burgoyne, Chew, Cronin, Ellsworth, Higgins, Jaquet, Killen, King, Lacey, Pence, Ringo, Rusche, Smith(30), Smith(24), Trail. Total – 15.

Absent and excused – Bell, Eskridge. Total – 2.
Total – 70.

Whereupon the Speaker declared that [S 1327](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1328](#) - EDUCATION

[S 1328](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thayn to open debate.

The question being, "Shall [S 1328](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Chadderdon, Chew, Collins, Crane, DeMordaunt, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – Burgoyne, Cronin, Ellsworth, Killen, King, Ringo. Total – 6.

Absent and excused – Bell, Eskridge. Total – 2.
Total – 70.

Whereupon the Speaker declared that [S 1328](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1329](#) - EDUCATION

[S 1329](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thayne to open debate.

The question being, "Shall [S 1329](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – Burgoyne, Cronin, Ringo. Total – 3.
Absent and excused – Bedke, Bell. Total – 2.
Total – 70.

Whereupon the Speaker declared that [S 1329](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1356](#), as amended, - HIGHWAY DISTRICTS

[S 1356](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

The question being, "Shall [S 1356](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen,

King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – Schaefer. Total – 1.

Absent and excused – Bedke, Higgins, Simpson. Total – 3.
Total – 70.

Whereupon the Speaker declared that [S 1356](#), as amended, passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1321](#), as amended, - FISH AND GAME

[S 1321](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood(35) to open debate.

At this time, Mr. Thayne took the Chair.

Ms. King asked unanimous consent that [S 1321](#), as amended, be placed on General Orders for consideration. Mrs. Wood(35) objected.

Ms. King moved that [S 1321](#), as amended, be placed on General Orders for consideration. Seconded by Ms. Jaquet.

The question being, "Shall the motion carry?"

Roll call resulted as follows:

AYES – Anderson, Bateman, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chew, Cronin, Ellsworth, Eskridge, Gibbs, Guthrie, Henderson, Higgins, Jaquet, Killen, King, Lacey, Loertscher, Luker, Nessel, Patrick, Pence, Raybould, Ringo, Rusche, Shirley, Smith(30), Smith(24), Stevenson, Trail, Wills, Wood(27). Total – 33.

NAYS – Andrus, Barbieri, Barrett, Batt, Bayer, Bedke, Bell, Bilbao, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Hagedorn, Hart, Hartgen, Harwood, Lake, Marriott, McGeachin, McMillan, Moyle, Nielsen, Nonini, Palmer, Perry, Roberts, Schaefer, Shepherd, Simpson, Sims, Thayne, Thompson, Vander Woude, Wood(35), Mr. Speaker. Total – 36.

Absent and excused – Black. Total – 1.
Total – 70.

Whereupon the Speaker Pro Tem declared the motion failed.

The question being, "Shall [S 1321](#), as amended, pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Batt, Bayer, Bedke, Bilbao, Black, Block(Block), Boyle, Chadderdon, Collins, Crane, DeMordaunt, Hagedorn, Hart, Hartgen, Harwood, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nielsen, Nonini, Palmer, Perry, Roberts, Schaefer, Shepherd, Simpson, Sims, Thayne, Thompson, Vander Woude, Wills, Wood(35), Mr. Speaker. Total – 40.

NAYS – Anderson, Bateman, Bell, Bolz, Buckner-Webb, Burgoyne, Chew, Cronin, Ellsworth, Eskridge, Gibbs, Guthrie, Henderson, Higgins, Jaquet, Killen, King, Lacey, Nessel, Patrick, Pence, Raybould, Ringo, Rusche, Shirley, Smith(30), Smith(24), Stevenson, Trail, Wood(27). Total – 30.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1321](#), as amended, passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1337](#), as amended, - SEXUAL EXPLOITATION OF A CHILD

[S 1337](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Killen to open debate.

The question being, "Shall [S 1337](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Simpson. Total – 1.
Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1337](#), as amended, passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1286](#) - BINGO AND RAFFLES

[S 1286](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Ms. King to open debate.

The question being, "Shall [S 1286](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Batt, Bell, Bilbao, Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Crane, Cronin, Ellsworth, Eskridge, Gibbs, Guthrie, Henderson, Higgins, Jaquet, Killen, King, Lacey, Loertscher, McGeachin, Nessel, Nonini, Patrick, Pence, Perry, Ringo, Roberts, Rusche, Schaefer, Sims, Smith(30), Smith(24), Stevenson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 44.

NAYS – Barbieri, Barrett, Bateman, Bayer, Boyle, Collins, DeMordaunt, Hagedorn, Hart, Hartgen, Harwood, Lake, Luker, Marriott, McMillan, Moyle, Nielsen, Palmer, Raybould, Shepherd, Shirley, Thayne, Thompson, Wood(35). Total – 24.

Absent and excused – Bedke, Simpson. Total – 2.
Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1286](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle asked unanimous consent that [S 1303](#) be placed at the bottom of the Third Reading Calendar. There being no objection, it was so ordered.

[S 1304](#) - BARLEY COMMISSION

[S 1304](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Trail to open debate.

The question being, "Shall [S 1304](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 65.

NAYS – Barbieri, Moyle, Nonini. Total – 3.

Absent and excused – Simpson, Wood(35). Total – 2.
Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1304](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1255](#), as amended, as amended, - RECORDS EXEMPT FROM DISCLOSURE

[S 1255](#), as amended, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Rusche to open debate.

The question being, "Shall [S 1255](#), as amended, as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 66.

NAYS – Harwood, McMillan. Total – 2.

Absent and excused – Simpson, Wood(35). Total – 2.
Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1255](#), as amended, as amended, passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle asked unanimous consent that the House recess until 1:30 p.m.

Without objection, the Speaker Pro Tem declared the House at recess until 1:30 p.m.

RECESS
Afternoon Session

The House reconvened at 1:30 p.m., Mr. Simpson in the Chair.

Prior to recess, the House was at the Eleventh Order of Business.

Mr. Moyle asked unanimous consent that [S 1280](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

[S 1293](#) - FOOD STAMPS

[S 1293](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Thayn to open debate.

The question being, "Shall [S 1293](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, King, Lacey, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Black, Boyle, Killen, Lake, McGeachin, Nielsen. Total – 6.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1293](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1294](#), as amended, - MEDICAL CONSENT AND
NATURAL DEATH ACT

[S 1294](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Rusche to open debate.

The question being, "Shall [S 1294](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, King, Lacey, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 62.

NAYS – None.

Absent and excused – Bedke, Black, Boyle, Killen, Lake, McGeachin, Nielsen, Mr. Speaker. Total – 8.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1294](#), as amended, passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1309](#) - PSEUDOEPHEDRINE SALES

[S 1309](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Ms. Chew to open debate.

The question being, "Shall [S 1309](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bateman, Batt, Bayer, Bell, Bilbao, Block(Block), Bolz, Buckner-Webb, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Higgins, Jaquet, King, Lacey, Loertscher, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayn, Thompson, Vander Woude, Wills, Wood(27), Wood(35). Total – 56.

NAYS – Barbieri, Burgoyne, Hart, Luker, Ringo, Smith(24), Trail. Total – 7.

Absent and excused – Bedke, Black, Boyle, Killen, Lake, Nielsen, Mr. Speaker. Total – 7.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1309](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1326](#) - VOCATIONAL REHABILITATION

[S 1326](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Guthrie to open debate.

The question being, "Shall [S 1326](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block), Bolz, Buckner-Webb, Chadderdon, Collins, Crane, DeMordaunt, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 53.

NAYS – Barrett, Burgoyne, Chew, Cronin, Ellsworth, Harwood, King, Ringo, Rusche, Smith(30), Smith(24), Wood(35). Total – 12.

Absent and excused – Black, Boyle, Killen, Lake, Nielsen. Total – 5.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1326](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1344](#) - BEER AND BREWERS

[S 1344](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Eskridge to open debate.

The question being, "Shall [S 1344](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, King, Lacey, Luker, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27). Total – 58.

NAYS – Andrus, Bateman, Loertscher, Marriott, Wood(35). Total – 5.

Absent and excused – Boyle, Jaquet, Killen, Lake, Nielsen, Vander Woude, Mr. Speaker. Total – 7.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1344](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle asked unanimous consent that [S 1369](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

[S 1271](#) - LANDS DEPARTMENT - GRAZING LEASES

[S 1271](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Andrus to open debate.

The question being, "Shall [S 1271](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, King, Lacey, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35). Total – 61.

NAYS – None.

Absent and excused – Boyle, Jaquet, Killen, Lake, McGeachin, Nielsen, Smith(24), Vander Woude, Mr. Speaker. Total – 9.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1271](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1279](#) - H&W - LEGAL GUARDIANS

[S 1279](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Shepherd to open debate.

The question being, "Shall [S 1279](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, King, Lacey, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35). Total – 60.

NAYS – None.

Absent and excused – Boyle, Jaquet, Killen, Lake, McGeachin, Nielsen, Palmer, Smith(24), Vander Woude, Mr. Speaker. Total – 10.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1279](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1370](#) - VENEREAL DISEASES

[S 1370](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Ms. Chew to open debate.

The question being, "Shall [S 1370](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, King, Lacey, Luker, Marriott, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35). Total – 60.

NAYS – None.

Absent and excused – Boyle, Jaquet, Killen, Lake, Loertscher, McGeachin, Nielsen, Smith(24), Vander Woude, Mr. Speaker. Total – 10.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1370](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[SCR 115](#) - BUREAU OF OCCUPATIONAL LICENSES - RULE REJECTED

[SCR 115](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Raybould to open debate.

The question being, "Shall [SCR 115](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Buckner-Webb, Chadderdon, Chew, Collins, Crane, DeMordaunt, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Lacey, Luker, Marriott, McGeachin,

McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35). Total – 55.

NAYS – Burgoyne, Cronin, King, Ringo. Total – 4.

Absent and excused – Batt, Boyle, Ellsworth, Jaquet, Killen, Lake, Loertscher, Nielsen, Smith(24), Vander Woude, Mr. Speaker. Total – 11.

Total – 70.

Whereupon the Speaker Pro Tem declared [SCR 115](#) adopted and ordered the resolution returned to the Senate.

[SCR 118](#) - BUILDING SAFETY DIVISION - RULE REJECTED

[SCR 118](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Black to open debate.

The question being, "Shall [SCR 118](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, King, Lacey, Lake, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35). Total – 61.

NAYS – Rusche. Total – 1.

Absent and excused – Bedke, Jaquet, Killen, Loertscher, Nielsen, Smith(24), Vander Woude, Mr. Speaker. Total – 8.

Total – 70.

Whereupon the Speaker Pro Tem declared [SCR 118](#) adopted and ordered the resolution returned to the Senate.

[SCR 119](#) - GROUP INSURANCE - RULE REJECTED

[SCR 119](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Rusche to open debate.

The question being, "Shall [SCR 119](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Bayer, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, King, Lacey, Lake, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35). Total – 61.

NAYS – None.

Absent and excused – Batt, Bedke, Jaquet, Killen, Loertscher, Nielsen, Smith(24), Vander Woude, Mr. Speaker. Total – 9.

Total – 70.

Whereupon the Speaker Pro Tem declared [SCR 119](#) adopted and ordered the resolution returned to the Senate.

[SCR 114](#) - HEALTH AND WELFARE - RULES REJECTED

[SCR 114](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. McGeachin to open debate.

The question being, "Shall [SCR 114](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Bayer, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, King, Lacey, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35). Total – 59.

NAYS – None.

Absent and excused – Batt, Bedke, Jaquet, Killen, Lake, Loertscher, Nielsen, Shepherd, Smith(24), Vander Woude, Mr. Speaker. Total – 11.

Total – 70.

Whereupon the Speaker Pro Tem declared [SCR 114](#) adopted and ordered the resolution returned to the Senate.

Mr. Moyle asked unanimous consent that [SCR 116](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

[SCR 117](#) - AGRICULTURE DEPARTMENT - RULE REJECTED

[SCR 117](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. McMillan to open debate.

The question being, "Shall [SCR 117](#) be adopted?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27). Total – 51.

NAYS – Buckner-Webb, Burgoyne, Higgins, King, Lacey, Ringo. Total – 6.

Absent and excused – Anderson, Bedke, Crane, Jaquet, Killen, Lake, Loertscher, Nielsen, Nonini, Smith(24), Vander Woude, Wood(35), Mr. Speaker. Total – 13.

Total – 70.

Whereupon the Speaker Pro Tem declared [SCR 117](#) adopted and ordered the resolution returned to the Senate.

SCR 122 - STATE POLICE - RULES REJECTED

SCR 122 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Luker to open debate.

The question being, "Shall **SCR 122** be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, King, Lacey, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27). Total – 59.

NAYS – None.

Absent and excused – Bedke, Jaquet, Killen, Lake, Loertscher, Nielsen, Nonini, Smith(24), Vander Woude, Wood(35), Mr. Speaker. Total – 11.

Total – 70.

Whereupon the Speaker Pro Tem declared **SCR 122** adopted and ordered the resolution returned to the Senate.

SCR 112 - ALZHEIMER'S PLANNING GROUP

SCR 112 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Wood(27) to open debate.

The question being, "Shall **SCR 112** be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, King, Lacey, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – None.

Absent and excused – Bedke, Jaquet, Killen, Lake, Loertscher, Nielsen, Pence, Smith(24), Vander Woude. Total – 9.

Total – 70.

Whereupon the Speaker Pro Tem declared **SCR 112** adopted and ordered the resolution returned to the Senate.

SCR 124 - IDAHO DIGITAL LEARNING ACADEMY

SCR 124 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Shirley to open debate.

The question being, "Shall **SCR 124** be adopted?"

Whereupon the Speaker Pro Tem declared **SCR 124** adopted by voice vote and ordered the resolution returned to the Senate.

SCR 128 - ADMINISTRATIVE RULES

SCR 128 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Ms. Buckner-Webb to open debate.

The question being, "Shall **SCR 128** be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, King, Lacey, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 60.

NAYS – None.

Absent and excused – Bedke, Crane, Jaquet, Killen, Lake, Loertscher, Nielsen, Nonini, Smith(24), Vander Woude. Total – 10.

Total – 70.

Whereupon the Speaker Pro Tem declared **SCR 128** adopted and ordered the resolution returned to the Senate.

SCR 129 - TEMPORARY RULES

SCR 129 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Ms. Smith(30) to open debate.

The question being, "Shall **SCR 129** be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, King, Lacey, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Mr. Speaker. Total – 59.

NAYS – None.

Absent and excused – Bedke, Crane, Jaquet, Killen, Lake, Loertscher, Nielsen, Nonini, Smith(24), Vander Woude, Wood(35). Total – 11.

Total – 70.

Whereupon the Speaker Pro Tem declared **SCR 129** adopted and ordered the resolution returned to the Senate.

SCR 120 - COCOLALLA LAKE - BONNER COUNTY

SCR 120 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Harwood to open debate.

The question being, "Shall **SCR 120** be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, King, Lacey, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Bedke, Jaquet, Killen, Lake, Loertscher, Nielsen, Smith(24), Vander Woude. Total – 8.

Total – 70.

Whereupon the Speaker Pro Tem declared [SCR 120](#) adopted and ordered the resolution returned to the Senate.

[SCR 121](#) - FISH AND GAME - RULE REJECTED

[SCR 121](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Wood(35) to open debate.

The question being, "Shall [SCR 121](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Harwood, Henderson, Higgins, King, Lacey, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – None.

Absent and excused – Bedke, Crane, Hartgen, Jaquet, Killen, Lake, Loertscher, Smith(24), Vander Woude. Total – 9.

Total – 70.

Whereupon the Speaker Pro Tem declared [SCR 121](#) adopted and ordered the resolution returned to the Senate.

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

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 682](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 682](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, King, Lacey, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Bedke, Crane, Jaquet, Killen, Lake, Loertscher, Smith(24), Vander Woude. Total – 8.

Total – 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 682](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Wood(27) to open debate.

Pursuant to Rule 38(3), Mr. DeMordaunt disclosed a conflict of interest regarding [H 682](#).

The question being, "Shall [H 682](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, King, Lacey, Loertscher, Luker, McGeachin, Moyle, Nessel, Nielsen, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shirley, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 52.

NAYS – Barbieri, Barrett, Boyle, Hart, Harwood, Marriott, McMillan, Nonini, Palmer, Roberts, Shepherd, Simpson, Sims, Wood(35). Total – 14.

Absent and excused – Bayer, Killen, Lake, Smith(24). Total – 4.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 682](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

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

Adjournment

Mr. Moyle moved that the House adjourn until 10 a.m., Thursday, March 22, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 3:08 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SEVENTY-FOURTH LEGISLATIVE DAY
THURSDAY, MARCH 22, 2012

House of Representatives

The House convened at 10 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Derek Nuxoll, Page.

Approval of Journal

March 22, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Seventy-third Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

March 21, 2012

Mr. Speaker:

I return herewith enrolled [H 622](#), [H 579](#), [H 541](#), [H 420](#), [H 421](#), [H 422](#), [H 523](#), as amended, [H 503](#), [H 558](#), [H 490](#), [H 636](#), [H 638](#), [H 637](#), [H 641](#), [H 642](#), [H 643](#), [H 644](#), [H 448](#), [H 532](#), [H 450](#), as amended in the Senate, [H 457](#), as amended in the Senate, and [H 511](#), as amended, as amended in the Senate, which have been signed by the President.

NOVAK, Secretary

Enrolled [H 622](#), [H 579](#), [H 541](#), [H 420](#), [H 421](#), [H 422](#), [H 523](#), as amended, [H 503](#), [H 558](#), [H 490](#), [H 636](#), [H 638](#), [H 637](#), [H 641](#), [H 642](#), [H 643](#), [H 644](#), [H 448](#), [H 532](#), [H 450](#), as amended in the Senate, [H 457](#), as amended in the Senate, and [H 511](#), as amended, as amended in the Senate, were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 21, 2012

Mr. Speaker:

I transmit herewith [S 1390](#), as amended, [S 1372](#), [S 1393](#), [S 1394](#), [S 1396](#), [S 1397](#), [S 1398](#), [S 1399](#), [S 1400](#), and [S 1395](#) which have passed the Senate.

NOVAK, Secretary

[S 1390](#), as amended, [S 1372](#), [S 1393](#), [S 1394](#), [S 1396](#), [S 1397](#), [S 1398](#), [S 1399](#), [S 1400](#), and [S 1395](#) were filed for first reading.

March 21, 2012

Mr. Speaker:

I return herewith [H 603](#), [H 626](#), [H 607](#), [H 645](#), [H 487](#), [H 632](#), [H 593](#), and [H 633](#) which have passed the Senate.

NOVAK, Secretary

[H 603](#), [H 626](#), [H 607](#), [H 645](#), [H 487](#), [H 632](#), [H 593](#), and [H 633](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

March 21, 2012

Mr. Speaker:

I return herewith [H 439](#), as amended, as amended in the Senate, which has passed the Senate.

NOVAK, Secretary

[H 439](#), as amended, as amended in the Senate, was ordered held at the Desk.

Mr. Rusche asked unanimous consent that the House concur in the Senate amendments to [H 439](#), as amended, as amended in the Senate. There being no objection, it was so ordered.

[H 439](#), as amended, as amended in the Senate, was referred to the Judiciary, Rules, and Administration Committee for engrossing.

Report of Standing Committees

March 22, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 693](#).

WILLS, Chairman

[H 693](#) was referred to the State Affairs Committee.

March 22, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 522](#), as amended, [H 386](#), as amended, [H 549](#), [H 550](#), [H 590](#), [H 604](#), [H 582](#), [H 491](#), as amended, [H 376](#), [H 570](#), [H 502](#), as amended, [H 569](#), [H 609](#), [H 519](#), and [H 497](#), as amended in the Senate.

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 522](#), as amended, [H 386](#), as amended, [H 549](#), [H 550](#), [H 590](#), [H 604](#), [H 582](#), [H 491](#), as amended, [H 376](#), [H 570](#), [H 502](#), as amended, [H 569](#), [H 609](#), [H 519](#), and [H 497](#), as amended in the Senate, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 22, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [H 426](#), as amended in the Senate.

WILLS, Chairman

[H 426](#), as amended in the Senate, was filed for first reading of engrossed bills.

March 22, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 595](#), [H 512](#), as amended, [H 481](#), [H 556](#), [H 513](#), [H 615](#), [H 616](#), [H 617](#), [H 618](#), [H 516](#), [H 396](#), [H 397](#), [H 399](#), [H 400](#), [H 401](#),

[H 621](#), and [H 598](#) to the Governor at 10:05 a.m., as of this date, March 21, 2012.

WILLS, Chairman

March 21, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [SCR 132](#) and recommend that it do pass.

LOERTSCHER, Chairman

[SCR 132](#) was filed for second reading.

March 21, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 672](#) and recommend that it do pass.

NONINI, Chairman

[H 672](#) was filed for second reading.

March 21, 2012

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration [H 689](#) and recommend that it do pass.

BLOCK, Chairman

[H 689](#) was filed for second reading.

March 22, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 688](#) and report it back with amendments attached to be placed on General Orders for consideration.

LOERTSCHER, Chairman

[H 688](#) was placed on General Orders for consideration.

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

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

HOUSE BILL NO. 694 BY EDUCATION COMMITTEE AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-524, IDAHO CODE, TO REMOVE LANGUAGE RELATING TO A FINDING AND DECLARATION BY THE LEGISLATURE, TO ESTABLISH PROVISIONS RELATING TO SCHOOL DISTRICTS' LIABILITY ARISING OUT OF CERTAIN ACTS OF EMPLOYEES, TO ESTABLISH PROVISIONS RELATING TO PROVIDING A DEFENSE TO EMPLOYEES, TO ESTABLISH PROVISIONS RELATING TO A SCHOOL DISTRICT'S RESPONSIBILITY FOR THE PAYMENT OF CERTAIN JUDGMENTS, TO ESTABLISH PROVISIONS RELATING TO SCHOOL DISTRICTS NOT BEING ENTITLED TO CONTRIBUTION, INDEMNIFICATION OR REIMBURSEMENT FOR CERTAIN LEGAL FEES OR EXPENSES, TO PROVIDE THAT THIS SECTION SHALL NOT EXPAND THE TERMS OR PROVISIONS OF CERTAIN LAWS, TO ESTABLISH PROVISIONS RELATING TO THE CREATION OF A CERTAIN REGISTRY, TO REVISE PROVISIONS RELATING TO SCHOOL DISTRICTS PROVIDING EMPLOYEES WITH

A CERTAIN LIST, TO REVISE PROVISIONS RELATING TO A CERTAIN FORM PROVIDED BY THE DEPARTMENT, TO REVISE PROVISIONS RELATING TO SCHOOL DISTRICTS HAVING A CURRENT LIST AVAILABLE AND TO REVISE DEFINITIONS; AND PROVIDING A CONTINGENT SUNSET DATE.

HOUSE BILL NO. 695 BY APPROPRIATIONS COMMITTEE AN ACT

RELATING TO THE LEGISLATURE; AMENDING CHAPTER 4, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-451A, IDAHO CODE, TO PROVIDE FOR THE LEGISLATIVE LEGAL DEFENSE FUND, TO PROVIDE FOR MONEYS IN THE FUND, TO PROVIDE THAT MONEYS IN THE FUND SHALL BE CONTINUOUSLY APPROPRIATED, TO PROVIDE FOR EXEMPTIONS AND TO PROVIDE FOR EXPENDITURES; AND TO PROVIDE FOR A TRANSFER FROM THE GENERAL FUND TO THE LEGISLATIVE DEFENSE FUND AND TO PROVIDE THAT OF THE AMOUNT TRANSFERRED, FIFTY PERCENT SHALL BE AVAILABLE TO THE SENATE AND FIFTY PERCENT TO THE HOUSE OF REPRESENTATIVES.

HOUSE BILL NO. 696 BY APPROPRIATIONS COMMITTEE AN ACT

RELATING TO APPROPRIATIONS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR HEALTH EDUCATION PROGRAMS; AMENDING SECTION 1, CHAPTER 249, LAWS OF 2011, TO MOVE MONEYS FROM OPERATING EXPENDITURES TO PERSONNEL COSTS; APPROPRIATING MONEYS FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; PROVIDING NON-GENERAL FUND REAPPROPRIATION FOR FISCAL YEAR 2013; AND DECLARING AN EMERGENCY.

[H 694](#), [H 695](#), and [H 696](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1390](#), as amended, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Business Committee.

[S 1395](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the Business Committee.

[S 1372](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

[S 1393](#), [S 1394](#), [S 1396](#), [S 1397](#), [S 1398](#), [S 1399](#), and [S 1400](#), by Finance Committee, were introduced, read the first time by title, and filed for second reading.

First Reading of Engrossed Bills

[H 426](#), as amended in the Senate, by Education Committee, was introduced, read the first time by title, and filed for second reading.

Second Reading of Bills and Joint Resolutions

[S 1343](#), [S 1363](#), [S 1365](#), [S 1366](#), [S 1373](#), and [SCR 131](#), by State Affairs Committee, were read the second time by title and filed for third reading.

[S 1357](#), as amended, by Judiciary and Rules Committee, was read the second time by title and filed for third reading.

[HJR 1](#), as amended, by State Affairs Committee, was read the second time by title and filed for third reading.

[HJR 2](#), as amended, by Ways and Means Committee, was read the second time by title and filed for third reading.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [HJR 1](#), as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [HJR 1](#), as amended, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Chew. Total – 1.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [HJR 1](#), as amended, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Luker to open debate.

The question being, "Shall [HJR 1](#), as amended, pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bilbao, Block(Block), Boyle, Crane, DeMordaunt, Ellsworth, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Loertscher, Luker, McGeachin, McMillan, Moyle, Nielsen, Nonini, Palmer, Roberts, Schaefer, Shepherd, Simpson, Sims, Thayne, Thompson, Vander Woude, Wood(35), Mr. Speaker. Total – 37.

NAYS – Anderson, Bell, Black, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, Eskridge,

Gibbs, Higgins, Jaquet, Killen, King, Lacey, Lake, Marriott, Nessel, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Shirley, Smith(30), Smith(24), Stevenson, Trail, Wills, Wood(27). Total – 33.

Total – 70.

Whereupon the Speaker declared that less than two thirds of the membership having voted in the affirmative, [HJR 1](#), as amended, failed to pass the House and was ordered filed in the office of the Chief Clerk.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [HJR 2](#), as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [HJR 2](#), as amended, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Chew. Total – 1.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [HJR 2](#), as amended, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Boyle to open debate.

The question being, "Shall [HJR 2](#), as amended, be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – Jaquet, Killen, King, Ringo. Total – 4.

Absent and excused – Black, Henderson, Smith(24). Total – 3.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, [HJR 2](#), as

amended, was adopted by the House. Title was approved and the resolution ordered transmitted to the Senate.

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

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that **HJM 14** be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

HJM 14 - BASQUE COUNTRY - ETA

HJM 14 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bilbao to open debate.

At this time, Mr. Cronin took the Chair.

The question being, "Shall **HJM 14** be adopted?"

Whereupon the Speaker Pro Tem declared **HJM 14** adopted by voice vote and ordered the memorial transmitted to the Senate.

H 684 - APPROPRIATION - STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO, SPECIAL PROGRAMS

H 684 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Ringo to open debate.

The question being, "Shall **H 684** pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – McGeachin. Total – 1.
Total – 70.

Whereupon the Speaker Pro Tem declared that **H 684** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 685 - APPROPRIATION - SUPREME COURT

H 685 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Bolz to open debate.

The question being, "Shall **H 685** pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane,

Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – Harwood, Loertscher. Total – 2.
Total – 70.

Whereupon the Speaker Pro Tem declared that **H 685** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 686 - APPROPRIATION - OFFICE OF DRUG POLICY

H 686 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Bolz to open debate.

The question being, "Shall **H 686** pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.
Absent and excused – Higgins, Simpson. Total – 2.
Total – 70.

Whereupon the Speaker Pro Tem declared that **H 686** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 687 - UNCLAIMED PROPERTY PROGRAM

H 687 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Stevenson to open debate.

The question being, "Shall **H 687** pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Anderson, Bilbao, Simpson. Total – 3.
Total – 70.

Whereupon the Speaker Pro Tem declared that [H 687](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that [H 660](#) be placed at the bottom of the Third Reading Calendar. There being no objection, it was so ordered.

[H 691](#) - SPECIAL USE PERMITS

[H 691](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Moyle to open debate.

The question being, "Shall [H 691](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Chadderdon, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 59.

NAYS – Buckner-Webb, Burgoyne, Chew, Jaquet, Killen, Nessel, Pence, Ringo, Smith(24), Wood(35). Total – 10.

Absent and excused – Bilbao. Total – 1.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 691](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[S 1280](#) - RESPIRATORY CARE PRACTICE ACT

[S 1280](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Ms. Chew to open debate.

The question being, "Shall [S 1280](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – Harwood. Total – 1.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1280](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1369](#) - LABOR DEPARTMENT

[S 1369](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Trail to open debate.

Mr. Nielsen moved that [S 1369](#) be placed on General Orders for consideration. Seconded by Mr. Barbieri.

The question being, "Shall the motion carry?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, DeMordaunt, Ellsworth, Guthrie, Hagedorn, Hart, Harwood, Loertscher, Luker, McGeachin, McMillan, Nielsen, Patrick, Raybould, Schaefer, Shepherd, Sims, Vander Woude, Wood(35). Total – 21.

NAYS – Anderson, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, Eskridge, Gibbs, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Marriott, Moyle, Nessel, Nonini, Palmer, Pence, Perry, Ringo, Roberts, Rusche, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Mr. Speaker. Total – 49.

Total – 70.

Whereupon the Speaker Pro Tem declared the motion failed.

The question being, "Shall [S 1369](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Boyle, Collins, Crane, DeMordaunt, Guthrie, Hagedorn, Hart, Harwood, Henderson, Loertscher, Luker, McGeachin, McMillan, Moyle, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Schaefer, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Trail, Wills, Wood(27). Total – 36.

NAYS – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Boyle, Collins, Crane, DeMordaunt, Guthrie, Hagedorn, Hart, Harwood, Henderson, Loertscher, Luker, McGeachin, McMillan, Moyle, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Shepherd, Shirley, Sims, Thompson, Vander Woude, Wood(35), Mr. Speaker. Total – 34.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1369](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1270](#) - LEGISLATIVE APPOINTMENTS

[S 1270](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Luker to open debate.

The question being, "Shall [S 1270](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs,

Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 70.

NAYS – None.

Whereupon the Speaker Pro Tem declared that [S 1270](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1330](#) - AIR NAVIGATION FACILITIES

[S 1330](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Henderson to open debate.

The question being, "Shall [S 1330](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Shepherd. Total – 1.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1330](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1295](#), as amended, - MASSAGE THERAPISTS

[S 1295](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Marriott to open debate.

The question being, "Shall [S 1295](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Batt, Bell, Bilbao, Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, Eskridge, Gibbs, Guthrie, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Marriott, Nessel, Pence, Perry, Ringo, Rusche, Shirley, Sims, Smith(30), Smith(24), Stevenson, Trail, Wills, Wood(27). Total – 39.

NAYS – Barbieri, Barrett, Bateman, Bayer, Bedke, Boyle, Crane, DeMordaunt, Hagedorn, Hart, Harwood, Loertscher, Luker, McGeachin, McMillan, Moyle, Nielsen, Nonini, Palmer, Patrick, Raybould, Roberts, Schaefer, Shepherd, Simpson, Thayne, Thompson, Vander Woude, Mr. Speaker. Total – 29.

Absent and excused – Ellsworth, Wood(35). Total – 2.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1295](#), as amended, passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1256](#), as amended in the House, - SPECIAL BIG GAME AUCTION TAGS

[S 1256](#), as amended in the House, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Moyle to open debate.

The question being, "Shall [S 1256](#), as amended in the House, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Bateman, Batt, Bayer, Bedke, Bilbao, Black, Block(Block), Bolz, Chadderdon, Collins, Crane, DeMordaunt, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Lacey, Moyle, Nonini, Palmer, Patrick, Pence, Raybould, Shirley, Sims, Stevenson, Thompson, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 38.

NAYS – Barrett, Bell, Boyle, Buckner-Webb, Burgoyne, Chew, Cronin, Ellsworth, Guthrie, Jaquet, Killen, King, Lake, Loertscher, Luker, Marriott, McMillan, Nessel, Nielsen, Perry, Ringo, Roberts, Rusche, Shepherd, Simpson, Smith(30), Smith(24), Thayne, Trail. Total – 29.

Absent and excused – McGeachin, Schaefer, Wood(35). Total – 3.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1256](#), as amended in the House, passed the House. Title was approved and the bill ordered returned to the Senate.

[SCR 123](#) - BILLINGSLEY CREEK

[SCR 123](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Stevenson to open debate.

The question being, "Shall [SCR 123](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – Barbieri, Barrett, Boyle, Hart. Total – 4.

Total – 70.

Whereupon the Speaker Pro Tem declared [SCR 123](#) adopted and ordered the resolution returned to the Senate.

Mr. Bedke, having voted on the prevailing side, served notice that he may ask for reconsideration of the vote by which [S 1369](#) passed the House.

[S 1369](#) was ordered held at the Desk.

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

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

Miscellaneous and Unfinished Business

Notice having been served and having voted on the prevailing side, Mr. Bedke moved that the House reconsider the vote by which [S 1369](#) passed the House. Seconded by Mr. Hagedorn.

The question being, "Shall the motion carry?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Bolz, Boyle, Burgoyne, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Harwood, Henderson, Loertscher, Luker, McGeachin, McMillan, Moyle, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 47.

NAYS – Black, Block(Block), Buckner-Webb, Chadderdon, Chew, Cronin, Hartgen, Higgins, Jaquet, Killen, King, Lacey, Lake, Marriott, Nessel, Pence, Ringo, Rusche, Smith(30), Stevenson, Thayne, Trail. Total – 22.

Absent and excused – Smith(24). Total – 1.

Total – 70.

Whereupon the Speaker Pro Tem declared the motion to reconsider carried.

[S 1369](#) was placed before the House for final consideration.

Mr. Hartgen moved that [S 1369](#) be placed on General Orders for consideration. Seconded by Mr. Lake.

The question being, "Shall the motion carry?"

Roll call resulted as follows:

AYES – Anderson, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Buckner-Webb, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Marriott, Moyle, Nessel, Pence, Raybould, Ringo, Rusche, Shirley, Simpson, Smith(30), Stevenson, Thayne, Trail, Wills, Wood(27). Total – 41.

NAYS – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Boyle, Burgoyne, Crane, Guthrie, Hart, Harwood, Luker, McGeachin, McMillan, Nielsen, Nonini, Palmer, Patrick, Perry, Roberts, Schaefer, Shepherd, Sims, Thompson, Vander Woude, Wood(35), Mr. Speaker. Total – 28.

Absent and excused – Smith(24). Total – 1.

Total – 70.

Whereupon the Speaker Pro Tem declared the motion carried and [S 1369](#) was placed on General Orders for consideration.

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

Adjournment

Mr. Moyle moved that the House adjourn until 9 a.m., Friday, March 23, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 1:11 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SEVENTY-FIFTH LEGISLATIVE DAY
FRIDAY, MARCH 23, 2012

House of Representatives

The House convened at 9 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused – McGeachin, McMillan. Total – 2.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Candace Aguirre, Page.

Approval of Journal

March 23, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Seventy-fourth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

March 21, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

H 403, H 459, H 461, H 525, H 540, as amended, and H 543

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

March 22, 2012

Mr. Speaker:

I transmit herewith enrolled S 1360, S 1231, as amended, S 1255, as amended, as amended, S 1286, S 1304, S 1313, S 1321, as amended, S 1327, S 1328, S 1329, S 1337, as amended, S 1338, S 1341, S 1356, as amended, S 1388, S 1389,

S 1391, S 1392, S 1271, S 1279, S 1293, S 1294, as amended, S 1309, S 1326, S 1344, S 1370, SCR 112, SCR 114, SCR 115, SCR 117, SCR 118, SCR 119, SCR 120, SCR 121, SCR 122, SCR 124, SCR 128, and SCR 129 for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled S 1360, S 1231, as amended, S 1255, as amended, as amended, S 1286, S 1304, S 1313, S 1321, as amended, S 1327, S 1328, S 1329, S 1337, as amended, S 1338, S 1341, S 1356, as amended, S 1388, S 1389, S 1391, S 1392, S 1271, S 1279, S 1293, S 1294, as amended, S 1309, S 1326, S 1344, S 1370, SCR 112, SCR 114, SCR 115, SCR 117, SCR 118, SCR 119, SCR 120, SCR 121, SCR 122, SCR 124, SCR 128, and SCR 129 and, when so signed, ordered them returned to the Senate.

March 22, 2012

Mr. Speaker:

I return herewith enrolled H 522, as amended, H 386, as amended, H 549, H 550, H 590, H 604, H 582, H 491, as amended, H 376, H 570, H 502, as amended, H 569, H 609, H 519, and H 497, as amended in the Senate, which have been signed by the President.

NOVAK, Secretary

Enrolled H 522, as amended, H 386, as amended, H 549, H 550, H 590, H 604, H 582, H 491, as amended, H 376, H 570, H 502, as amended, H 569, H 609, H 519, and H 497, as amended in the Senate, were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 22, 2012

Mr. Speaker:

I transmit herewith S 1401, S 1402, S 1383, as amended, S 1404, S 1405, and S 1403 which have passed the Senate.

NOVAK, Secretary

S 1401, S 1402, S 1383, as amended, S 1404, S 1405, and S 1403 were filed for first reading.

March 22, 2012

Mr. Speaker:

I return herewith H 654, H 655, H 368, as amended, H 452, H 518, H 536, H 536, H 553, H 576, H 494, H 608, H 539, H 635, H 657, H 658, H 664, H 665, H 572, H 591, H 613, and H 659 which have passed the Senate.

NOVAK, Secretary

H 654, H 655, H 368, as amended, H 452, H 518, H 536, H 553, H 576, H 494, H 608, H 539, H 635, H 657, H 658, H 664, H 665, H 572, H 591, H 613, and H 659 were referred to the Judiciary, Rules, and Administration Committee for enrolling.

March 22, 2012

Mr. Speaker:

I return herewith H 564, as amended, as amended in the Senate, which has passed the Senate.

NOVAK, Secretary

H 564, as amended, as amended in the Senate, was ordered held at the Desk.

Mrs. Wood(35) asked unanimous consent that the House concur in the Senate amendments to H 564, as amended, as amended in the Senate. There being no objection, it was so ordered.

[H 564](#), as amended, as amended in the Senate, was referred to the Judiciary, Rules, and Administration Committee for engrossing.

Report of Standing Committees

March 23, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 694](#), [H 695](#), and [H 696](#).

WILLS, Chairman

[H 694](#), [H 695](#), and [H 696](#) were filed for second reading.

March 23, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 603](#), [H 626](#), [H 607](#), [H 645](#), [H 487](#), [H 632](#), [H 593](#), and [H 633](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 603](#), [H 626](#), [H 607](#), [H 645](#), [H 487](#), [H 632](#), [H 593](#), and [H 633](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 23, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 654](#), [H 655](#), [H 368](#), as amended, [H 452](#), [H 518](#), [H 536](#), [H 553](#), [H 576](#), [H 494](#), [H 608](#), [H 539](#), [H 635](#), [H 657](#), [H 658](#), [H 664](#), [H 665](#), [H 572](#), [H 591](#), [H 613](#), and [H 659](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 654](#), [H 655](#), [H 368](#), as amended, [H 452](#), [H 518](#), [H 536](#), [H 553](#), [H 576](#), [H 494](#), [H 608](#), [H 539](#), [H 635](#), [H 657](#), [H 658](#), [H 664](#), [H 665](#), [H 572](#), [H 591](#), [H 613](#), and [H 659](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 23, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [H 439](#), as amended, as amended in the Senate.

WILLS, Chairman

[H 439](#), as amended, as amended in the Senate, was filed for first reading of engrossed bills.

March 23, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 579](#), [H 541](#), [H 420](#), [H 421](#), [H 422](#), [H 523](#), as amended, [H 503](#), [H 558](#), [H 490](#), [H 636](#), [H 638](#), [H 637](#), [H 641](#), [H 642](#), [H 643](#), [H 644](#), [H 448](#), [H 532](#), [H 450](#), as amended in the Senate, [H 457](#), as amended in the Senate, and [H 511](#), as amended, as amended in the Senate, to the Governor at 10:40 a.m., as of this date, March 22, 2012.

WILLS, Chairman

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

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

[S 1401](#), [S 1402](#), [S 1404](#), [S 1405](#), and [S 1403](#), by Finance Committee, were introduced, read the first time by title, and filed for second reading.

[S 1383](#), as amended, by State Affairs Committee, was introduced, read the first time by title, and filed for second reading.

First Reading of Engrossed Bills

[H 439](#), as amended, as amended in the Senate, by Health and Welfare Committee, was introduced, read the first time by title, and filed for second reading.

Second Reading of Bills and Joint Resolutions

[SCR 132](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[H 672](#) and [H 426](#), as amended in the Senate, by Education Committee, were read the second time by title and filed for third reading.

[H 689](#), by Ways and Means Committee, was read the second time by title and filed for third reading.

[S 1393](#), [S 1394](#), [S 1396](#), [S 1397](#), [S 1398](#), [S 1399](#), and [S 1400](#), by Finance Committee, were read the second time by title and filed for third reading.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 672](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 672](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Andrus, Jaquet, McGeachin, McMillan. Total – 4.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 672](#) was read the first

time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Shirley to open debate.

The question being, "Shall [H 672](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, King, Lacey, Loertscher, Luker, Marriott, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – Bedke, Lake, Moyle, Ringo. Total – 4.

Absent and excused – Jaquet, McGeachin, McMillan. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 672](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 689](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 689](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Andrus, Jaquet, McGeachin, McMillan. Total – 4.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 689](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Perry to open debate.

The question being, "Shall [H 689](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bateman, Bayer, Bedke, Bilbao, Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, King, Lacey, Lake, Loertscher, Marriott, Moyle, Nessel, Nielsen, Nonini, Palmer, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35). Total – 55.

NAYS – Barbieri, Batt, Bell, Boyle, Crane, Guthrie, Luker, Patrick, Shepherd, Simpson, Vander Woude, Mr. Speaker. Total – 12.

Absent and excused – Jaquet, McGeachin, McMillan. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 689](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1393](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1393](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Andrus, Jaquet, McGeachin, McMillan. Total – 4.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1393](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thompson to open debate.

The question being, "Shall [S 1393](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, Nessel, Nonini,

Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Henderson, Jaquet, McGeachin, McMillan, Moyle, Nielsen. Total – 6.

Total – 70.

Whereupon the Speaker declared that [S 1393](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1394](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1394](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Andrus, Jaquet, McGeachin, McMillan. Total – 4.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1394](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hagedorn to open debate.

The question being, "Shall [S 1394](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, King, Lacey, Lake, Luker, Marriott, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Jaquet, Loertscher, McGeachin, McMillan, Nielsen. Total – 5.

Total – 70.

Whereupon the Speaker declared that [S 1394](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1396](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1396](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Andrus, Jaquet, McGeachin, McMillan. Total – 4.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1396](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall [S 1396](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Loertscher, McGeachin, McMillan, Nielsen. Total – 4.

Total – 70.

Whereupon the Speaker declared that [S 1396](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1397](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1397](#) be

read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Andrus, Jaquet, McGeachin, McMillan. Total – 4.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1397](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall [S 1397](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Luker, Marriott, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – None.

Absent and excused – Bedke, Hart, Lake, Loertscher, McGeachin, McMillan, Nielsen. Total – 7.

Total – 70.

Whereupon the Speaker declared that [S 1397](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1398](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1398](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane,

Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Andrus, Jaquet, McGeachin, McMillan. Total – 4.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1398](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thompson to open debate.

The question being, "Shall [S 1398](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Killen, King, Lacey, Luker, Marriott, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – None.

Absent and excused – Hart, Harwood, Jaquet, Lake, Loertscher, McGeachin, McMillan, Nielsen, Smith(24). Total – 9.

Total – 70.

Whereupon the Speaker declared that [S 1398](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1399](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1399](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Andrus, Jaquet, McGeachin, McMillan. Total – 4.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1399](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thompson to open debate.

The question being, "Shall [S 1399](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Bateman, Batt, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, Nessel, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27). Total – 48.

NAYS – Andrus, Barbieri, Barrett, Bayer, Boyle, Crane, DeMordaunt, Hart, Hartgen, Harwood, Moyle, Nonini, Palmer, Schaefer, Shepherd, Simpson, Wood(35), Mr. Speaker. Total – 18.

Absent and excused – Loertscher, McGeachin, McMillan, Nielsen. Total – 4.

Total – 70.

Whereupon the Speaker declared that [S 1399](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1400](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1400](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Andrus, Jaquet, McGeachin, McMillan. Total – 4.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1400](#) was read the first

time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Patrick to open debate.

The question being, "Shall [S 1400](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, Moyle, Nessel, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Henderson, Loertscher, McGeachin, McMillan, Nielsen, Nonini. Total – 6.

Total – 70.

Whereupon the Speaker declared that [S 1400](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 426](#), as amended in the Senate, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 426](#), as amended in the Senate, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Andrus, Jaquet, McGeachin, McMillan. Total – 4.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 426](#), as amended in the Senate, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thayne to open debate.

The question being, "Shall [H 426](#), as amended in the Senate, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Eskridge, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Lacey, Lake, Luker, Marriott, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 59.

NAYS – Ellsworth, Gibbs, Killen, King, Ringo, Smith(24). Total – 6.

Absent and excused – Bedke, Loertscher, McGeachin, McMillan, Nielsen. Total – 5.

Total – 70.

Whereupon the Speaker declared [H 426](#), as amended in the Senate, passed the House. Title was approved and the bill referred to the Judiciary, Rules, and Administration Committee for enrolling.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [SCR 132](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [SCR 132](#) be read the first time by title, second time by title, and third time at length, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Andrus, Jaquet, McGeachin, McMillan. Total – 4.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [SCR 132](#) was read the first time by title, second time by title, and third time at length, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Smith(30) to open debate.

The question being, "Shall [SCR 132](#) be adopted?"

Whereupon the Speaker declared [SCR 132](#) adopted by voice vote and ordered the resolution returned to the Senate.

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

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that [SCR 130](#) be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

[SCR 130](#) - UNION PACIFIC RAILROAD

[SCR 130](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bateman to open debate.

The question being, "Shall [SCR 130](#) be adopted?"

Whereupon the Speaker declared [SCR 130](#) adopted by voice vote and ordered the resolution returned to the Senate.

Mr. Moyle asked unanimous consent that [SCR 125](#) be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

[SCR 125](#) - SAGE-GROUSE TASK FORCE

[SCR 125](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood(35) to open debate.

The question being, "Shall [SCR 125](#) be adopted?"

Whereupon the Speaker declared [SCR 125](#) adopted by voice vote and ordered the resolution returned to the Senate.

Mr. Moyle asked unanimous consent that [SCR 131](#) be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

[SCR 131](#) - VOLUNTEER EMERGENCY MEDICAL SERVICES PROVIDERS

[SCR 131](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Roberts to open debate.

The question being, "Shall [SCR 131](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Black, McGeachin, McMillan. Total – 3.

Total – 70.

Whereupon the Speaker declared [SCR 131](#) adopted and ordered the resolution returned to the Senate.

Mr. Moyle asked unanimous consent that [SJM 103](#) be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

[SJM 103](#) - COMMUNITY FOREST TRUST PILOT

[SJM 103](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Anderson to open debate.

The question being, "Shall [SJM 103](#) be adopted?"

Whereupon the Speaker declared [SJM 103](#) adopted by voice vote and ordered the memorial returned to the Senate.

Mr. Moyle asked unanimous consent that [SJM 105](#) be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

[SJM 105](#) - FEDERAL LAW - ROLE OF STATES

[SJM 105](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Anderson to open debate.

The question being, "Shall [SJM 105](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Higgins, Lacey, Lake, Loertscher, Luker, Marriott, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 57.

NAYS – Barbieri, Buckner-Webb, Burgoyne, Chew, Cronin, Hart, Jaquet, Killen, King, Pence. Total – 10.

Absent and excused – McGeachin, McMillan, Ringo. Total – 3.

Total – 70.

Whereupon the Speaker declared [SJM 105](#) adopted and ordered the memorial returned to the Senate.

Mr. Moyle asked unanimous consent that [SJM 104](#) be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

[SJM 104](#) - HEALTH AND HUMAN SERVICES REGULATION

[SJM 104](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bilbao to open debate.

The question being, "Shall [SJM 104](#) be adopted?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Lake, Loertscher, Luker, Marriott, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(35), Mr. Speaker. Total – 51.

NAYS – Buckner-Webb, Burgoyne, Chew, Cronin, Higgins, Jaquet, Killen, King, Lacey, Pence, Ringo, Rusche, Smith(30), Smith(24), Trail, Wood(27). Total – 16.

Absent and excused – Anderson, McGeachin, McMillan. Total – 3.

Total – 70.

Whereupon the Speaker declared [SJM 104](#) adopted and ordered the memorial returned to the Senate.

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

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

Adjournment

Mr. Moyle moved that the House adjourn until 9:30 a.m., Monday, March 26, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:19 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SEVENTY-EIGHTH LEGISLATIVE DAY
MONDAY, MARCH 26, 2012

House of Representatives

The House convened at 9:30 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused – Sims. Total – 1.
Total – 70.

Prayer was offered by Representative Dick Harwood.

The Pledge of Allegiance was led by Derek Nuxoll, Page.

Approval of Journal

March 26, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Seventy-fifth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

March 23, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

[H 464](#), [H 481](#), [H 516](#), [H 595](#), [H 598](#), and [H 621](#)

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

March 23, 2012

Mr. Speaker:

I transmit herewith enrolled [S 1270](#), [S 1280](#), [S 1295](#), as amended, [S 1330](#), and [SCR 123](#) for the signature of the Speaker.
NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1270](#), [S 1280](#), [S 1295](#), as amended, [S 1330](#), and [SCR 123](#) and, when so signed, ordered them returned to the Senate.

March 23, 2012

Mr. Speaker:

I transmit herewith [S 1406](#) and [S 1386](#) which have passed the Senate.

NOVAK, Secretary

[S 1406](#) and [S 1386](#) were filed for first reading.

March 23, 2012

Mr. Speaker:

I return herewith [H 619](#), as amended, [H 583](#), [H 515](#), as amended, [H 584](#), as amended, [H 634](#), [H 551](#), [H 648](#), [HJM 13](#), [HCR 46](#), and [HCR 49](#) which have passed the Senate.

NOVAK, Secretary

[H 619](#), as amended, [H 583](#), [H 515](#), as amended, [H 584](#), as amended, [H 634](#), [H 551](#), [H 648](#), [HJM 13](#), [HCR 46](#), and [HCR 49](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 26, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 426](#), as amended in the Senate.

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 426](#), as amended in the Senate, and, when so signed, ordered it transmitted to the Senate for the signature of the President.

March 26, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [H 564](#), as amended, as amended in the Senate.

WILLS, Chairman

[H 564](#), as amended, as amended in the Senate, was filed for first reading of engrossed bills.

March 26, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 522](#), as amended, [H 386](#), as amended, [H 549](#), [H 550](#), [H 590](#), [H 604](#), [H 582](#), [H 491](#), as amended, [H 376](#), [H 570](#), [H 502](#), as amended, [H 569](#), [H 609](#), [H 519](#), and [H 497](#), as amended in the Senate, to the Governor at 9:15 a.m., as of this date, March 23, 2012.

WILLS, Chairman

March 26, 2012

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [S 1390](#), as amended, and [S 1395](#) and recommend that they do pass.

BLACK, Chairman

[S 1390](#), as amended, and [S 1395](#) were filed for second reading.

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

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

[S 1406](#), by Finance Committee, was introduced, read the first time by title, and filed for second reading.

[S 1386](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

First Reading of Engrossed Bills

[H 564](#), as amended, as amended in the Senate, by Education Committee, was introduced, read the first time by title, and filed for second reading.

Second Reading of Bills and Joint Resolutions

[H 694](#), by Education Committee, was read the second time by title and filed for third reading.

[H 695](#) and [H 696](#), by Appropriations Committee, were read the second time by title and filed for third reading.

[S 1401](#), [S 1402](#), [S 1404](#), [S 1405](#), and [S 1403](#), by Finance Committee, were read the second time by title and filed for third reading.

[S 1383](#), as amended, by State Affairs Committee, was read the second time by title and filed for third reading.

[H 439](#), as amended, as amended in the Senate, by Health and Welfare Committee, was read the second time by title and filed for third reading.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 694](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 694](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Black, Roberts, Sims. Total – 3.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 694](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thayne to open debate.

The question being, "Shall [H 694](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block), Bolz, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 53.

NAYS – Buckner-Webb, Burgoyne, Chew, Cronin, Higgins, Jaquet, Killen, King, Lacey, Pence, Ringo, Rusche, Smith(30), Smith(24), Trail. Total – 15.

Absent and excused – Black, Sims. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 694](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 695](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 695](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Black, Roberts, Sims. Total – 3.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 695](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Bell to open debate.

The question being, "Shall [H 695](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block), Bolz, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Lake, Loertscher, Luker, Marriott, McGeachin,

McMillan, Moyle, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 53.

NAYS – Buckner-Webb, Burgoyne, Chew, Cronin, Higgins, Jaquet, Killen, King, Lacey, Nesset, Pence, Ringo, Rusche, Smith(30), Smith(24), Trail. Total – 16.

Absent and excused – Sims. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 695](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 696](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 696](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nesset, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Black, Roberts, Sims. Total – 3.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 696](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wood(27) to open debate.

The question being, "Shall [H 696](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Nesset, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – Barbieri, Barrett, Lake, Moyle. Total – 4.

Absent and excused – Sims. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 696](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1401](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1401](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nesset, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Black, Roberts, Sims. Total – 3.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1401](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall [S 1401](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Marriott, McGeachin, McMillan, Nesset, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – Burgoyne, Luker, Moyle, Palmer, Simpson. Total – 5.

Absent and excused – Sims. Total – 1.

Total – 70.

Whereupon the Speaker declared that [S 1401](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1402](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1402](#) be

read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Black, Roberts, Sims. Total – 3.
Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1402](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall [S 1402](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Marriott, McGeachin, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 60.

NAYS – Barbieri, Barrett, Burgoyne, Hart, Luker, McMillan, Schaefer, Thayne. Total – 8.

Absent and excused – Roberts, Sims. Total – 2.
Total – 70.

Whereupon the Speaker declared that [S 1402](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1383](#), as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1383](#), as amended, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane,

Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Black, Roberts, Sims. Total – 3.
Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1383](#), as amended, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood(35) to open debate.

The question being, "Shall [S 1383](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – Burgoyne, Cronin, Killen, Ringo, Rusche, Smith(24). Total – 6.

Absent and excused – Sims. Total – 1.
Total – 70.

Whereupon the Speaker declared that [S 1383](#), as amended, passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1404](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1404](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Black, Roberts, Sims. Total – 3.
Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1404](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wood(27) to open debate.

The question being, "Shall [S 1404](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Loertscher, Luker, McGeachin, Moyle, Nessel, Nielsen, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shepherd, Shirley, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 53.

NAYS – Barbieri, Barrett, Batt, Bayer, Boyle, Crane, DeMordaunt, Hart, Lake, Marriott, McMillan, Nonini, Palmer, Schaefer, Simpson, Wood(35). Total – 16.

Absent and excused – Sims. Total – 1.
Total – 70.

Whereupon the Speaker declared that [S 1404](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1405](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1405](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Black, Roberts, Sims. Total – 3.
Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1405](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

Ms. Jaquet asked unanimous consent that, pursuant to Rule 22, discussion of other pending legislation be allowed in debate of [S 1405](#). There being no objection it was so ordered.

The question being, "Shall [S 1405](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – Barbieri, McMillan, Ringo, Rusche, Schaefer, Trail. Total – 6.

Absent and excused – Sims. Total – 1.
Total – 70.

Whereupon the Speaker declared that [S 1405](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1403](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1403](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Black, Roberts, Sims. Total – 3.
Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1403](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thompson to open debate.

The question being, "Shall [S 1403](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane,

Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Marriott, McMillan, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 62.

NAYS – Luker, Moyle, Smith(24). Total – 3.

Absent and excused – Bilbao, Loertscher, McGeachin, Sims, Wood(35). Total – 5.
Total – 70.

Whereupon the Speaker declared that [S 1403](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 439](#), as amended, as amended in the Senate, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 439](#), as amended, as amended in the Senate, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Black, Roberts, Sims. Total – 3.
Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 439](#), as amended, as amended in the Senate, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

The question being, "Shall [H 439](#), as amended, as amended in the Senate, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson,

Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 66.

NAYS – Harwood. Total – 1.

Absent and excused – Bilbao, Sims, Wood(35). Total – 3.
Total – 70.

Whereupon the Speaker declared [H 439](#), as amended, as amended in the Senate, passed the House. Title was approved and the bill referred to the Judiciary, Rules, and Administration Committee for enrolling.

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

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that the House recess until 1:30 p.m.

Without objection, the Speaker declared the House at recess until 1:30 p.m.

RECESS Afternoon Session

The House reconvened at 1:30 p.m., the Speaker in the Chair.

Prior to recess, the House was at the Eleventh Order of Business.

Mr. Moyle asked unanimous consent that [H 561](#) be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

Mr. Simpson asked unanimous consent that [H 561](#) be returned to the Local Government Committee. There being no objection, it was so ordered.

[S 1343](#) - STATE POLICE DIRECTOR

[S 1343](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Higgins to open debate.

The question being, "Shall [S 1343](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Bayer, Block(Block), McGeachin, Roberts, Sims. Total – 5.

Total – 70.

Whereupon the Speaker declared that [S 1343](#) passed the House. Title was approved and the bill ordered returned to the Senate.

S 1363 - UNCLAIMED PROPERTY

S 1363 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Guthrie to open debate.

The question being, "Shall S 1363 pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Block(Block), McGeachin, Sims. Total – 3.

Total – 70.

Whereupon the Speaker declared that S 1363 passed the House. Title was approved and the bill ordered returned to the Senate.

S 1365 - UNCLAIMED PROPERTY

S 1365 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Buckner-Webb to open debate.

The question being, "Shall S 1365 pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Block(Block), McGeachin, Sims. Total – 3.

Total – 70.

Whereupon the Speaker declared that S 1365 passed the House. Title was approved and the bill ordered returned to the Senate.

S 1366 - RULEMAKING

S 1366 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Moyle to open debate.

Pursuant to Rule 38(3), Mrs. Batt disclosed a conflict of interest regarding S 1366.

The question being, "Shall S 1366 pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Block(Block), McGeachin, Sims. Total – 3.

Total – 70.

Whereupon the Speaker declared that S 1366 passed the House. Title was approved and the bill ordered returned to the Senate.

S 1373 - LABOR

S 1373 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Henderson to open debate.

The question being, "Shall S 1373 pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Smith(24), Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 53.

NAYS – Buckner-Webb, Burgoyne, Chew, Cronin, Higgins, Jaquet, Killen, King, Lacey, Pence, Ringo, Rusche, Smith(30), Trail. Total – 14.

Absent and excused – Block(Block), McGeachin, Sims. Total – 3.

Total – 70.

Whereupon the Speaker declared that S 1373 passed the House. Title was approved and the bill ordered returned to the Senate.

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

There being no objection, the House returned to the Fourth Order of Business.

Consideration of Messages from the Governor and the Senate

March 26, 2012

Mr. Speaker:

I return herewith enrolled [H 603](#), [H 626](#), [H 607](#), [H 645](#), [H 487](#), [H 632](#), [H 593](#), [H 633](#), [H 654](#), [H 655](#), [H 368](#), as amended, [H 452](#), [H 518](#), [H 536](#), [H 553](#), [H 576](#), [H 494](#), [H 608](#), [H 539](#), [H 635](#), [H 657](#), [H 658](#), [H 664](#), [H 665](#), [H 572](#), [H 591](#), [H 613](#), and [H 659](#) which have been signed by the President.

NOVAK, Secretary

Enrolled [H 603](#), [H 626](#), [H 607](#), [H 645](#), [H 487](#), [H 632](#), [H 593](#), [H 633](#), [H 654](#), [H 655](#), [H 368](#), as amended, [H 452](#), [H 518](#), [H 536](#), [H 553](#), [H 576](#), [H 494](#), [H 608](#), [H 539](#), [H 635](#), [H 657](#), [H 658](#), [H 664](#), [H 665](#), [H 572](#), [H 591](#), [H 613](#), and [H 659](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 26, 2012

Mr. Speaker:

I transmit herewith [S 1409](#), [S 1410](#), and [S 1408](#) which have passed the Senate.

NOVAK, Secretary

[S 1409](#), [S 1410](#), and [S 1408](#) were filed for first reading.

March 26, 2012

Mr. Speaker:

I return herewith [H 631](#), as amended, [H 443](#), [H 479](#), as amended, [H 577](#), [H 599](#), [H 414](#), [H 651](#), [H 485](#), as amended, [HCR 47](#), and [HJM 14](#) which have passed the Senate.

NOVAK, Secretary

[H 631](#), as amended, [H 443](#), [H 479](#), as amended, [H 577](#), [H 599](#), [H 414](#), [H 651](#), [H 485](#), as amended, [HCR 47](#), and [HJM 14](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Mr. Andrus asked unanimous consent that [S 1303](#) be placed on General Orders for consideration. There being no objection it was so ordered.

Mr. Hartgen asked unanimous consent that [S 1369](#) be returned to the Commerce and Human Resources Committee. There being no objection, it was so ordered.

Report of Standing Committees

March 26, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 619](#), as amended, [H 583](#), [H 515](#), as amended, [H 584](#), as amended, [H 634](#), [H 551](#), [H 648](#), [HJM 13](#), [HCR 46](#), and [HCR 49](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 619](#), as amended, [H 583](#), [H 515](#), as amended, [H 584](#), as amended, [H 634](#), [H 551](#), [H 648](#), [HJM 13](#), [HCR 46](#), and [HCR 49](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 26, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 693](#), [S 1348](#), as amended, and [S 1407](#) and recommend that they do pass.

LOERTSCHER, Chairman

[H 693](#), [S 1348](#), as amended, and [S 1407](#) were filed for second reading.

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

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

HOUSE BILL NO. 697 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO COUNTIES AND PROPERTY TAX LEVIES; AMENDING CHAPTER 13, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-1305A, IDAHO CODE, TO ESTABLISH PROVISIONS PROVIDING THAT CERTAIN TAXING DISTRICTS MAY CERTIFY A BUDGET REQUEST IN EXCESS OF CERTAIN LIMITATIONS FOR THE PURPOSE OF PAYING A FINAL JUDGMENT, TO PROVIDE FOR CERTAIN CONDITIONS, TO ESTABLISH PROVISIONS RELATING TO THE APPLICATION OF LAW AND THE METHOD OF PAYMENT, TO PROVIDE FOR RULES AND TO ESTABLISH PROVISIONS RELATING TO A LIMITATION; AMENDING CHAPTER 13, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-1305B, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO AN ELECTION; AMENDING SECTION 50-2908, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO LEVIES FOR PAYMENT OF CERTAIN JUDGMENTS, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-802, IDAHO CODE, TO REVISE A CODE REFERENCE AND TO PROVIDE THAT THE AMOUNT OF PROPERTY TAX REVENUES TO FINANCE AN ANNUAL BUDGET DOES NOT INCLUDE REVENUE FROM LEVIES TO SATISFY CERTAIN JUDGMENTS AND REVENUE FROM CERTAIN OTHER LEVIES; AMENDING SECTION 63-803, IDAHO CODE, TO REVISE A CODE REFERENCE; AMENDING SECTION 63-811, IDAHO CODE, TO REVISE A CODE REFERENCE; AMENDING SECTION 31-1901, IDAHO CODE, TO PROVIDE THAT THE COUNTY MAY ALSO ISSUE BONDS FOR THE PURPOSE OF PAYING A CERTAIN JUDGMENT; REPEALING SECTION 50-2908, IDAHO CODE, RELATING TO DETERMINATION OF TAX LEVIES AND CREATION OF SPECIAL FUND; REPEALING SECTION 63-802, IDAHO CODE, RELATING TO LIMITATION ON BUDGET REQUESTS AND LIMITATION ON TAX CHARGES, REPEALING SECTION 63-803, IDAHO CODE, RELATING TO CERTIFICATION OF BUDGETS IN DOLLARS AND REPEALING SECTION 63-811, IDAHO CODE, RELATING TO COMPUTATION OF PROPERTY TAXES AND DUTIES OF COUNTY AUDITOR; REPEALING SECTION 31-1901, IDAHO CODE, RELATING TO COMMISSIONERS ISSUING FUNDING AND REFUNDING BONDS; AMENDING CHAPTER 29, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-2908, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO DETERMINATION OF CERTAIN TAX LEVIES, TO ESTABLISH PROVISIONS RELATING TO EXCEPTIONS, TO ESTABLISH PROVISIONS RELATING TO THE ALLOCATION OF CERTAIN TAX REVENUES, TO ESTABLISH PROVISIONS RELATING TO THE CREATION OF A SPECIAL FUND, TO ESTABLISH PROVISIONS RELATING TO TAXING DISTRICTS IN WHICH A REVENUE ALLOCATION AREA IS LOCATED AND TO DEFINE A TERM; AMENDING CHAPTER 8, TITLE 63,

IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-802, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO LIMITATIONS ON CERTAIN BUDGET REQUESTS, TO ESTABLISH PROVISIONS RELATING TO LIMITATIONS ON CERTAIN TAX CHARGES AND TO PROVIDE FOR EXCEPTIONS; AMENDING CHAPTER 8, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-803, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO CERTIFICATION OF BUDGETS IN DOLLARS; AMENDING CHAPTER 8, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-811, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO COMPUTATION OF PROPERTY TAXES AND DUTIES OF COUNTY AUDITOR; AMENDING CHAPTER 19, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-1901, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO CERTAIN COMMISSIONERS WHO MAY ISSUE CERTAIN FUNDING AND REFUNDING BONDS; PROVIDING SEVERABILITY; DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION, PROVIDING A SUNSET DATE AND PROVIDING AN EFFECTIVE DATE.

[H 697](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1409](#), [S 1410](#), and [S 1408](#), by Finance Committee, were introduced, read the first time by title, and filed for second reading.

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

Adjournment

Mr. Moyle moved that the House adjourn until 9 a.m., Tuesday, March 27, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 2:18 p.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SEVENTY-NINTH LEGISLATIVE DAY
TUESDAY, MARCH 27, 2012

House of Representatives

The House convened at 9 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused – Sims. Total – 1.
Total – 70.

Prayer was offered by Representative Ken Roberts.

The Pledge of Allegiance was led by Holly Monaghan, Page.

Approval of Journal

March 27, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Seventy-eighth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

March 26, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

[H 396](#), [H 397](#), [H 399](#), [H 400](#), [H 401](#), [H 513](#), [H 616](#), [H 617](#), and [H 618](#)

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

OFFICE OF THE GOVERNOR
Boise

March 26, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bill, to wit:

[H 512](#), as amended

within the time prescribed by law, the same having arrived in the Office of the Governor at the hour of 10:05 a.m. on March 21, 2012.

I support the intent of this legislation. However, concerns raised have led the parties involved to agree that language that was struck this year will be placed back into Idaho Code in 2013. The language struck read: "The right is reserved to the state of Idaho to audit the funds of the commission at any time."

I look forward to working with all parties in resolving these concerns during the 1st Regular Session of the 62nd Idaho Legislature.

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

March 26, 2012

Mr. Speaker:

I transmit herewith enrolled [S 1243](#), as amended in the House, as amended in the House, and [S 1274](#), as amended in the House, for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1243](#), as amended in the House, as amended in the House, and [S 1274](#), as amended in the House, and, when so signed, ordered them returned to the Senate.

March 26, 2012

Mr. Speaker:

I return herewith enrolled [H 426](#), as amended in the Senate, which has been signed by the President.

NOVAK, Secretary

Enrolled [H 426](#), as amended in the Senate, was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 26, 2012

Mr. Speaker:

I return herewith [H 458](#), [H 682](#), [H 668](#), [H 669](#), [H 674](#), [H 675](#), and [H 676](#) which have passed the Senate.

NOVAK, Secretary

[H 458](#), [H 682](#), [H 668](#), [H 669](#), [H 674](#), [H 675](#), and [H 676](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

March 26, 2012

Mr. Speaker:

I return herewith [H 542](#), as amended, which has failed to pass the Senate.

NOVAK, Secretary

[H 542](#), as amended, was ordered filed in the office of the Chief Clerk.

Report of Standing Committees

Mr. Cronin asked, pursuant to Rule 45, that [S 1358](#), as amended, be reported forthwith out of the Education Committee to which it had been referred.

Mr. Nonini moved that the committee be excused. Seconded by Mr. Bayer.

The question being, "Shall the motion carry?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nielsen, Nonini, Palmer, Perry, Roberts, Schaefer, Shepherd, Simpson, Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 48.

NAYS – Anderson, Buckner-Webb, Burgoyne, Chew, Cronin, Eskridge, Higgins, Jaquet, Killen, King, Lacey, Nesset, Patrick, Pence, Raybould, Ringo, Rusche, Shirley, Smith(30), Smith(24), Trail. Total – 21.

Absent and excused – Sims. Total – 1.

Total – 70.

Whereupon the Speaker declared the motion carried and the committee was excused.

March 27, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 697](#).

WILLS, Chairman

[H 697](#) was filed for second reading.

March 27, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 439](#), as amended, as amended in the Senate, [H 631](#), as amended, [H 443](#), [H 479](#), as amended, [H 577](#), [H 599](#), [H 414](#), [H 651](#), [H 485](#), as amended, [HCR 47](#), and [HJM 14](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 439](#), as amended, as amended in the Senate, [H 631](#), as amended, [H 443](#), [H 479](#), as amended, [H 577](#), [H 599](#), [H 414](#), [H 651](#), [H 485](#), as amended, [HCR 47](#), and [HJM 14](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 27, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 603](#), [H 626](#), [H 607](#), [H 645](#), [H 487](#), [H 632](#), [H 593](#), [H 633](#), [H 654](#), [H 655](#), [H 368](#), as amended, [H 452](#), [H 518](#), [H 536](#), [H 553](#), [H 576](#), [H 494](#), [H 608](#), [H 539](#), [H 635](#), [H 657](#), [H 658](#), [H 664](#), [H 665](#), [H 572](#), [H 591](#), [H 613](#), and [H 659](#) to the Governor at 1:43 p.m., as of this date, March 26, 2012.

WILLS, Chairman

March 27, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 662](#) and recommend that it do pass.

NONINI, Chairman

[H 662](#) was filed for second reading.

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

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

HOUSE BILL NO. 698 BY EDUCATION COMMITTEE AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1004E, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN INCREASES TO BASE AND MINIMUM SALARIES, TO REVISE PROVISIONS RELATING TO CERTAIN ADJUSTMENTS TO A DISTRICT'S SALARY-BASED APPORTIONMENT AND TO PROVIDE THAT FOR FISCAL YEAR 2014, CERTAIN STATE FUNDS APPROPRIATED SHALL BE DIRECTED PURSUANT TO CERTAIN PROVISIONS OF LAW AND ALSO FOR COSTS ASSOCIATED WITH ANY INCREASE IN THE NUMBER OF SUPPORT UNITS, PRIOR TO FUNDING OF ANY OTHER INCREASES IN THE EDUCATIONAL SUPPORT PROGRAM; AND PROVIDING A CONTINGENT SUNSET DATE.

[H 698](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

Second Reading of Bills and Joint Resolutions

[S 1390](#), as amended, by Judiciary and Rules Committee, was read the second time by title and filed for third reading.

[S 1395](#), [S 1348](#), as amended, and [S 1407](#), by State Affairs Committee, were read the second time by title and filed for third reading.

[S 1406](#), [S 1409](#), [S 1410](#), and [S 1408](#), by Finance Committee, were read the second time by title and filed for third reading.

[H 564](#), as amended, as amended in the Senate, by Education Committee, was read the second time by title and filed for third reading.

[H 693](#), by Ways and Means Committee, was read the second time by title and filed for third reading.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1390](#), as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1390](#), as amended, be read the first time

by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Andrus, Bilbao, Sims. Total – 3.
Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1390](#), as amended, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Black to open debate.

The question being, "Shall [S 1390](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Sims. Total – 1.
Total – 70.

Whereupon the Speaker declared that [S 1390](#), as amended, passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1395](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1395](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin,

DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Andrus, Bilbao, Sims. Total – 3.
Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1395](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

The question being, "Shall [S 1395](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Sims. Total – 1.
Total – 70.

Whereupon the Speaker declared that [S 1395](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1406](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1406](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Andrus, Bilbao, Sims. Total – 3.
Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1406](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thompson to open debate.

The question being, "Shall [S 1406](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Loertscher, Luker, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – Harwood, Lake, Marriott, McGeachin, McMillan, Schaefer. Total – 6.

Absent and excused – Sims. Total – 1.
Total – 70.

Whereupon the Speaker declared that [S 1406](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 564](#), as amended, as amended in the Senate, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 564](#), as amended, as amended in the Senate, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Andrus, Bilbao, Sims. Total – 3.
Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 564](#), as amended, as amended in the Senate, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood(35) to open debate.

The question being, "Shall [H 564](#), as amended, as amended in the Senate, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Smith(24), Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 59.

NAYS – Burgoyne, Chew, Cronin, Higgins, Pence, Ringo, Rusche, Smith(30), Trail. Total – 9.

Absent and excused – Henderson, Sims. Total – 2.
Total – 70.

Whereupon the Speaker declared [H 564](#), as amended, as amended in the Senate, passed the House. Title was approved and the bill referred to the Judiciary, Rules, and Administration Committee for enrolling.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 693](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 693](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Andrus, Bilbao, Sims. Total – 3.
Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 693](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bedke to open debate.

The question being, "Shall [H 693](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz,

Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Smith(24), Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 55.

NAYS – Buckner-Webb, Burgoyne, Chew, Cronin, Higgins, Jaquet, Killen, King, Lacey, Pence, Ringo, Rusche, Smith(30), Trail. Total – 14.

Absent and excused – Sims. Total – 1.
Total – 70.

Whereupon the Speaker declared that [H 693](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1407](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1407](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Andrus, Bilbao, Sims. Total – 3.
Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1407](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Buckner-Webb to open debate.

The question being, "Shall [S 1407](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Anderson, Loertscher, Sims. Total – 3.
Total – 70.

Whereupon the Speaker declared that [S 1407](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1409](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1409](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Andrus, Bilbao, Sims. Total – 3.
Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1409](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall [S 1409](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, McGeachin, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 59.

NAYS – Barbieri, Barrett, Hart, Harwood, Luker, Marriott, McMillan, Nielsen, Shepherd, Thayne. Total – 10.

Absent and excused – Sims. Total – 1.
Total – 70.

Whereupon the Speaker declared that [S 1409](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1410](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State

of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1410](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Andrus, Bilbao, Sims. Total – 3.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1410](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thompson to open debate.

Mr. Burgoyne asked unanimous consent that, pursuant to Rule 22, discussion of other pending legislation be allowed in debate of [S 1410](#). There being no objection it was so ordered.

The question being, "Shall [S 1410](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 54.

NAYS – Buckner-Webb, Burgoyne, Chew, Cronin, Higgins, Jaquet, Killen, King, Lacey, Pence, Ringo, Rusche, Smith(30), Smith(24), Trail. Total – 15.

Absent and excused – Sims. Total – 1.

Total – 70.

Whereupon the Speaker declared that [S 1410](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1408](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1408](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Andrus, Bilbao, Sims. Total – 3.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1408](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Patrick to open debate.

The question being, "Shall [S 1408](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Chadderdon, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Burgoyne, Chew, Pence, Sims. Total – 4.

Total – 70.

Whereupon the Speaker declared that [S 1408](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle asked unanimous consent that the House recess until 1:30 p.m.

Without objection, the Speaker declared the House at recess until 1:30 p.m.

RECESS

Afternoon Session

The House reconvened at 1:30 p.m., the Speaker in the Chair.

Prior to recess, the House was at the Seventh Order of Business.

There being no objection, the House returned to the Fourth Order of Business.

**Consideration of Messages from the
Governor and the Senate**

OFFICE OF THE GOVERNOR
Boise

March 27, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bill, to wit:

[H 556](#)

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

March 27, 2012

Mr. Speaker:

I transmit herewith enrolled [S 1383](#), as amended, [S 1401](#), [S 1402](#), [S 1403](#), [S 1404](#), [S 1405](#), [S 1393](#), [S 1394](#), [S 1396](#), [S 1397](#), [S 1398](#), [S 1399](#), and [S 1400](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1383](#), as amended, [S 1401](#), [S 1402](#), [S 1403](#), [S 1404](#), [S 1405](#), [S 1393](#), [S 1394](#), [S 1396](#), [S 1397](#), [S 1398](#), [S 1399](#), and [S 1400](#) and, when so signed, ordered them returned to the Senate.

March 27, 2012

Mr. Speaker:

I transmit herewith enrolled [SCR 125](#), [SCR 130](#), [SCR 131](#), [SCR 132](#), [SJM 103](#), [SJM 104](#), and [SJM 105](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [SCR 125](#), [SCR 130](#), [SCR 131](#), [SCR 132](#), [SJM 103](#), [SJM 104](#), and [SJM 105](#) and, when so signed, ordered them returned to the Senate.

March 27, 2012

Mr. Speaker:

I return herewith enrolled [H 619](#), as amended, [H 583](#), [H 515](#), as amended, [H 584](#), as amended, [H 634](#), [H 551](#), and [H 648](#) which have been signed by the President.

NOVAK, Secretary

Enrolled [H 619](#), as amended, [H 583](#), [H 515](#), as amended, [H 584](#), as amended, [H 634](#), [H 551](#), and [H 648](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 27, 2012

Mr. Speaker:

I return herewith enrolled [HJM 13](#), [HCR 46](#), and [HCR 49](#) which have been signed by the President.

NOVAK, Secretary

Enrolled [HJM 13](#), [HCR 46](#), and [HCR 49](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

Report of Standing Committees

March 27, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 698](#).

WILLS, Chairman

[H 698](#) was referred to the Education Committee.

March 27, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 458](#), [H 682](#), [H 668](#), [H 669](#), [H 674](#), [H 675](#), [H 676](#), and [H 564](#), as amended, as amended in the Senate.

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 458](#), [H 682](#), [H 668](#), [H 669](#), [H 674](#), [H 675](#), [H 676](#), and [H 564](#), as amended, as amended in the Senate, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 27, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 426](#), as amended in the Senate, to the Governor at 10 a.m., as of this date, March 27, 2012.

WILLS, Chairman

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

Consideration of General Orders

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mr. Rusche. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Roberts in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

March 27, 2012

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration [H 477](#), [H 670](#), and [S 1303](#) and report them back without recommendation, amended as follows:

HOUSE AMENDMENT TO H.B. NO. 477

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete line 31, and insert: "fraud or collusion, or for any other fiscally prudent reason, which in the judgment of said"; delete lines 33 through 35, and insert:

"(5) The challenger of the current lease shall be required to provide payment of one (1) year's rental on the lease payable at the time of application to lease. If the amount of the"; and in line 41, following "notice." insert: "Any unsuccessful bidder is entitled to a refund of their payment."

CORRECTION TO TITLE

On page 1, delete lines 4 and 5, and insert: "LATING TO SPECIFIED LAW, TO REVISE PROVISIONS RELATING TO THE REJECTION OF BIDS AND TO PROVIDE THAT ANY UNSUCCESSFUL BIDDER IS ENTITLED TO A REFUND OF THEIR PAYMENT;"; and in line 6, delete "AUCTION;".

HOUSE AMENDMENT TO H.B. NO. 670

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 24 through 26, and insert: "part of the tuition and fees at a qualified nonpublic school located in the state of Idaho.".

On page 2, delete lines 7 through 10, and insert:

"(6) "Qualified school" means a nonpublic elementary and/or secondary school in Idaho that complies with all of the requirements of the program.";

also on page 2, delete line 37, and insert:

"(7) In no event shall the aggregate amount of tax credits allowed pursuant to this section exceed ten million dollars (\$10,000,000) per tax year, except as provided below.

(a) If the amount of credit allowed pursuant to this section reaches";

and following line 47, insert:

"(8) The department shall allow the tax credits on a first come, first served basis.".

On page 3, delete line 6, and insert:

"(b) Be located in Idaho and demonstrate to the department that it has been granted exemption";

following line 19, insert:

"(f) Be prohibited from awarding or restricting the award of a scholarship to a specific eligible student at the request of a donor.";

also on page 3, in line 20, delete "(f)" and insert: "(g)"; in line 22, delete "(g)" and insert: "(h)"; in line 25, delete "(h)" and insert: "(i)"; in line 29, delete "(i)" and insert: "(j)"; in line 33, delete "(j)" and insert: "(k)"; in line 36, delete "(k)" and insert: "(l)".

On page 4, delete lines 35 through 37, and insert: "TIES.

(1) All participating nonpublic schools that accept educational scholarships under this act shall:

(a) Be required to operate in Idaho;";

in line 38, delete "(a)" and insert: "(b)"; in line 39, delete "(b)" and insert: "(c)"; in line 40, delete "and"; in line 41, delete "(c)" and insert: "(d)"; in line 42, delete "." and insert: ";"; delete line 43; and in line 44, delete "(a)" and insert: "(e)".

On page 5, in line 1, delete "(b)" and insert: "(f)".

CORRECTION TO TITLE

On page 1, delete lines 10 and 11, and insert: "RESPONSIBILITIES OF PARTICIPATING SCHOOLS; AND PROVIDING AN EFFECTIVE DATE.".

HOUSE AMENDMENT TO S.B. NO. 1303

AMENDMENT TO SECTION 2

On page 1 of the printed bill, in line 27, following "as" insert: "otherwise"; also in line 27, following "25-3503" insert: "or 25-3506"; in line 32, following "as" insert: "otherwise"; also in line 32, following "25-3503" insert: "or 25-3506"; in line 38, following "as" insert: "otherwise"; and also in line 38, following "25-3503" insert: "or 25-3506".

AMENDMENT TO THE BILL

On page 1, following line 23, insert:

"SECTION 2. That Section 25-3506, Idaho Code, be, and the same is hereby amended to read as follows:

25-3506. EXHIBITION OF COCKFIGHTS. (1)

Every person who participates in a public or private display of combat between two (2) or more gamecocks in which the fighting, killing, maiming or injuring of gamecocks is a significant feature is guilty of a misdemeanor and shall, upon conviction, be punished in accordance with section 25-3520A, Idaho Code.

(2) Every person who knowingly advertises, promotes or organizes a public or private display of combat between two (2) or more gamecocks in which the fighting, killing, maiming or injuring of gamecocks is a significant feature and at which:

(a) Any controlled substance listed in section 37-2732C, Idaho Code, is present; and

(b) Any act of gambling, as defined in section 18-3801, Idaho Code, occurs;

is guilty of a felony and shall, upon conviction, be punished in accordance with the penalty provisions in section 25-3520A(3)(a), Idaho Code.

(3) Every person who knowingly advertises, promotes or organizes a public or private display of combat between two (2) or more gamecocks in which the fighting, killing, maiming or injuring of gamecocks is a significant feature and at which:

(a) Gaffs or other artificial or mechanical means are used to enhance pain, inflict injury or to cause death; or

(b) Any substance to enhance activity, aggressiveness or bodily energy has been administered to a gamecock;

is guilty of a misdemeanor for a first violation and shall, upon conviction, be punished in accordance with the penalty provisions of section 25-3520A(1), Idaho Code. Any person convicted of a second or subsequent violation of the provisions of this subsection is guilty of a felony and shall, upon conviction, be punished in accordance with the penalty provisions of section 25-3520A(3)(a), Idaho Code. Each prior conviction shall constitute one (1) violation of the provisions of this subsection regardless of the number of counts involved in the conviction.

(4) Nothing in this section prohibits any customary practice of breeding or rearing game fowl, regardless of the subsequent uses of said game fowl.";

and in line 24, delete "SECTION 2" and insert: "SECTION 3".

CORRECTION TO TITLE

On page 1, in line 3, following "MISDEMEANORS;" insert: "AMENDING SECTION 25-3506, IDAHO CODE, TO PROVIDE FOR VIOLATIONS AND PENALTIES RELATING TO CERTAIN DISPLAYS OF COMBAT BETWEEN GAMECOCKS;"; and also in line 3, following "SECTION 25-3520A, IDAHO CODE," insert: "TO REVISE PROVISIONS RELATING TO PENALTIES FOR VIOLATIONS,".

We have also had under consideration [H 586](#), [S 1302](#), and [H 688](#), report progress and beg leave to sit again.

BEDKE, Chairman

Mr. Roberts moved that the report be adopted. Seconded by Mr. Rusche.

Whereupon the Speaker declared the report adopted.

[H 477](#), as amended, and [H 670](#), as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

[S 1303](#), as amended in the House, was filed for first reading.

[H 586](#), [S 1302](#), and [H 688](#) were retained on General Orders.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

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

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

Adjournment

Mr. Moyle moved that the House adjourn until 9 a.m., Wednesday, March 28, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 1:59 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**EIGHTIETH LEGISLATIVE DAY
WEDNESDAY, MARCH 28, 2012**

House of Representatives

The House convened at 9 a.m., Mr. Moyle in the Chair.

Roll call showed 69 members present.
Absent and excused – Smith(24). Total – 1.
Total – 70.

Prayer was offered by Representative Jeff Thompson.

The Pledge of Allegiance was led by Courtney Wills, Page.

Approval of Journal

March 28, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Seventy-ninth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

March 27, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

[H 420](#), [H 421](#), [H 422](#), [H 448](#), [H 450](#), as amended in the Senate, [H 457](#), as amended in the Senate, [H 490](#), [H 503](#), [H 511](#), as amended, as amended in the Senate, [H 523](#), as amended, [H 532](#), [H 541](#), [H 558](#), [H 579](#), [H 622](#), [H 636](#), [H 637](#), [H 638](#), [H 641](#), [H 642](#), [H 643](#), and [H 644](#)

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

THE OFFICE OF THE GOVERNOR
Boise

March 27, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I am transmitting today to the Secretary of State the following House bill which will be allowed to become law without my signature within the time limited by law:

[H 615](#)

as prescribed by the Constitution.

If Idaho and 25 other states are successful in challenging the Patient Protection and Affordable Care Act - Obamacare - it is imperative that we develop collaborative and substantive reforms to the Catastrophic Health Care Fund program in 2013. We will know in June of this year whether that is the case.

As I write this letter, the high court is hearing the second of three days of historic arguments on the constitutional challenge to Obamacare's individual mandate on American citizens to purchase health insurance if they lack coverage starting in 2014.

If the Supreme Court strikes down the federal mandate as unconstitutional, careful evaluation and thorough stakeholder involvement is needed to enact responsible reforms to the administration of and expectations for the "Cat Fund" before any ongoing appropriation is approved. I look forward to working with the Legislature, counties and other concerned parties to develop a workable, well-defined process for paying indigent citizens' medical costs.

The Idaho Department of Health and Welfare reports that reform must include claims processing that meets industry standards, case management for Medicaid-eligible chronic disease patients, an integrated software system for eligibility determinations at both the county and State levels, and a rewrite of Idaho's indigent and catastrophic health care statutes with a concise description of the role of counties, the State, hospitals and other providers, and citizens. Only with such key changes will we address continuing problems with the Cat Fund's equity and effectiveness.

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

March 27, 2012

Mr. Speaker:

I return herewith [H 677](#), [H 678](#), [H 679](#), [H 680](#), [H 681](#), [H 611](#), [H 661](#), [H 624](#), [H 649](#), [H 372](#), [H 575](#), and [HJR 2](#), as amended, which have passed the Senate.

NOVAK, Secretary

[H 677](#), [H 678](#), [H 679](#), [H 680](#), [H 681](#), [H 611](#), [H 661](#), [H 624](#), [H 649](#), [H 372](#), [H 575](#), and [HJR 2](#), as amended, were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 28, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed House amendments to [H 477](#), [H 670](#), and [S 1303](#).

WILLS, Chairman

March 28, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [H 477](#), as amended, and [H 670](#), as amended.

WILLS, Chairman

[H 477](#), as amended, and [H 670](#), as amended, were filed for first reading of engrossed bills.

March 28, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 619](#), as amended, [H 583](#), [H 515](#), as amended, [H 584](#), as amended, [H 634](#), [H 551](#), and [H 648](#) to the Governor at 1:46 p.m., as of this date, March 27, 2012.

WILLS, Chairman

March 28, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [HJM 13](#), [HCR 46](#), and [HCR 49](#) to the Secretary of State at 1:50 p.m., as of this date, March 27, 2012.

WILLS, Chairman

March 28, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 698](#) and recommend that it do pass.

NONINI, Chairman

[H 698](#) was filed for second reading.

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

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

[S 1303](#), as amended in the House, by Agricultural Affairs Committee, was introduced, read the first time by title, and filed for second reading.

First Reading of Engrossed Bills

[H 477](#), as amended, by Local Government Committee, was introduced, read the first time by title, and filed for second reading.

[H 670](#), as amended, by Education Committee, was introduced, read the first time by title, and filed for second reading.

Second Reading of Bills and Joint Resolutions

[H 697](#), by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

[H 662](#), by Education Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

[S 1357](#), as amended, - PERSONAL PROPERTY - TAX LIENS

[S 1357](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Bayer to open debate.

Pursuant to Rule 38(3), Mrs. Batt disclosed a conflict of interest regarding [S 1357](#), as amended.

The question being, "Shall [S 1357](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 67.

NAYS – None.

Absent and excused – Bedke, Smith(24), Mr. Speaker. Total – 3.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1357](#), as amended, passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Roberts asked unanimous consent that [H 660](#) be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

[H 660](#) - JUDGES RETIREMENT AND COMPENSATIONS

[H 660](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Lake and Mr. Hartgen to open debate.

The question being, "Shall [H 660](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bedke, Bell, Bilbao, Black, Block, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hartgen, Henderson, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, Nessel, Nielsen, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shirley, Smith(30), Stevenson, Thayne, Trail, Wills, Wood(27), Wood(35). Total – 46.

NAYS – Barbieri, Barrett, Bayer, Boyle, Crane, Cronin, Hagedorn, Hart, Harwood, Loertscher, McGeachin, McMillan, Moyle, Nonini, Palmer, Schaefer, Shepherd, Simpson, Sims, Thompson, Vander Woude, Mr. Speaker. Total – 22.

Absent and excused – Higgins, Smith(24). Total – 2.

Paired Votes:

AYE – Bedke

NAY – Shepherd

(Pairs enumerated in roll call above.)

Total – 70.

Mr. Bedke asked unanimous consent that the House recess until 2 p.m.

Without objection, the Speaker Pro Tem declared the House at recess until 2 p.m.

RECESS
Afternoon Session

The House reconvened at 2 p.m., the Speaker Pro Tem in the Chair.

Prior to recess, the House was at the Eighth Order of Business.

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

Third Reading of Bills and Joint Resolutions

Mr. Bedke asked unanimous consent that [SCR 116](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

**** Mrs. Perry** asked unanimous consent that her vote be changed from NAY to AYE on **S 1348**, as amended. There being no objection, it was so ordered. Final roll call shows: 58 AYE, 11 NAY, 1 ABSENT and EXCUSED.

Mr. Bedke moved that all rules of the House interfering with the immediate consideration of [H 697](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 697](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 67.

NAYS – None.

Absent and excused – Block, Smith(24), Mr. Speaker. Total – 3.

Total – 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 697](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Roberts to open debate.

Mr. Roberts asked unanimous consent that, pursuant to Rule 22, discussion of other pending legislation be allowed in debate of [H 697](#). There being no objection it was so ordered.

The question being, "Shall [H 697](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bateman, Bedke, Bilbao, Black, Block, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Luker, Marriott, Nessel, Nielsen, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Smith(30), Stevenson, Thayne, Trail, Wills, Wood(27). Total – 48.

NAYS – Barbieri, Batt, Bayer, Bell, Boyle, Crane, Hagedorn, Hart, Harwood, Loertscher, McGeachin, McMillan, Moyle, Nonini, Palmer, Simpson, Sims, Thompson, Vander Woude, Wood(35), Mr. Speaker. Total – 21.

Absent and excused – Smith(24). Total – 1.

Paired Votes:

AYE – Block NAY – Wood(35)

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 697](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Bedke moved that all rules of the House interfering with the immediate consideration of [H 662](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 662](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 67.

NAYS – None.

Absent and excused – Block, Smith(24), Mr. Speaker. Total – 3.

Total – 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 662](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. DeMordaunt and Mr. Roberts to open debate.

The question being, "Shall [H 662](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bilbao, Black, Block, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Marriott, McMillan, Nessel, Nielsen, Palmer, Pence, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Thayne, Trail, Wills, Wood(35). Total – 50.

NAYS – Barbieri, Barrett, Bayer, Bedke, Bell, Bolz, Gibbs, Loertscher, Luker, McGeachin, Moyle, Nonini, Patrick, Perry, Stevenson, Thompson, Vander Woude, Wood(27), Mr. Speaker. Total – 19.

Absent and excused – Smith(24). Total – 1.

Paired Votes:

AYE – Block NAY – Stevenson

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 662](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Bedke moved that all rules of the House interfering with the immediate consideration of [S 1303](#), as amended in the House, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1303](#), as amended in the House, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 67.

NAYS – None.

Absent and excused – Block, Smith(24), Mr. Speaker. Total – 3.

Total – 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1303](#), as amended in the House, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Lake to open debate.

The question being, "Shall [S 1303](#), as amended in the House, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb,

Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – Harwood, Shepherd. Total – 2.

Absent and excused – Block, Hagedorn, Palmer, Smith(24). Total – 4.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1303](#), as amended in the House, passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Bedke moved that all rules of the House interfering with the immediate consideration of [S 1386](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1386](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 67.

NAYS – None.

Absent and excused – Block, Smith(24), Mr. Speaker. Total – 3.

Total – 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1386](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Ms. Smith(30) to open debate.

The question being, "Shall [S 1386](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims,

Smith(30), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 63.

NAYS – Barrett, Hart. Total – 2.

Absent and excused – Block, Palmer, Rusche, Smith(24), Mr. Speaker. Total – 5.
Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1386](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Bedke moved that all rules of the House interfering with the immediate consideration of [S 1412](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1412](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 67.

NAYS – None.

Absent and excused – Block, Smith(24), Mr. Speaker. Total – 3.

Total – 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1412](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Bolz to open debate.

Mr. Killen asked unanimous consent that, pursuant to Rule 22, discussion of other pending legislation be allowed in debate of [S 1412](#). There being no objection it was so ordered.

The question being, "Shall [S 1412](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shirley, Simpson, Smith(30), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 59.

NAYS – Barbieri, Barrett, Harwood, Shepherd, Sims. Total – 5.

Absent and excused – Block, Lake, Palmer, Roberts, Smith(24), Mr. Speaker. Total – 6.
Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1412](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Bedke moved that all rules of the House interfering with the immediate consideration of [S 1413](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1413](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 67.

NAYS – None.

Absent and excused – Block, Smith(24), Mr. Speaker. Total – 3.

Total – 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1413](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Bolz to open debate.

The question being, "Shall [S 1413](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, King, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – Burgoyne, Chew, Cronin, Killen, Lacey, Rusche. Total – 6.

Absent and excused – Block, Palmer, Smith(24). Total – 3.

Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1413](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Bedke moved that all rules of the House interfering with the immediate consideration of [S 1414](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1414](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 67.

NAYS – None.

Absent and excused – Block, Smith(24), Mr. Speaker. Total – 3.

Total – 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1414](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Ms. Jaquet to open debate.

The question being, "Shall [S 1414](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, Moyle, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – Barrett, Hart, Harwood, McMillan, Schaefer. Total – 5.

Absent and excused – Block, Palmer, Smith(24). Total – 3. Total – 70.

Whereupon the Speaker Pro Tem declared that [S 1414](#) passed the House. Title was approved and the bill ordered returned to the Senate.

There being no objection, the House returned to the Fourth Order of Business.

Consideration of Messages from the Governor and the Senate

March 28, 2012

Mr. Speaker:

I transmit herewith [S 1415](#) and [S 1416](#) which have passed the Senate.

NOVAK, Secretary

[S 1415](#) and [S 1416](#) were filed for first reading.

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

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

[S 1415](#) and [S 1416](#), by Finance Committee, were introduced, read the first time by title, and filed for second reading.

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

Adjournment

Mr. Bedke moved that the House adjourn until 9 a.m., Thursday, March 29, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 4:08 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**EIGHTY-FIRST LEGISLATIVE DAY
THURSDAY, MARCH 29, 2012**

House of Representatives

The House convened at 9 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused – McGeachin, Smith(24)l. Total – 2.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Megan Fox, Page.

Approval of Journal

March 29, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eightieth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

March 28, 2012

Mr. Speaker:

I transmit herewith enrolled [S 1256](#), as amended in the House, [S 1390](#), as amended, [S 1395](#), [S 1406](#), [S 1407](#), [S 1409](#), [S 1410](#), and [S 1408](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1256](#), as amended in the House, [S 1390](#), as amended, [S 1395](#), [S 1406](#), [S 1407](#), [S 1409](#), [S 1410](#), and [S 1408](#) and, when so signed, ordered them returned to the Senate.

March 28, 2012

Mr. Speaker:

I return herewith [H 695](#), [H 696](#), [H 639](#), as amended, [H 687](#), and [H 691](#) which have passed the Senate.

NOVAK, Secretary

[H 695](#), [H 696](#), [H 639](#), as amended, [H 687](#), and [H 691](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 29, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 684](#), [H 686](#), [H 685](#), [H 672](#), and [H 653](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 684](#), [H 686](#), [H 685](#), [H 672](#), and [H 653](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 29, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 458](#), [H 682](#), [H 668](#), [H 669](#), [H 674](#), [H 675](#), [H 676](#), [H 564](#), as amended, as amended in the Senate, [H 439](#), as amended, as amended in the Senate, [H 631](#), as amended, [H 443](#), [H 479](#), as amended, [H 577](#), [H 599](#), [H 414](#), [H 651](#), and [H 485](#), as amended, to the Governor at 2:20 p.m., as of this date, March 28, 2012.

WILLS, Chairman

March 29, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [HCR 47](#) and [HJM 14](#) to the Secretary of State at 2:22 p.m., as of this date, March 28, 2012.

WILLS, Chairman

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

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

HOUSE BILL NO. 699

BY WAYS AND MEANS COMMITTEE AN ACT

RELATING TO AN OFFICE OF UTILITY CONSUMER ADVOCATE; AMENDING TITLE 48, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 17, TITLE 48, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO CREATE THE OFFICE OF UTILITY CONSUMER ADVOCATE WITHIN THE OFFICE OF THE ATTORNEY GENERAL, TO PROVIDE APPOINTMENT AND TO PROVIDE POWERS AND DUTIES, TO CREATE THE UTILITY RATEPAYER ADVISORY COMMITTEE, TO PROVIDE POWERS AND DUTIES OF THE OFFICE, TO PROVIDE POWERS OF THE COMMITTEE, TO ESTABLISH DUTIES OF CERTAIN PUBLIC UTILITIES TO PROVIDE DOCUMENTS AND TO PROVIDE FOR FINANCING OF THE OFFICE.

HOUSE BILL NO. 700

BY WAYS AND MEANS COMMITTEE AN ACT

RELATING TO FOOD; AMENDING TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 13, TITLE 22, IDAHO CODE, TO PROVIDE FOR THE IDAHO FOOD FREEDOM ACT, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE FOR A PURPOSE, TO PROVIDE FOR EXEMPTION FROM LICENSING, CERTIFICATION AND INSPECTION FOR CERTAIN TRANSACTIONS, TO PROVIDE REQUIREMENTS RELATING TO TRANSACTIONS, TO PROHIBIT

CERTAIN SALES OR USE IN COMMERCIAL FOOD ESTABLISHMENTS, TO PROVIDE FOR CONSTRUCTION OF SPECIFIED LAW, TO REQUIRE FOOD PROTECTION MANAGER CERTIFICATES AND TO PROVIDE FOR LABELING; AMENDING SECTION 22-703A, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM SPECIFIED PROVISIONS OF LAW RELATING TO ONIONS FOR THE SALE OF CERTAIN FARM PRODUCTS; AMENDING SECTIONS 22-1102 AND 22-1204, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 22-1207, IDAHO CODE, TO PROVIDE THAT THE IDAHO POTATO COMMISSION MAY PROVIDE ALTERNATE AGREEMENTS FOR PERSONS WHO SELL POTATOES ONLY TO INFORMED END-CONSUMERS FOR PRIVATE USE OR WHO SELL AT FARMERS MARKETS; AND AMENDING SECTIONS 22-2502, 22-2914, 22-3103, 22-3503, 22-3603, 22-3703 AND 37-1520, IDAHO CODE, TO REVISE DEFINITIONS.

H 699 and **H 700** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

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

Second Reading of Bills and Joint Resolutions

H 698 and **H 670**, as amended, by Education Committee, were read the second time by title and filed for third reading.

H 477, as amended, by Local Government Committee, was read the second time by title and filed for third reading.

S 1415 and **S 1416**, by Finance Committee, were read the second time by title and filed for third reading.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **S 1415** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1415** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Killen, King, Lacey, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Higgins, Jaquet, Lake, McGeachin, Roberts, Smith(24), Trail, Wills. Total – 8.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1415** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ringo to open debate.

The question being, "Shall **S 1415** pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 61.

NAYS – Barbieri, McMillan, Nielsen, Wood(35). Total – 4.

Absent and excused – Jaquet, McGeachin, Roberts, Smith(24), Trail. Total – 5.

Total – 70.

Whereupon the Speaker declared that **S 1415** passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **H 477**, as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 477**, as amended, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Killen, King, Lacey, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Higgins, Jaquet, Lake, McGeachin, Roberts, Smith(24), Trail, Wills. Total – 8.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 477**, as amended, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Schaefer and Mr. Luker to open debate.

The question being, "Shall [H 477](#), as amended, pass?"

Roll call resulted as follows:

AYES – Barbieri, Barrett, Bateman, Bayer, Black, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Hagedorn, Hart, Harwood, Higgins, Killen, King, Loertscher, Luker, McMillan, Moyle, Nielsen, Palmer, Perry, Ringo, Schaefer, Shepherd, Simpson, Thayne, Thompson, Vander Woude, Wood(35), Mr. Speaker. Total – 36.

NAYS – Anderson, Andrus, Batt, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Eskridge, Gibbs, Guthrie, Hartgen, Henderson, Lacey, Lake, Marriott, Nessel, Nonini, Patrick, Pence, Raybould, Rusche, Shirley, Sims, Smith(30), Stevenson, Wills, Wood(27). Total – 29.

Absent and excused – Jaquet, McGeachin, Roberts, Smith(24), Trail. Total – 5.

Total – 70.

Whereupon the Speaker declared that [H 477](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1416](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1416](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Killen, King, Lacey, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Higgins, Jaquet, Lake, McGeachin, Roberts, Smith(24), Trail, Wills. Total – 8.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1416](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall [S 1416](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Harwood, Henderson, Jaquet, Killen, King, Lacey,

Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Burgoyne, Hartgen, Higgins, McGeachin, Ringo, Roberts, Smith(24), Trail. Total – 8.

Total – 70.

Whereupon the Speaker declared that [S 1416](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Bedke asked unanimous consent that the House recess until 1 p.m.

Without objection, the Speaker declared the House at recess until 1 p.m.

RECESS

Afternoon Session

The House reconvened at 1 p.m., the Speaker in the Chair.

Prior to recess, the House was at the Seventh Order of Business.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 698](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 698](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Killen, King, Lacey, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Higgins, Jaquet, Lake, McGeachin, Roberts, Smith(24), Trail, Wills. Total – 8.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 698](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

The question being, "Shall [H 698](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth,

Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 59.

NAYS – Buckner-Webb, Burgoyne, Chew, Cronin, Jaquet, King, Ringo, Rusche, Smith(30). Total – 9.

Absent and excused – McGeachin, Smith(24). Total – 2.
Total – 70.

Whereupon the Speaker declared that [H 698](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

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

**HOUSE BILL NO. 701
BY APPROPRIATIONS COMMITTEE
AN ACT**

RELATING TO THE JUDGES' RETIREMENT FUND;
AND APPROPRIATING ADDITIONAL MONEYS TO THE
SUPREME COURT FOR FISCAL YEAR 2013.

**HOUSE BILL NO. 702
BY APPROPRIATIONS COMMITTEE
AN ACT**

RELATING TO APPROPRIATIONS AND TRANSFERS
OF MONEYS; APPROPRIATING AND TRANSFERRING
MONEYS FROM THE GENERAL FUND TO THE
DISASTER EMERGENCY FUND FOR FISCAL YEAR 2012;
APPROPRIATING AND TRANSFERRING MONEYS FROM
THE GENERAL FUND TO THE PUBLIC EDUCATION
STABILIZATION FUND FOR FISCAL YEAR 2012;
APPROPRIATING AND TRANSFERRING EXCESS FISCAL
YEAR 2012 YEAR-END MONEYS FROM THE GENERAL
FUND TO THE BUDGET STABILIZATION FUND; AND
DECLARING AN EMERGENCY.

**HOUSE BILL NO. 703
BY APPROPRIATIONS COMMITTEE
AN ACT**

RELATING TO THE NATIONAL MORTGAGE
SETTLEMENT AGREEMENT; APPROPRIATING AND
TRANSFERRING MONEYS FROM THE GENERAL
FUND TO THE CONSUMER PROTECTION FUND FOR
FISCAL YEARS 2012-13; APPROPRIATING ADDITIONAL
MONEYS TO THE ATTORNEY GENERAL FOR FISCAL
YEARS 2012-13; APPROPRIATING MONEYS TO THE
ATTORNEY GENERAL FOR DISTRIBUTION TO THE
IDAHO STATE BAR'S VOLUNTEER LEGAL PROGRAM
FOR FISCAL YEARS 2012-13; APPROPRIATING MONEYS
TO THE ATTORNEY GENERAL FOR DISTRIBUTION
TO IDAHO LEGAL AID SERVICES FOR FISCAL
YEARS 2012-13; APPROPRIATING MONEYS TO THE
ATTORNEY GENERAL FOR DISTRIBUTION TO OTHER
GOVERNMENTAL ENTITIES OR ORGANIZATIONS AS
DETERMINED BY THE ATTORNEY GENERAL FOR
FISCAL YEARS 2012-13; APPROPRIATING MONEYS TO
THE ATTORNEY GENERAL FOR DISTRIBUTION TO THE
COMMUNITY ACTION PARTNERSHIP ASSOCIATION OF

IDAHO FOR FISCAL YEARS 2012-13; AND DECLARING
AN EMERGENCY.

[H 701](#), [H 702](#), and [H 703](#) were introduced, read the first time
by title, and referred to the Judiciary, Rules, and Administration
Committee for printing.

There being no objection, the House returned to the Fourth
Order of Business.

**Consideration of Messages from the
Governor and the Senate**

OFFICE OF THE GOVERNOR
Boise

March 29, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and
am transmitting to the Secretary of State the following House
bills, to wit:

[H 386](#), as amended, [H 491](#), as amended, [H 497](#), as amended in the
Senate, [H 502](#), as amended, [H 522](#), as amended, [H 549](#), [H 550](#),
[H 569](#), [H 570](#), [H 582](#), [H 590](#), [H 604](#), and [H 609](#)

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

March 29, 2012

Mr. Speaker:

I return herewith enrolled [H 677](#), [H 678](#), [H 679](#), [H 680](#),
[H 681](#), [H 611](#), [H 661](#), [H 624](#), [H 649](#), [H 372](#), [H 575](#), [H 684](#),
[H 686](#), [H 685](#), [H 672](#), and [H 653](#) which have been signed by the
President.

NOVAK, Secretary

Enrolled [H 677](#), [H 678](#), [H 679](#), [H 680](#), [H 681](#), [H 611](#), [H 661](#),
[H 624](#), [H 649](#), [H 372](#), [H 575](#), [H 684](#), [H 686](#), [H 685](#), [H 672](#), and
[H 653](#) were referred to the Judiciary, Rules, and Administration
Committee for delivery to the Governor.

March 29, 2012

Mr. Speaker:

I return herewith enrolled [HJR 2](#), as amended, which has
been signed by the President.

NOVAK, Secretary

Enrolled [HJR 2](#), as amended, was referred to the Judiciary,
Rules, and Administration Committee for delivery to the
Secretary of State.

March 29, 2012

Mr. Speaker:

I return herewith [H 693](#), [H 697](#), and [H 660](#) which have
passed the Senate.

NOVAK, Secretary

[H 693](#), [H 697](#), and [H 660](#) were referred to the Judiciary,
Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 29, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 699](#), [H 700](#), [H 701](#), [H 702](#), and [H 703](#).

WILLS, Chairman

[H 699](#) and [H 700](#) were referred to the Ways and Means Committee.

[H 701](#), [H 702](#), and [H 703](#) were filed for second reading.

March 29, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 695](#), [H 696](#), [H 639](#), as amended, [H 687](#), and [H 691](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 695](#), [H 696](#), [H 639](#), as amended, [H 687](#), and [H 691](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

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

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 701](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 701](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Harwood, Killen, McGeachin, Nonini, Smith(24). Total – 5.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 701](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall [H 701](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, King, Lacey, Lake, Luker, Marriott, Moyle, Nessel, Nielsen, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shirley, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 54.

NAYS – Barbieri, Barrett, Boyle, Harwood, Loertscher, McMillan, Palmer, Schaefer, Shepherd, Simpson, Sims, Mr. Speaker. Total – 12.

Absent and excused – Killen, McGeachin, Nonini, Smith(24). Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 701](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 702](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 702](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Harwood, Killen, McGeachin, Nonini, Smith(24). Total – 5.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 702](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Bell to open debate.

The question being, "Shall [H 702](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims,

Smith(30), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – Rusche. Total – 1.

Absent and excused – Killen, McGeachin, Nonini, Smith(24). Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 702](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 703](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 703](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Harwood, Killen, McGeachin, Nonini, Smith(24). Total – 5.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 703](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

Pursuant to Rule 38(3), Mr. Simpson disclosed a conflict of interest regarding [H 703](#).

The question being, "Shall [H 703](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Bayer, Bell, Bilbao, Black, Block, Bolz, Buckner-Webb, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 51.

NAYS – Barbieri, Barrett, Batt, Bedke, Boyle, Burgoyne, Chew, Cronin, Hart, Harwood, McMillan, Moyle, Palmer, Roberts, Schaefer, Shepherd. Total – 16.

Absent and excused – Killen, McGeachin, Smith(24). Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 703](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Nonini asked unanimous consent that [H 670](#), as amended, be returned to the Education Committee. There being no objection, it was so ordered.

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

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that [SCR 116](#) retain its place on the Third Reading Calendar. There being no objection, it was so ordered.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle asked unanimous consent that committees be appointed by the Speaker to notify the Governor and the Senate that the House is ready to adjourn Sine Die. There being no objection, it was so ordered.

The Speaker appointed Representatives Black, Stevenson, and Jaquet to notify the Governor and Representatives Schaefer, Lake, and Killen to notify the Senate. The committees were excused.

The committee appointed to notify the Governor reported that it had delivered the message to the Governor. The committee was thanked and discharged by the Speaker.

The committee appointed to notify the Senate reported that they had delivered the message to the Senate. The committee was thanked and discharged by the Speaker.

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

Adjournment

Mr. Moyle moved that the Second Regular Session of the Sixty-first Legislature adjourn Sine Die. Seconded by Mr. Rusche.

Whereupon the Speaker declared the motion carried and the Second Regular Session of the Sixty-first Legislature adjourned Sine Die at 2:56 p.m., Thursday, March 29, 2012.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

The following actions were recorded after House Sine Die:

March 29, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 677](#), [H 678](#), [H 679](#), [H 680](#), [H 681](#), [H 611](#), [H 661](#), [H 624](#), [H 649](#), [H 372](#), [H 575](#), [H 684](#), [H 686](#), [H 685](#), [H 672](#), and [H 653](#) to the Governor at 1:50 p.m., as of this date, March 29, 2012.

WILLS, Chairman

March 29, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [HJR 2](#), as amended, to the Secretary of State at 1:56 p.m., as of this date, March 29, 2012.

WILLS, Chairman

THE OFFICE OF THE GOVERNOR
Boise

March 29, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I am transmitting today to the Secretary of State the following bill:

[H 519](#)

which, after notifying Secretary Ysursa of a potential conflict of interest, I allowed to become law without my signature within the time limited by law. A copy of that letter is attached for your convenience.

I am supportive of the intent of this legislation. I believe this is sound policy and will be good for economic development in Idaho. I also am aware of potential challenges involved in rulemaking at the Idaho Tax Commission pursuant to the adoption of this legislation.

Moreover, I have heard about possible unintended consequences associated with the passage of this bill. I have discussed these concerns with the involved parties and I believe the rulemaking process can proceed to a satisfactory conclusion within the bounds of the new statute. However, if unintended consequences materialize then I am amenable to reevaluating this area of code and rulemaking to make sure the spirit and intent of the law is fairly and effectively achieved.

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

THE OFFICE OF THE GOVERNOR
Boise

March 29, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I am transmitting today to the Secretary of State the following House bill which will be allowed to become law without my signature within the time limited by law:

[H 376](#)

as prescribed by the Constitution.

I support tort reform, and I both encourage and applaud legislative efforts to address it. However, I am concerned about the retroactive nature of this proposed solution and its public policy applicability beyond the case at hand.

I welcome discussions with the Legislature on a more comprehensive approach to addressing tort reform. However, H 376 sets the troubling precedent of reaching back to the 1970s to address liability exposure with only a tenuous connection to Idaho. It also seems to me to be written too narrowly and tailored too specifically to the issue prompting this legislation - a practice we seek assiduously to avoid.

I have no doubt about the worthiness of the effort or the validity of the public policy declaration H 376 seeks to make. My concern is rather with the manner in which the issue is addressed. I am confident that, working together, we can do better when confronted with an issue so critical to our economic well-being while also ensuring our citizens' rights to protection under the law.

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

March 29, 2012

Mr. Speaker:

I transmit herewith enrolled [S 1386](#), [S 1412](#), [S 1413](#), [S 1414](#), [S 1357](#), as amended, and [S 1348](#), as amended, for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1386](#), [S 1412](#), [S 1413](#), [S 1414](#), [S 1357](#), as amended, and [S 1348](#), as amended, and, when so signed, ordered them returned to the Senate.

March 30, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 693](#), [H 697](#), and [H 660](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 693](#), [H 697](#), and [H 660](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 29, 2012

Mr. Speaker:

I transmit herewith enrolled [S 1303](#), as amended in the House, [S 1415](#), and [S 1416](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1303](#), as amended in the House, [S 1415](#), and [S 1416](#) and, when so signed, ordered them returned to the Senate.

March 30, 2012

Mr. Speaker:

I return herewith enrolled [H 695](#), [H 696](#), [H 639](#), as amended, [H 687](#), and [H 691](#) which have been signed by the President.

NOVAK, Secretary

Enrolled [H 695](#), [H 696](#), [H 639](#), as amended, [H 687](#), and [H 691](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 29, 2012

Mr. Speaker:

I return herewith [H 701](#), [H 702](#), [H 703](#), [H 563](#), [H 662](#), and [H 698](#) which have passed the Senate.

NOVAK, Secretary

[H 701](#), [H 702](#), [H 703](#), [H 563](#), [H 662](#), and [H 698](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

March 30, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 701](#), [H 702](#), [H 703](#), [H 563](#), [H 662](#), and [H 698](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 701](#), [H 702](#), [H 703](#), [H 563](#), [H 662](#), and [H 698](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 30, 2012

Mr. Speaker:

I return herewith enrolled [H 693](#), [H 697](#), and [H 660](#) which have been signed by the President.

NOVAK, Secretary

Enrolled [H 693](#), [H 697](#), and [H 660](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 30, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 695](#), [H 696](#), [H 639](#), as amended, [H 687](#), and [H 691](#) to the Governor at 10:30 a.m., as of this date, March 30, 2012.

WILLS, Chairman

March 30, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 693](#), [H 697](#), and [H 660](#) to the Governor at 10:30 a.m., as of this date, March 30, 2012.

WILLS, Chairman

OFFICE OF THE GOVERNOR
Boise

March 30, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bill, to wit:

[H 693](#)

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

March 30, 2012

Mr. Speaker:

I return herewith enrolled [H 701](#), [H 702](#), [H 703](#), [H 563](#), [H 662](#), and [H 698](#) which have been signed by the President.

NOVAK, Secretary

Enrolled [H 701](#), [H 702](#), [H 703](#), [H 563](#), [H 662](#), and [H 698](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 30, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled

[H 701](#), [H 702](#), [H 703](#), [H 563](#), [H 662](#), and [H 698](#) to the Governor at 2:04 p.m., as of this date, March 30, 2012.

WILLS, Chairman

OFFICE OF THE GOVERNOR
Boise

April 3, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

[H 368](#), as amended, [H 372](#), [H 426](#), as amended in the Senate, [H 439](#), as amended, as amended in the Senate, [H 443](#), [H 452](#), [H 458](#), [H 485](#), as amended, [H 487](#), [H 494](#), [H 515](#), as amended, [H 518](#), [H 539](#), [H 551](#), [H 553](#), [H 564](#), as amended, as amended in the Senate, [H 572](#), [H 576](#), [H 577](#), [H 584](#), as amended, [H 591](#), [H 599](#), [H 607](#), [H 608](#), [H 613](#), [H 626](#), [H 633](#), [H 634](#), [H 635](#), [H 645](#), [H 648](#), [H 649](#), [H 653](#), [H 654](#), [H 655](#), [H 657](#), [H 658](#), [H 659](#), [H 661](#), [H 662](#), [H 664](#), [H 665](#), [H 668](#), [H 669](#), [H 674](#), [H 675](#), [H 676](#), [H 677](#), [H 678](#), [H 679](#), [H 680](#), [H 681](#), [H 682](#), [H 684](#), [H 686](#), [H 696](#), and [H 698](#)

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

OFFICE OF THE GOVERNOR
Boise

April 3, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bill, to wit:

[H 632](#)

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

OFFICE OF THE GOVERNOR
Boise

April 5, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

[H 414](#), [H 479](#), as amended, [H 536](#), [H 563](#), [H 575](#), [H 583](#), [H 593](#), [H 619](#), as amended, [H 624](#), [H 631](#), as amended, [H 639](#), as

amended, [H 651](#), [H 660](#), [H 672](#), [H 685](#), [H 687](#), [H 691](#), [H 695](#),
[H 701](#), [H 702](#), and [H 703](#)

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

OFFICE OF THE GOVERNOR
Boise

April 5, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and
am transmitting to the Secretary of State the following House bill,
to wit:

[H 697](#)

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

THE OFFICE OF THE GOVERNOR
Boise

April 5, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I am transmitting today
to the Secretary of State the following House bill which will be
allowed to become law without my signature within the time
limited by law:

[H 603](#)

as prescribed by the Constitution.

While I am sensitive to local school districts' need for
some level of budgetary certainty through a guaranteed minimal
funding level from year to year - in this case 97 percent of the
previous year's funding - I am uncomfortable with the notion
of distributing limited resources not only to a student's current
school, but also to their previous school.

The maturation of the Statewide Longitudinal Data System
enables us to track the movements of our student population in
what approaches a real-time manner. This unprecedented ability,
along with additional tools provided to local trustees to more fully
manage their resources, makes it more important than ever that
State funding should follow the student. Rather than providing a
percentage of funding to districts for students who simply are no
longer there, we should continue examining ways to better link
Average Daily Attendance to the presence of the student in their
current district.

I look forward to continuing our "Students Come First"
efforts to ensure Idaho's public schools are world-class models
of efficiency and excellence. That may include revisiting this
law during the Legislature's 2013 session.

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

THE OFFICE OF THE GOVERNOR
Boise

April 10, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I am transmitting today
to the Secretary of State the following House bill which will be
allowed to become law without my signature within the time
limited by law:

[H 611](#)

as prescribed by the Constitution.

I support the intent of this legislation. However, concerns
have been raised that the scope of this legislation goes beyond
the intent "to provide for an alternative method of selling boarded
horses when the owners do not pay." The legislation is not limited
to horses but provides for public auction of "livestock of any
kind". This broad language has raised concerns from owners of
livestock auction yards.

I look forward to working with all parties in resolving
these concerns during the 1st Regular Session of the 62nd Idaho
Legislature.

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

CERTIFICATE

WE, LAWRENCE DENNEY, Speaker of the House of
Representatives, and BONNIE ALEXANDER, Chief Clerk, do
hereby certify and attest as follows:

That we have carefully compiled in the House Journal of
the Second Regular Session of the Sixty-first Legislature all of
the proceedings of the Eighty-first Legislative Day, and that the
said Journal contains a full, true, and correct record of all of the
proceedings of said House of Representatives for said day and
final action upon all legislation.

IN WITNESS WHEREOF, we have hereunto set our hands,
this 11th day of April, 2012.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

For legislation subject or topic search, refer to the 2012 Final Weekly Bill Status publication, or online at www.legislature.idaho.gov.

Page

ACTING STATE REPRESENTATIVES

See - CERTIFICATE OF APPOINTMENT

ATTACHES

Approval and oath of office 9, 25, 106, 142
 Pay resolution for employee selection and compensation - HR 3 2
 See - PAGES

CERTIFICATE OF ELECTION

From the Secretary of State 1

CERTIFICATE OF APPOINTMENT

Batt, Gayle - State Representative (Effective November 18, 2011) 1
 Block, D.W. "Bill" - Acting State Representative for Sharon L. Block 141
 DeVries, Kenneth B. - Acting State Representative for R. J. Harwood 171
 Ingram, Gary John - Acting State Representative for Kathleen Sims 52
 Keough, Mike - Acting State Representative for Eric R. Anderson 132
 Malek, Luke - Acting State Representative for Marge Chadderdon 83
 McMillan, James - Acting State Representative for Shannon McMillan 201
 Reynoldson, Roger - Acting State Representative for Carlos Bilbao 223
 Tucker, David M. - Acting State Representative for Marv Hagedorn 29

COMMITTEES, DESIGNATE AS PRIVILEGED (RULE 24)

Agricultural Affairs - HCR 37, HCR 38 103
 Judiciary, Rules, and Administration - H 552 100
 Local Government - H 560, H 561 103
 Local Government - H 597 143

COMMITTEES, SPECIAL

Lincoln Day Committee assignment 3
 Memorial Day Committee assignment 3

COMMITTEES, STANDING

Batt - Appointed to Agricultural Affairs, Business, and State Affairs 2

CONFLICT OF INTEREST (RULE 38(3))

Batt - H 412, H 450, H 489, H 450aaS, S 1366, S 1357aa 51, 110, 139, 262, 303, 316
 Batt - Excused from voting, H 641, H 681 198, 266
 Bedke - HCR 38, H 628aa 151, 269
 Bolz - H 658 238
 Burgoyne - H 519 129
 Crane - H 469, H 465, H 520aa, H 621, H 624 93, 150, 160, 182, 239
 Crane - Excused from voting, H 595 176
 DeMordaunt - H 481, H 590, S 1269aaH, H 663, H 682 145, 175, 258, 262, 281
 Guthrie - H 450, S 1350 110, 239
 Hart - H 447 149
 Killen - S 1214 218
 Lake - HCR 38 151
 Loertscher - HCR 38, H 569, H 628aa 151, 173, 269
 McGeachin - H 450, H 478 110, 173
 Moyle - H 632 204
 Nasset - HCR 45 204
 Nielsen - H 578aa 268
 Palmer - H 628aa 269
 Reynoldson - H 559 249
 Simpson - H 546, H 659, S 1359, H 703 145, 238, 241, 327
 Sims - H 542aa, H 578aa 233, 268
 Thayn - H 663 262

Vander Woude - S 1236, S 1350.....	219, 239
Vander Woude - Excused from voting, H 450, H 450aaS	109, 262
Wills - H 647	242
EMERGENCY FUND LETTER	
From the Governor	9
GOVERNOR'S LETTERS	
Emergency Fund Letter	9
Law without signature - H 376	328
Law without signature - H 519	328
Law without signature - H 574	224
Law without signature - H 603	330
Law without signature - H 611	330
Law without signature - H 615	315
GUEST SPEAKERS	
Burdick, Roger S., Chief Justice - State of the Judiciary Address	34
Crapo, Mike, United States Senator.....	121
Labrador, Raul, United States Congressman	217
Otter, C.L. "Butch", Governor - State of the State Message/Budget Address	4
Risch, James E., United States Senator	202
Stevens, Denis, Consul General of Canada	272
HOUSE RULES	
Rule 22 - Limitation on Debate	98, 140, 145, 237, 250, 301, 311, 318, 320
Rule 24 - See COMMITTEES, DESIGNATE AS PRIVILEGED	
Rule 38(3) - See CONFLICT OF INTEREST	
Rule 40 - See RECONSIDERATION	
Rule 45 - Call for Bill - S 1358aa	307
Rule 70 - Decorum.....	128, 130, 218
JOINT RULES	
Joint Rule 20 - Constitutional Amendments - HJR 2.....	231
JOINT SESSION	
1 p.m., January 9, 2012	3
HCR 29 - For purpose of hearing Governor's message	2
LINCOLN DAY PROGRAM	
Committee assignment	3
Program.....	86
MEMORIAL PROGRAM	
Committee assignment	3
Program.....	106
Honorees	
Andersen, Allen.....	106
Barnes, Lee.....	106
Brennan, Don	107
Elgin, James H.	107
Hooper, Christopher R.	107
Merrill, W. Israel	107
Takasugi, Patrick A.	107
Trillhaase, Martin B.	107
Webb, Jay L.....	108
PAGES	
1st half of session - approval and oath of office	10
2nd half of session - approval and oath of office	106, 142

PROGRAMS

Lincoln Day	86
Memorial.....	106

REAPPORTIONMENT REPORT

Letter from Secretary of State.....	105
Final report - See Appendix	

RECONSIDERATION (RULE 40)

Notice served - H 386	63
Motion to reconsider passed - H 386.....	65
Notice served - S 1369	287
Motion to reconsider passed - S 1369	288

SINE DIE

Motion to adjourn - 2:56 p.m., March 29, 2012.....	327
--	-----

STATE OF THE JUDICIARY ADDRESS

Chief Justice Roger S. Burdick.....	34
-------------------------------------	----

STATE OF THE STATE MESSAGE/BUDGET ADDRESS

Governor C. L. "Butch" Otter.....	4
-----------------------------------	---

VISITORS

See GUEST SPEAKERS

<u>House Bill No.</u>	<u>Introduced By:</u>	<u>Intro-duction Page</u>	<u>Bill Description</u>	<u>Final Vote Page</u>	<u>Final Action Page</u>	<u>Final Disposition</u>
354	Ringo	10	SALES AND USE TAX - SERVICES	-	11	H Rev/Tax
355	Rev & Tax	12	INTERNAL REVENUE CODE	17	65	LAW
356	Rev & Tax	12	PROPERTY TAX	30	74	LAW
357	Rev & Tax	12	PROPERTY TAX	30	87	LAW
358 AAS	Rev & Tax	12	PROPERTY TAX	157	185	LAW
			(Senate Amendments - See Senate Journal)			
359	Rev & Tax	12	SALES AND USE TAX	-	14	H Rev/Tax
360	Rev & Tax	12	TAX COMMISSION	31	74	LAW
361	Rev & Tax	12	SALES AND USE TAX	33	69	LAW
362	Rev & Tax	13	TAXES	31	74	LAW
363	Rev & Tax	15	INCOME TAX	35	87	LAW
364	Rev & Tax	15	INCOME TAX	35	95	LAW
365	Rev & Tax	15	INCOME TAX ACT	35	95	LAW
366	Rev & Tax	15	TAXES	-	62	H Rev/Tax
367	Transp & Def	16	FEDERAL TRANSIT AUTHORITY	55	166	LAW
368 AA	Transp & Def	16	MILITARY DIVISION	91	329	LAW
			(House Amendments - p. 72)			
369	Transp & Def	16	MILITARY DIVISION	56	166	LAW
370	Trail	17	MEDICAL MARIJUANA	-	19	H St Aff
371	State Affairs	17	VETERANS SERVICES	62	62	S St Aff
372	State Affairs	17	MINERAL EXTRACTION - PENALTIES	97	329	LAW
373	State Affairs	17	LIQUOR DIVISION	-	19	H St Aff
374	Business	19	ENGINEERS AND SURVEYORS	63	166	LAW
375	Business	19	PLATS AND VACATIONS	63	166	LAW
376	Business	19	SUCCESSOR CORPORATION ASBESTOS-RELATED LIABILITY FAIRNESS ACT	121	328	LAW
377	Res & Cons	19	OIL AND GAS WELLS	-	22	H Res/Con
378	Res & Cons	20	OIL AND GAS	-	22	H Res/Con
379	Res & Cons	20	OIL AND GAS	93	270	LAW
380	State Affairs	20	CAPITOL MALL	-	22	H St Aff
381	State Affairs	20	ELECTIONS	-	22	H St Aff
382	Education	22	EDUCATION - PROFESSIONAL STUDIES ACCOUNT	56	166	LAW
383	Education	22	IDAHO OPPORTUNITY SCHOLARSHIP PROGRAM	62	166	LAW

<u>House Bill No.</u>	<u>Introduced By:</u>	<u>Intro- duction Page</u>	<u>Bill Description</u>	<u>Final Vote Page</u>	<u>Final Action Page</u>	<u>Final Disposition</u>
384	Education	22	HIGHER EDUCATION	56	125	LAW
385	Education	22	COMMUNITY COLLEGES	63	171	LAW
386 AA	Education	22	SCHOLARSHIPS (House Amendments - p. 50 and 134)	157	325	LAW
387 AA	Local Gov	23	HOMEOWNER'S EXEMPTION (House Amendments - p. 72)	91	91	S Loc Gov
388 AA	Health & W	23	EARLY CHILDHOOD AND EARLY INTERVENTION SERVICES (House Amendments - p. 72)	91	91	H FAILED
389	Ag Affairs	23	WEIGHTS AND MEASURES	91	194	LAW
390	Ag Affairs	23	VETERINARY MEDICINE	-	25	H Agric Aff
391	State Affairs	23	PRIMARY ELECTION	73	166	LAW
392	State Affairs	24	PRIMARY ELECTIONS	-	25	H St Aff
393 AA	Education	26	RURAL HEALTH CARE ACCESS AND PHYSICIAN INCENTIVE (House Amendments - p. 72)	92	194	LAW
394	Education	26	EDUCATION	67	185	LAW
395	Appropriations	27	APPROPRIATIONS - DEFICIENCY WARRANTS	35	74	LAW
396	Res & Cons	27	WATER - RATHDRUM PRAIRIE AQUIFER	128	306	LAW
397	Res & Cons	27	IRRIGATION DISTRICT ELECTIONS	122	306	LAW
398	Res & Cons	27	DITCH REPAIR AND MAINTENANCE	123	123	S St Aff
399	Res & Cons	27	WATER APPROPRIATION	123	306	LAW
400	Res & Cons	27	ALTERATION OF STREAM CHANNELS	123	306	LAW
401	Res & Cons	27	IRRIGATION DISTRICTS	123	306	LAW
402	J R & A	28	BRAND BOARD	50	166	LAW
403	J R & A	28	ABANDONED MOTOR VEHICLES	149	289	LAW
404 AAS	State Affairs	28	CAPITOL MALL (Senate Amendments - See Senate Journal)	105	117	LAW
405	Health & W	29	ELECTRONIC CIGARETTES	56	185	LAW
406	Education	30	EDUCATION	-	32	H Educ
407	Business	32	BUILDING SAFETY	92	166	LAW
408	Business	32	ELECTRICAL BOARD	92	166	LAW
409	Business	32	BUILDING SAFETY DIVISION	92	171	LAW
410	Business	32	VIDEO SERVICE ACT	-	34	H Bus

<u>House Bill No.</u>	<u>Introduced By:</u>	<u>Intro- duction Page</u>	<u>Bill Description</u>	<u>Final Vote Page</u>	<u>Final Action Page</u>	<u>Final Disposition</u>
411	Education	34	COMMUNITY COLLEGES - DISTRICT TRUSTEES	-	37	H Educ
412	Ag Affairs	34	GRAPE GROWERS - WINE PRODUCERS	51	166	LAW
413	Transp & Def	34	DISASTER PREPAREDNESS	-	37	H Transp
414	Transp & Def	34	STATE RAIL AND INTERMODAL FACILITY SYSTEM PLAN	250	329	LAW
415	Rusche	34	ELECTIONS - VOTE BY MAIL	-	37	H St Aff
416	Rusche	35	VOTE BY MAIL	-	37	H St Aff
417	Rev & Tax	38	SALES TAX	51	201	LAW
418	C & H R	38	PUBLIC EMPLOYEE RETIREMENT SYSTEM	62	166	LAW
419	Business	38	REAL ESTATE APPRAISERS	121	213	LAW
420	Business	38	INSURANCE DEPARTMENT	164	315	LAW
421	Business	38	INSURANCE	164	315	LAW
422	Business	38	INSURANCE	164	315	LAW
423	Business	38	SMALL EMPLOYER HEALTH INSURANCE AVAILABILITY ACT	-	40	H Bus
424	State Affairs	39	STATE TREASURER	-	50	H St Aff
425	State Affairs	39	STATE TREASURER	-	40	H St Aff
426 AAS	Education	41	EDUCATION	294	329	LAW
			(Senate Amendments - See Senate Journal)			
427	Chew	41	MONEY JUDGMENTS	-	43	H Bus
428	Chew	41	ELECTIONS	-	43	H St Aff
429	Cronin	41	PUBLIC WORKS CONTRACTS	-	43	H Com/HuRes
430	Hart	41	LEGAL TENDER	-	43	H St Aff
431	Hart	41	IDAHO FARM FREEDOM ACT	-	43	H Agric Aff
432	King	42	EMPLOYERS DUTIES	-	43	H Com/HuRes
433	Chew	42	IDAHO HEALTH INSURANCE EXCHANGE ACT	-	43	H Health/Wel
434	Chew	42	MONEY JUDGMENTS	-	43	H Bus
435	Cronin	42	CORPORATE TAX INCENTIVE AND ACCOUNTABILITY ACT	-	43	H Rev/Tax
436	Rusche	42	COUNTY CENTRAL COMMITTEES - LEGISLATIVE DISTRICT CENTRAL COMMITTEES	-	43	H St Aff
437	Rev & Tax	43	INCOME TAX CREDITS	64	64	S Loc Gov
438	Rev & Tax	43	INVESTMENT TAX CREDIT	64	185	LAW

<u>House Bill No.</u>	<u>Introduced By:</u>	<u>Intro- duction Page</u>	<u>Bill Description</u>	<u>Final Vote Page</u>	<u>Final Action Page</u>	<u>Final Disposition</u>
439 AA,AAS	Health & W	47	UNIFORM CONTROLLED SUBSTANCES (House Amendments - p. 137) (Senate Amendments - See Senate Journal)	302	329	LAW
440	Health & W	47	FEES AND TAXES - INSURANCE FUNDING	186	186	S Com/HuRes
441	Health & W	47	INDIGENT HEALTH CARE	116	230	LAW
442	Health & W	47	NURSING ADMINISTRATOR-IN-TRAINING	116	230	LAW
443	State Affairs	47	FLAGS	85	329	LAW
444	State Affairs	47	RETIREMENT PROVISIONS - LEGISLATURE	-	48	H St Aff
445	State Affairs	47	PUBLIC EMPLOYEE RETIREMENT SYSTEM	-	48	H St Aff
446	Res & Cons	48	STATE PARKS	85	185	LAW
447	Business	49	MODULAR BUILDINGS	149	149	H FAILED
448	J R & A	49	FEES	115	315	LAW
449	J R & A	49	STATE POLICE - FINES	86	86	S Jud
450 AAS	J R & A	49	ALCOHOLIC BEVERAGES (Senate Amendments - See Senate Journal)	262	315	LAW
451	State Affairs	50	STATE POEM	-	52	H St Aff
452	State Affairs	50	BOND ELECTIONS	129	329	LAW
453	State Affairs	50	LEVY ELECTIONS	-	52	H St Aff
454	State Affairs	50	ELECTIONS	-	52	H St Aff
455	J R & A	53	DIVORCE ACTIONS	93	194	LAW
456	Res & Cons	53	FISH AND GAME	-	58	H Res/Con
457 AAS	Res & Cons	53	FISH AND GAME (Senate Amendments - See Senate Journal)	266	315	LAW
458	Res & Cons	53	FISH AND GAME	238	329	LAW
459	Res & Cons	53	FISH AND GAME	139	289	LAW
460	Res & Cons	53	OIL AND GAS WELLS	97	270	LAW
461	Res & Cons	53	FISH AND GAME	139	289	LAW
462	Res & Cons	53	PUBLIC UTILITY REGULATION	97	270	LAW
463	Res & Cons	53	OIL AND GAS	98	270	LAW
464	Res & Cons	54	OIL AND GAS	104	297	LAW
465	Business	54	PUBLIC WORKS CONTRACTORS LICENSES	150	230	LAW
466	Business	54	PLUMBING AND PLUMBERS	121	223	LAW
467	Business	54	HEATING, VENTILATION AND AIR CONDITIONING CONTRACTORS	121	213	LAW

<u>House Bill No.</u>	<u>Introduced By:</u>	<u>Intro- duction Page</u>	<u>Bill Description</u>	<u>Final Vote Page</u>	<u>Final Action Page</u>	<u>Final Disposition</u>
468	Business	54	MOBILE AND MANUFACTURED HOMES	122	213	LAW
469	Business	54	CONVEYANCES IN BUILDINGS	93	185	LAW
470	Business	55	PAYDAY AND TITLE LOANS	-	58	H Bus
471	Business	55	INSURANCE	-	58	H Bus
472	Transp & Def	59	LICENSE PLATES	146	230	LAW
473	Transp & Def	59	MOTOR VEHICLE DRIVER'S LICENSES - IDENTIFICATION CARDS	90	166	LAW
474	Transp & Def	59	AERONAUTICS	-	61	H Transp
475	J R & A	59	PROBATION	93	194	LAW
476	E E & T	59	ELECTRICAL CONTRACTORS AND JOURNEYMEN - LICENSURE	-	61	H Env
477 AA	Local Gov	59	COTTAGE SITES AND HOMESITE LANDS	323	323	S Loc Gov
			(House Amendments - p. 312)			
478	Local Gov	59	LIQUOR BY THE DRINK	173	173	H FAILED
479 AA	Transp & Def	66	VETERANS	158	329	LAW
			(House Amendments - p. 135)			
480	Transp & Def	66	PARKING METERS	128	128	S St Aff
481	Education	66	PUBLIC CHARTER SCHOOLS	145	297	LAW
482	Local Gov	66	CAPITAL AND SURPLUS REPORT	129	213	LAW
483	Local Gov	67	EXERCISE OF COUNTY POWERS	-	69	H Loc Gov
484	Local Gov	67	COMMUNITY GUARDIAN BOARDS	129	223	LAW
485 AA	E E & T	67	INCOME TAX DEDUCTIONS	159	329	LAW
			(House Amendments - p. 137)			
486 AA,AA	Health & W	67	MINORS	268	268	S Health/Wel
			(House Amendments - p. 137 and 247)			
487	Health & W	67	MENTAL HEALTH COMMITMENT	197	329	LAW
488 AA	Rev & Tax	67	INCOME TAXATION	158	158	S Loc Gov
			(House Amendments - p. 134)			
489	Rev & Tax	67	USE TAX	139	223	LAW
490	State Affairs	70	STATE SUNSHINE LAW	115	315	LAW
491 AA	State Affairs	70	VOTING MACHINE APPROVAL	158	325	LAW
			(House Amendments - p. 135)			
492	Business	70	UNIFORM SECURITIES ACT	150	230	LAW
493	Business	70	PRODUCT LIABILITY	-	74	H Bus
494	Res & Cons	71	BOARD OF SCALING PRACTICES	149	329	LAW

<u>House Bill No.</u>	<u>Introduced By:</u>	<u>Intro- duction Page</u>	<u>Bill Description</u>	<u>Final Vote Page</u>	<u>Final Action Page</u>	<u>Final Disposition</u>
495	Res & Cons	71	STATE ENDOWMENT LANDS	176	176	S Res/Env
496	Res & Cons	71	FISH AND GAME	184	184	S Res/Env
497 AAS	J R & A	71	DNA TESTING (Senate Amendments - See Senate Journal)	272	325	LAW
498	Education	71	TRANSPORTATION SUPPORT PROGRAM	123	213	LAW
499	Education	71	SCHOOL BUILDING MAINTENANCE	128	230	LAW
500	Health & W	75	OCCUPATIONAL THERAPY	130	230	LAW
501	Health & W	75	COUNSELORS AND THERAPISTS	130	230	LAW
502 AA	Health & W	75	UNIFORM CONTROLLED SUBSTANCES (House Amendments - p. 138)	160	325	LAW
503	Health & W	75	PRESCRIPTION DRUG ORDERS	146	315	LAW
504	Local Gov	75	URBAN RENEWAL LAW	-	80	H Loc Gov
505	Local Gov	75	BELLEVUE CITY CHARTER	-	80	H Loc Gov
506	Local Gov	76	URBAN RENEWAL LAW	116	116	S Loc Gov
507 AA	Local Gov	76	URBAN RENEWAL LAW (House Amendments - p. 137)	158	158	S Loc Gov
508	Local Gov	76	COUNTIES	-	80	H Loc Gov
509	Transp & Def	76	AERONAUTICS - PUBLIC AIRPORTS	-	80	H Transp
510	Transp & Def	76	SPECIAL MOTOR VEHICLE LICENSE PLATES	-	80	H Transp
511 AA,AAS	Transp & Def	76	AERONAUTICS (House Amendments - p. 137) (Senate Amendments - See Senate Journal)	267	315	LAW
512 AA	Ag Affairs	77	SHEEP AND GOATS (House Amendments - p. 138)	160	306	LAW
513	Ag Affairs	77	HONEY	146	306	LAW
514	J R & A	78	DISTURBING THE PEACE	149	271	S FAILED
515 AA	State Affairs	78	REPORTS - COPIES (House Amendments - p. 209)	228	329	LAW
516	State Affairs	78	LIQUOR DIVISION	92	297	LAW
517	Rev & Tax	81	INCOME TAX - TEACHER EXPENSES	122	223	LAW
518	Rev & Tax	81	TOBACCO	183	329	LAW
519	Rev & Tax	81	SITE IMPROVEMENTS	129	328	LAW
520 AA	E E & T	81	ELECTRICAL CONTRACTORS AND JOURNEYMEN (House Amendments - p. 137)	160	160	S Com/HuRes
521	Education	81	EDUCATION	129	230	LAW

<u>House Bill No.</u>	<u>Introduced By:</u>	<u>Intro- duction Page</u>	<u>Bill Description</u>	<u>Final Vote Page</u>	<u>Final Action Page</u>	<u>Final Disposition</u>
522 AA	C & H R	82	PUBLIC ASSISTANCE BENEFIT CARDS (House Amendments - p. 137)	159	325	LAW
523 AA	C & H R	82	UNEMPLOYMENT INSURANCE (House Amendments - p. 131 and 157)	177	315	LAW
524	Business	82	PUBLIC DEPOSITORIES	-	83	H Bus
525	Res & Cons	82	FISH AND GAME	140	289	LAW
526	Res & Cons	82	OIL AND GAS	98	270	LAW
527	Local Gov	84	INDUSTRIAL WIND FARM AND WIND TURBINE MORATORIUM	-	87	H Env
528	J R & A	84	DOMESTIC VIOLENCE - SEXUAL ASSAULT	-	87	H Jud
529	Health & W	84	FEDERAL HEALTH CARE REFORM - OVERSIGHT	-	87	H Health/Wel
530	Health & W	85	DISABILITY INSURANCE POLICIES	-	87	H Health/Wel
531	J R & A	85	MOTOR VEHICLES	-	87	H Jud
532	J R & A	85	STATE POLICE	122	315	LAW
533	Education	88	PUBLIC CHARTER SCHOOLS	-	95	H Educ
534	Education	88	EDUCATION	130	230	LAW
535	State Affairs	88	STATE HISTORICAL SOCIETY	-	95	H St Aff
536	State Affairs	89	PARI-MUTUEL BETTING	145	329	LAW
537	State Affairs	89	MOTOR VEHICLE REGISTRATION	-	95	H Transp
538	Business	89	NEWSPAPERS - LEGAL NOTICES	-	95	H Bus
539	Business	89	VIDEO SERVICE ACT	150	329	LAW
540 AA	Business	89	MOTOR VEHICLES - FINANCIAL RESPONSIBILITY (House Amendments - p. 137)	160	289	LAW
541	Business	89	HEALTH CARE ORGANIZATIONS	157	315	LAW
542 AA	Res & Cons	89	MOTORIZED VEHICLES - HUNTING (House Amendments - p. 210)	233	307	S FAILED
543	Res & Cons	89	FISH AND GAME	140	289	LAW
544	Res & Cons	89	WOLVES	-	95	H Res/Con
545	Res & Cons	90	FISH AND GAME	-	95	H Res/Con
546	C & H R	90	GLOBAL ENTREPRENEURIAL MISSION GRANT FUND	145	230	LAW
547	State Affairs	96	JUDICIAL CONFIRMATION	-	99	H St Aff
548	State Affairs	96	YOUTH ATHLETES - CONCUSSIONS	-	99	H St Aff
549	State Affairs	96	LIENS	176	325	LAW

<u>House Bill No.</u>	<u>Introduced By:</u>	<u>Intro- duction Page</u>	<u>Bill Description</u>	<u>Final Vote Page</u>	<u>Final Action Page</u>	<u>Final Disposition</u>
550	State Affairs	96	BUSINESS ENTITY NAMES	177	325	LAW
551	State Affairs	97	CORONERS	233	329	LAW
552	J R & A	100	MOTOR VEHICLES	-	102	H Jud
553	State Affairs	100	CIVIL OFFICES	174	329	LAW
554	State Affairs	100	ELECTRICITY RATE IMPACTS - PUBLIC UTILITIES COMMISSION	-	102	H St Aff
555	State Affairs	100	FEDERAL HEALTH CARE REFORM - OVERSIGHT	146	146	S Com/HuRes
556	Education	103	PERSONNEL SYSTEM	149	311	LAW
557	Rev & Tax	103	PORT DISTRICTS	-	108	H Rev/Tax
558	Rev & Tax	103	RESIDENTIAL CARE	170	315	LAW
559	Rev & Tax	104	ECONOMIC ESTIMATES	249	249	S Loc Gov
560	Local Gov	104	URBAN RENEWAL	-	108	H Loc Gov
561	Local Gov	104	INDUSTRIAL WIND FARM AND WIND TURBINE MORATORIUM	-	302	H Loc Gov
562 AA	Rev & Tax	104	LOCAL ECONOMIC DEVELOPMENT ACT	187	187	S Loc Gov
			(House Amendments - p. 169)			
563	Rev & Tax	104	INCOME TAXATION	165	329	LAW
564 AA,AAS	Education	108	EDUCATION	309	329	LAW
			(House Amendments - p. 138)			
			(Senate Amendments - See Senate Journal)			
565	Education	108	INSURANCE	-	111	H Bus
566 AA	Education	109	MEDICAL SAVINGS ACCOUNTS	197	197	S Loc Gov
			(House Amendments - p. 182)			
567	State Affairs	109	ADMINISTRATIVE PROCEDURES	-	111	H St Aff
568	State Affairs	109	VETERANS	-	111	H St Aff
569	State Affairs	109	UNIFORM CONTROLLED SUBSTANCES	173	325	LAW
570	State Affairs	114	PEACE OFFICERS	174	325	LAW
571	State Affairs	114	ABSENTEE VOTING	-	117	H St Aff
572	State Affairs	114	ELECTION CONSOLIDATION LAW	183	329	LAW
573 AA	Education	114	GROUP INSURANCE	197	197	S Com/HuRes
			(House Amendments - p. 182)			
574	Appropriations	114	APPROPRIATION - CATASTROPHIC HEALTH CARE FUND	138	224	LAW
575	State Affairs	114	TRADEMARK FILING AND RENEWAL	174	329	LAW
576	State Affairs	114	LEVY ELECTIONS	187	329	LAW

<u>House Bill No.</u>	<u>Introduced By:</u>	<u>Intro- duction Page</u>	<u>Bill Description</u>	<u>Final Vote Page</u>	<u>Final Action Page</u>	<u>Final Disposition</u>
577	State Affairs	114	MEDAL OF HONOR	174	329	LAW
578 AA	State Affairs	115	LEGAL TENDER (House Amendments - p. 247)	268	268	H FAILED
579	Education	115	RETIRED TEACHERS OR ADMINISTRATORS	164	315	LAW
580	Rev & Tax	119	URBAN RENEWAL LAW	-	125	H Loc Gov
581	Rev & Tax	119	STREAMLINED SALES TAX	-	125	H Rev/Tax
582	Rev & Tax	120	INCOME TAXATION	183	325	LAW
583	Rev & Tax	126	HIGHWAYS AND BRIDGES	192	329	LAW
584 AA	Rev & Tax	126	PROPERTY TAX (House Amendments - p. 210)	229	329	LAW
585 AA	Rev & Tax	127	REVENUE AND TAXATION (House Amendments - p. 210)	234	234	H FAILED
586	State Affairs	127	RULES OF THE ROAD - BICYCLES	-	313	H Gen Ord
587 AA	State Affairs	127	OUT-OF-STATE INSURERS (House Amendments - p. 181)	192	192	S Com/HuRes
588	Education	133	EDUCATION	174	174	S Educ
589	Education	133	EDUCATION - ATTENDANCE	-	141	H Educ
590	Education	133	PUBLIC CHARTER SCHOOLS	175	325	LAW
591	Rev & Tax	143	UNCLAIMED PROPERTY	183	329	LAW
592	Rev & Tax	143	REVENUE AND TAXATION	-	147	H Rev/Tax
593	Rev & Tax	143	COMMUNITY INFRASTRUCTURE DISTRICTS	183	329	LAW
594 AA,AA	Rev & Tax	143	BUDGET STABILIZATION FUND (House Amendments - p. 182 and 211)	237	237	S St Aff
595	Ways & Means	143	VICTIM NOTIFICATION FUND	176	297	LAW
596	Ways & Means	143	MOTOR VEHICLES	-	147	H Transp
597	Local Gov	143	URBAN RENEWAL LAW	-	147	H Loc Gov
598	State Affairs	144	PERSI - BLIND COMMISSION	164	297	LAW
599	State Affairs	144	STATE HISTORICAL SOCIETY	187	329	LAW
600	Appropriations	148	APPROPRIATION - PROFESSIONAL-TECHNICAL EDUCATION	169	270	LAW
601	Appropriations	148	APPROPRIATION - AGRICULTURAL RESEARCH AND EXTENSION	170	270	LAW
602	Appropriations	148	APPROPRIATIONS - DEPARTMENT OF FINANCE	170	270	LAW
603	Education	148	EDUCATION	205	330	LAW

House Bill No.	Introduced By:	Intro- duction Page	Bill Description	Final Vote Page	Final Action Page	Final Disposition
604	Education	148	EDUCATION	184	325	LAW
605	Education	148	EDUCATION	-	173	H Educ
606 AA	Rev & Tax	155	AGRICULTURE - TAX CREDIT	267	267	S Loc Gov
			(House Amendments - p. 246)			
607	State Affairs	155	PUBLIC EMPLOYEE RETIREMENT SYSTEM	200	329	LAW
608	State Affairs	155	WATER RIGHTS	190	329	LAW
609	State Affairs	155	PUBLIC ASSISTANCE LAW	192	325	LAW
610	Ways & Means	155	FIRE PROTECTION DISTRICTS	-	162	H Loc Gov
611	Ways & Means	155	LIVESTOCK LIENS	217	330	LAW
612	Ways & Means	155	ENDOWMENT LANDS	-	162	H Res/Con
613	Ways & Means	155	IDAHO TRAVEL AND CONVENTION INDUSTRY COUNCIL	228	329	LAW
614	Ways & Means	156	LOCAL LAND USE PLANNING	-	162	H Loc Gov
615	Appropriations	156	APPROPRIATION - CATASTROPHIC HEALTH CARE COST PROGRAM	175	315	LAW
616	Appropriations	156	APPROPRIATION	175	306	LAW
617	Appropriations	156	APPROPRIATION	175	306	LAW
618	Appropriations	156	APPROPRIATION - DIVISION OF HUMAN RESOURCES	176	306	LAW
619 AA	State Affairs	156	SPEED LIMITS	234	329	LAW
			(House Amendments - p. 211)			
620	Education	156	BIOLOGICAL EVIDENCE	-	162	H Jud
621	Appropriations	163	APPROPRIATION - STATE TREASURER	182	297	LAW
622	Appropriations	163	APPROPRIATION - DEPARTMENT OF INSURANCE	182	315	LAW
623	Ways & Means	167	SCHOOL CROSSING GUARDS	-	172	H Transp
624	Ways & Means	167	TRUST DEEDS	239	329	LAW
625	Ways & Means	167	ANIMAL CARE	-	172	H Agric Aff
626	Education	167	PUBLIC SCHOOL TECHNOLOGY	206	329	LAW
627	Ways & Means	168	DEEDS OF TRUST	-	172	H Bus
628 AA	Ways & Means	168	WIDTH OF HIGHWAYS	269	269	S Transp
			(House Amendments - p. 249)			
629	Ways & Means	168	HEARING OFFICERS	-	172	H St Aff
630	Ways & Means	168	VETERANS	-	172	H Transp
631 AA	Ways & Means	168	INTERMEDIATE CARE FACILITY ASSESSMENT	234	329	LAW
			(House Amendments - p. 211 and 242)			

<u>House Bill No.</u>	<u>Introduced By:</u>	<u>Intro- duction Page</u>	<u>Bill Description</u>	<u>Final Vote Page</u>	<u>Final Action Page</u>	<u>Final Disposition</u>
632	Ways & Means	168	YOUTH ATHLETES	204	329	LAW
633	Education	168	PUBLIC SCHOOL FACILITIES COOPERATIVE FUNDING PROGRAM	206	329	LAW
634	Rev & Tax	172	INCOME TAXES	217	329	LAW
635	Ways & Means	180	ADMINISTRATIVE RULES	190	329	LAW
636	Appropriations	180	APPROPRIATION - MILITARY DIVISION	191	315	LAW
637	Appropriations	180	APPROPRIATION - ATTORNEY GENERAL	197	315	LAW
638	Appropriations	180	APPROPRIATIONS - STATE APPELLATE PUBLIC DEFENDER	191	315	LAW
639 AA	Ways & Means	180	CONTRACTS (House Amendments - p. 249)	268	329	LAW
640	Ways & Means	180	CHILDREN AND FAMILIES LEGAL SERVICES FUND	-	185	H Jud
641	Appropriations	186	APPROPRIATION - DEPARTMENT OF FISH AND GAME	198	315	LAW
642	Appropriations	186	APPROPRIATION - IDAHO COMMISSION FOR LIBRARIES	198	315	LAW
643	Appropriations	186	APPROPRIATION - SECRETARY OF STATE	199	315	LAW
644	Appropriations	186	APPROPRIATION - IDAHO STATE HISTORICAL SOCIETY	199	315	LAW
645	State Affairs	195	SALARY INCREASES	216	329	LAW
646	Education	195	EDUCATION	-	202	H Educ
647	Ways & Means	195	MUNICIPALITIES AND COUNTIES - FEES	242	242	S Loc Gov
648	Ways & Means	196	JUDGMENT	238	329	LAW
649	Ways & Means	196	INSURANCE	239	329	LAW
650	Ways & Means	196	ANIMAL CARE	228	228	S Agric Aff
651	Ways & Means	196	JUDGES	239	329	LAW
652	Ways & Means	203	HEALTH INSURANCE	-	213	H Bus
653	Rev & Tax	203	TAX COMMISSION	226	329	LAW
654	Appropriations	203	APPROPRIATION - DIVISION OF VETERANS SERVICES	227	329	LAW
655	Appropriations	203	APPROPRIATION - DEPARTMENT OF LANDS	227	329	LAW
656	Education	215	EDUCATION	-	224	H Educ
657	Appropriations	215	APPROPRIATION - DEPARTMENT OF HEALTH AND WELFARE	237	329	LAW

House Bill No.	Introduced By:	Intro- duction Page	Bill Description	Final Vote Page	Final Action Page	Final Disposition
658	Appropriations	215	APPROPRIATION - DEPARTMENT OF HEALTH AND WELFARE	238	329	LAW
659	Appropriations	215	APPROPRIATION - STATE BOARD OF EDUCATION FOR COLLEGE AND UNIVERSITIES	238	329	LAW
660	Ways & Means	215	JUDGES RETIREMENT AND COMPENSATIONS	316	329	LAW
661	Ways & Means	215	NEW EMPLOYEES	243	329	LAW
662	Education	216	YOUTH CHALLENGE PROGRAM	318	329	LAW
663	Education	216	EDUCATION	-	262	H Educ
664	Appropriations	225	APPROPRIATION - STATE TAX COMMISSION	242	329	LAW
665	Appropriations	225	APPROPRIATION - BOARD OF TAX APPEALS	242	329	LAW
666	State Affairs	225	TAX LIENS	-	231	H Bus
667	State Affairs	225	RETAIL LIQUOR LICENSES	-	231	H St Aff
668	Appropriations	232	APPROPRIATION - LAVA HOT SPRINGS	261	329	LAW
669	Appropriations	232	APPROPRIATION - SOIL AND WATER CONSERVATION COMMISSION	261	329	LAW
670 AA	Education	232	EDUCATION	-	327	H Educ
			(House Amendments - p. 313)			
671	Education	232	EDUCATION	-	235	H Educ
672	Education	232	FISCAL MATTERS OF SCHOOL DISTRICTS	291	329	LAW
673	Ways & Means	232	CORD BLOOD BANKING	-	235	H W/M
674	Appropriations	236	APPROPRIATIONS - PUBLIC UTILITIES COMMISSION	263	329	LAW
675	Appropriations	236	APPROPRIATION - INDUSTRIAL COMMISSION	263	329	LAW
676	Appropriations	236	APPROPRIATION - IDAHO STATE POLICE	264	329	LAW
677	Appropriations	236	APPROPRIATIONS - PARDONS AND PAROLE COMMISSION	264	329	LAW
678	Appropriations	236	APPROPRIATION - CORRECTION DEPARTMENT - BOARD OF CORRECTION	264	329	LAW
679	Appropriations	236	APPROPRIATION - DEPARTMENT OF ADMINISTRATION BOND PAYMENT PROGRAM	265	329	LAW
680	Appropriations	237	APPROPRIATION - PARKS AND RECREATION DEPARTMENT	265	329	LAW
681	Appropriations	237	APPROPRIATION - DEPARTMENT OF AGRICULTURE	266	329	LAW
682	Appropriations	245	APPROPRIATION - DEPARTMENT OF HEALTH AND WELFARE	281	329	LAW

House Bill No.	Introduced By:	Intro- duction Page	Bill Description	Final Vote Page	Final Action Page	Final Disposition
683	Appropriations	245	APPROPRIATION - STATE BOARD OF EDUCATION, HEALTH EDUCATION PROGRAMS	-	262	H Approp
684	Appropriations	245	APPROPRIATION - STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO, SPECIAL PROGRAMS	285	329	LAW
685	Appropriations	245	APPROPRIATION - SUPREME COURT	285	329	LAW
686	Appropriations	246	APPROPRIATION - OFFICE OF DRUG POLICY	285	329	LAW
687	State Affairs	246	UNCLAIMED PROPERTY PROGRAM	285	329	LAW
688	State Affairs	246	RESIDENCY AND VOTING	-	313	H Gen Ord
689	Ways & Means	250	PUBLIC ASSISTANCE LAW	291	291	S Health/Wel
690	Ways & Means	250	TRANSPORTATION - ECONOMIC DEVELOPMENT ZONES	-	259	H W/M
691	Ways & Means	251	SPECIAL USE PERMITS	286	329	LAW
692	State Affairs	260	DAYLIGHT SAVING TIME	-	271	H St Aff
693	Ways & Means	272	CAPITOL MALL - FACILITIES MANAGEMENT	309	329	LAW
694	Education	283	EDUCATION	298	298	S Educ
695	Appropriations	283	LEGISLATIVE LEGAL DEFENSE FUND	298	329	LAW
696	Appropriations	283	APPROPRIATION - STATE BOARD OF EDUCATION, HEALTH EDUCATION PROGRAMS	299	329	LAW
697	Rev & Tax	304	COUNTIES AND PROPERTY TAX LEVIES	318	330	LAW
698	Education	307	EDUCATION	324	329	LAW
699	Ways & Means	322	UTILITY CONSUMER ADVOCATE OFFICE	-	326	H W/M
700	Ways & Means	322	FOOD FREEDOM ACT	-	326	H W/M
701	Appropriations	325	APPROPRIATION - SUPREME COURT - TRAILER	326	329	LAW
702	Appropriations	325	APPROPRIATION - YEAR-END TRANSFERS	326	329	LAW
703	Appropriations	325	APPROPRIATION - ATTORNEY GENERAL - ADDITIONAL	327	329	LAW

House Concurrent Resolution	Introduced By:	Intro- duction Page	Bill Description	Final Vote Page	Final Action Page	Final Disposition
29	Moyle and Rusche	2	GOVERNOR - STATE OF STATE ADDRESS	2	15	ADOPTED
30	Cronin	40	STATE-OWNED BANK	-	43	H Bus
31	Business	48	NATIONAL ELECTRIC CODE - RULE	62	62	S Com/HuRes
32	E E & T	58	BUREAU OF OCCUPATIONAL LICENSES - RULE REJECTED	-	115	H Env
33	Rev & Tax	80	TAX COMMISSION	109	172	ADOPTED
34	E E & T	81	STATE ENERGY PLAN	151	213	ADOPTED
35	C & H R	88	ADMINISTRATION DEPARTMENT - RULE REJECTED	-	95	H Com/HuRes
36	State Affairs	99	STEVEN R. APPLETON	130	236	ADOPTED
37	Ag Affairs	103	VETERINARY MEDICINE BOARD - RULE REJECTED	151	231	ADOPTED
38	Ag Affairs	103	AGRICULTURE DEPARTMENT - RULE REJECTED	151	151	S Agric Aff
39	Education	112	ARTS CURRICULUM	161	236	ADOPTED
40 AA	Education	113	PAY POLICIES - STATE EMPLOYEES	177	177	S Com/HuRes
			(House Amendments - p. 157)			
41	Education	113	PAY POLICIES - STATE EMPLOYEES	-	117	H Com/HuRes
42	State Affairs	118	HEALTH AND WELFARE - RULE DOCKET REJECTED	151	151	S Health/Wel
43	State Affairs	118	HEALTH AND WELFARE - RULE REJECTED	151	151	S Health/Wel
44	State Affairs	118	HEALTH AND WELFARE - RULE	187	187	S Health/Wel
45	Education	126	PRIVATE INSURANCE EXCHANGE	204	204	S Com/HuRes
46	State Affairs	142	DARRELL V. MANNING	177	316	ADOPTED
47	State Affairs	154	PARKING FACILITY	217	322	ADOPTED
48	Education	154	IDAHO EDUCATION ASSOCIATION	177	236	ADOPTED
49	Education	214	MILDRED RINKER BAILEY	250	316	ADOPTED

House Joint Memorial	Introduced By:	Intro- duction Page	Bill Description	Final Vote Page	Final Action Page	Final Disposition
4	J R & A	25	UNITED STATES DISTRICT COURT JUDGES - ADDITIONAL	43	142	ADOPTED
5	State Affairs	37	PUBLIC MONEYS	-	40	H St Aff
6	State Affairs	37	RIGHT TO WORK	-	40	H St Aff
7	State Affairs	45	MEDAL OF HONOR	62	142	ADOPTED
8	Education	46	NO CHILD LEFT BEHIND	152	236	ADOPTED
9	E E & T	66	SHOSHONE COUNTY - SUPERFUND SITE	-	69	H Env
10	Health & W	83	RESPECT FOR RIGHTS OF CONSCIENCE ACT	130	130	S St Aff
11	State Affairs	112	AMENDMENTS CONVENTION	184	184	H FAILED
12	State Affairs	113	UNIVERSAL SERVICE FUND - CONNECT AMERICA	-	117	H St Aff
13	State Affairs	202	BEYOND THE BORDER ACTION PLAN	251	316	ADOPTED
14	State Affairs	244	BASQUE COUNTRY - ETA	285	322	ADOPTED
House Joint Resolution	Introduced By:	Intro- duction Page	Bill Description	Final Vote Page	Final Action Page	Final Disposition
1 AA	State Affairs	55	MANNER OF PASSING BILLS	284	284	H FAILED
			(House Amendments - p. 260)			
2 AA	Ways & Means	232	RIGHTS TO HUNT, FISH AND TRAP	284	327	ADOPTED
			(House Amendments - p. 261)			
House Resolution	Introduced By:	Intro- duction Page	Bill Description	Final Vote Page	Final Action Page	Final Disposition
3	Moyle and Rusche	2	HOUSE ATTACHES - COMPENSATION	13	13	ADOPTED
4	State Affairs	70	HOUSE RULE 78	-	74	H Jud
House Proclamation	Introduced By:	Intro- duction Page	Bill Description	Final Vote Page	Final Action Page	Final Disposition
5	Transp & Def	16	ADA COUNTY HIGHWAY DISTRICT	28	28	ADOPTED

<u>Senate Bill No.</u>	<u>Introduced By:</u>	<u>Intro- duction Page</u>	<u>Bill Description</u>	<u>Final Vote Page</u>	<u>Final Action Page</u>	<u>Final Disposition</u>
1213	Jud & Rules	59	PROCEEDINGS IN MAGISTRATE'S DIVISION	86	99	LAW
1214	Jud & Rules	97	IDAHO STATE BAR	218	230	LAW
1215 AA	Jud & Rules	120	CORRECTION DEPARTMENT	218	230	LAW
			(Senate Amendments - See Senate Journal)			
1219	Jud & Rules	59	JUVENILE CORRECTIONS ACT	90	102	LAW
1222	Jud & Rules	59	JUDGES	90	102	LAW
1223	Education	36	SCHOOL PROPERTY	67	80	LAW
1224	Education	36	EDUCATION	44	45	LAW
1225	Com & HR	55	REAL ESTATE LICENSE LAW	220	230	LAW
1226	Com & HR	61	REAL ESTATE LICENSE LAW	220	230	LAW
1227	Com & HR	59	REAL ESTATE LICENSE LAW	221	230	LAW
1228	Com & HR	59	REAL ESTATE LICENSE LAW	221	230	LAW
1231 AA	State Affairs	168	MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM	274	289	LAW
			(Senate Amendments - See Senate Journal)			
1232	Jud & Rules	59	UNIFORM PRUDENT INVESTOR ACT	204	230	LAW
1233	Jud & Rules	59	GUARDIANS OF MINORS	-	88	H Jud
1236	Ag Affairs	97	AGRICULTURE DEPARTMENT	219	230	LAW
1237	Education	47	EDUCATION	79	87	LAW
1243 AAH,AAH	Transportation	61	SPECIAL LICENSE PLATES	254	306	LAW
			(House Amendments - p. 135 and 182)			
1253	Jud & Rules	67	SERVICE BY PUBLICATION - AFFIDAVIT	204	230	LAW
1255 AA,AA	Health & W	168	RECORDS EXEMPT FROM DISCLOSURE	276	289	LAW
			(Senate Amendments - See Senate Journal)			
1256 AAH	Res & Cons	144	SPECIAL BIG GAME AUCTION TAGS	287	322	LAW
			(House Amendments - p. 249)			
1257	Finance	59	APPROPRIATION - DEPARTMENT OF ADMINISTRATION	68	80	LAW
1258	Finance	59	APPROPRIATIONS - LIBRARIES	68	80	LAW
1259	Ag Affairs	97	AGRICULTURE	218	230	LAW
1260	Health & W	120	NURSES	256	271	LAW
1261	Health & W	120	NURSES	256	271	LAW
1262	Health & W	120	NURSING	256	271	LAW
1263	Jud & Rules	101	VICTIM NOTIFICATION FUND	-	138	H Jud

<u>Senate Bill No.</u>	<u>Introduced By:</u>	<u>Intro- duction Page</u>	<u>Bill Description</u>	<u>Final Vote Page</u>	<u>Final Action Page</u>	<u>Final Disposition</u>
1265	Jud & Rules	90	EXECUTION	205	230	LAW
1266	Jud & Rules	90	EXECUTION	205	230	LAW
1267	Finance	59	APPROPRIATION - VOCATIONAL REHABILITATION	68	80	LAW
1268	Com & HR	109	INSURANCE DEDUCTIBLES	221	230	LAW
1269 AAH	Education	67	EDUCATION - PUBLIC CHARTER SCHOOLS (House Amendments - p. 207)	258	258	S Not Concur
1270	State Affairs	71	LEGISLATIVE APPOINTMENTS	286	297	LAW
1271	Res & Cons	196	LANDS DEPARTMENT - GRAZING LEASES	278	289	LAW
1272	Jud & Rules	97	TELEGRAPHS	218	230	LAW
1273	Health & W	120	NURSES	257	271	LAW
1274 AAH	Transportation	120	TEXTING AND DRIVING (House Amendments - p. 169)	261	306	LAW
1275	Jud & Rules	173	TRAFFIC SAFETY EDUCATION PROGRAM	-	173	H Jud
1277 AA	Health & W	134	DIETITIANS (Senate Amendments - See Senate Journal)	219	230	LAW
1278	Health & W	97	ATHLETIC TRAINERS	220	230	LAW
1279	Health & W	97	H&W - LEGAL GUARDIANS	278	289	LAW
1280	Health & W	97	RESPIRATORY CARE PRACTICE ACT	286	297	LAW
1285	State Affairs	144	LOTTERY COMMISSION	-	144	H St Aff
1286	State Affairs	144	BINGO AND RAFFLES	276	289	LAW
1289	Res & Cons	144	IRRIGATION DISTRICTS	254	271	LAW
1290	Res & Cons	144	DRAINAGE DISTRICTS	255	271	LAW
1291	Res & Cons	120	RANGELANDS	253	271	LAW
1292	Jud & Rules	120	EXECUTION	218	230	LAW
1293	Health & W	180	FOOD STAMPS	277	289	LAW
1294 AA	Health & W	168	MEDICAL CONSENT AND NATURAL DEATH ACT (Senate Amendments - See Senate Journal)	277	289	LAW
1295 AA	Health & W	233	MASSAGE THERAPISTS (Senate Amendments - See Senate Journal)	287	297	LAW
1298	State Affairs	120	CODIFIER CORRECTIONS	254	271	LAW
1299	Jud & Rules	144	MILITARY EDUCATION	254	271	LAW
1301	Education	120	EDUCATION	221	230	LAW
1302	Ag Affairs	128	DOGS	-	313	H Gen Ord

<u>Senate Bill No.</u>	<u>Introduced By:</u>	<u>Intro- duction Page</u>	<u>Bill Description</u>	<u>Final Vote Page</u>	<u>Final Action Page</u>	<u>Final Disposition</u>
1303 AAH	Ag Affairs	134	ANIMALS (House Amendments - p. 313)	319	328	LAW
1304	Ag Affairs	173	BARLEY COMMISSION	276	289	LAW
1307	Com & HR	120	SECURED TRANSACTIONS	255	271	LAW
1308	Com & HR	120	SICK LEAVE - TEACHERS	219	230	LAW
1309	Health & W	156	PSEUDOEPHEDRINE SALES	277	289	LAW
1310	Transportation	120	IDAHO MOBILITY COUNCIL	-	120	H Transp
1312	Transportation	134	MOTOR VEHICLES	219	230	LAW
1313	Transportation	120	HAZARDOUS WASTE	274	289	LAW
1314	Education	120	INSTITUTIONAL FUNDS - PRUDENT MANAGEMENT	253	271	LAW
1316	LG & Tax	134	PUBLIC FUNDS	-	134	H Loc Gov
1317 AA	State Affairs	168	HIGHWAYS AND BRIDGES (Senate Amendments - See Senate Journal)	-	168	H Transp
1319	Jud & Rules	156	MOTOR VEHICLES - PROOF OF INSURANCE	257	271	LAW
1321 AA	Res & Cons	196	FISH AND GAME (Senate Amendments - See Senate Journal)	275	289	LAW
1323 AA	State Affairs	168	LIBRARY DISTRICT TRUSTEES (Senate Amendments - See Senate Journal)	257	271	LAW
1324	Jud & Rules	148	ATTORNEY'S FEES	220	230	LAW
1326	Health & W	173	VOCATIONAL REHABILITATION	277	289	LAW
1327	Education	134	EDUCATION	274	289	LAW
1328	Education	134	EDUCATION	274	289	LAW
1329	Education	134	EDUCATION	275	289	LAW
1330	State Affairs	226	AIR NAVIGATION FACILITIES	287	297	LAW
1331	Finance	173	EDUCATION	-	173	H Educ
1332	Jud & Rules	173	ATTORNEY'S FEES	255	271	LAW
1333	Finance	144	APPROPRIATION - SECRETARY OF STATE	188	194	LAW
1335	State Affairs	186	IDAHO ENERGY RESOURCES AUTHORITY	257	271	LAW
1336 AA	State Affairs	216	WORKER'S COMPENSATION (Senate Amendments - See Senate Journal)	-	225	H St Aff
1337 AA	Jud & Rules	189	SEXUAL EXPLOITATION OF A CHILD (Senate Amendments - See Senate Journal)	276	289	LAW
1338	Jud & Rules	180	CHILD ENTICEMENT	273	289	LAW
1340	Jud & Rules	173	COURT ORDERED TESTING	255	271	LAW

<u>Senate Bill No.</u>	<u>Introduced By:</u>	<u>Intro- duction Page</u>	<u>Bill Description</u>	<u>Final Vote Page</u>	<u>Final Action Page</u>	<u>Final Disposition</u>
1341	Jud & Rules	180	SEXUAL OFFENDER REGISTRATION	274	289	LAW
1343	State Affairs	186	STATE POLICE DIRECTOR	302	317	LAW
1344	State Affairs	168	BEER AND BREWERS	278	289	LAW
1346	Finance	173	LIVESTOCK PROCEEDS	253	271	LAW
1348 AA	State Affairs	260	MEDICAL CONSENT AND NATURAL DEATH ACT (Senate Amendments - See Senate Journal)	317	328	LAW
1350	Finance	180	APPROPRIATION - IDAHO STATE LOTTERY	239	259	LAW
1351	Finance	180	APPROPRIATION - PUBLIC HEALTH DISTRICTS	240	259	LAW
1352	Finance	180	APPROPRIATION - MEDICAL BOARDS	240	259	LAW
1353	Finance	180	APPROPRIATION - BUILDING SAFETY	240	259	LAW
1354	Finance	180	APPROPRIATIONS - HISPANIC AFFAIRS	240	259	LAW
1356 AA	Jud & Rules	186	HIGHWAY DISTRICTS	275	289	LAW
			(Senate Amendments - See Senate Journal)			
1357 AA	Jud & Rules	233	PERSONAL PROPERTY - TAX LIENS	316	328	LAW
			(Senate Amendments - See Senate Journal)			
1358 AA	Jud & Rules	237	BULLYING	-	237	H Educ
			(Senate Amendments - See Senate Journal)			
1359	Finance	190	APPROPRIATIONS - ENVIRONMENTAL QUALITY DEPARTMENT	241	259	LAW
1360	Finance	226	APPROPRIATIONS - ENDOWMENT FUND INVESTMENT BOARD	262	289	LAW
1361	Finance	190	APPROPRIATIONS - ENERGY RESOURCES	241	259	LAW
1363	State Affairs	190	UNCLAIMED PROPERTY	303	317	LAW
1365	State Affairs	190	UNCLAIMED PROPERTY	303	317	LAW
1366	State Affairs	226	RULEMAKING	303	317	LAW
1367	Finance	190	APPROPRIATION - GOVERNOR, EXECUTIVE OFFICE OF	241	259	LAW
1368	Finance	190	APPROPRIATION - LIEUTENANT GOVERNOR	251	271	LAW
1369	Jud & Rules	226	LABOR DEPARTMENT	286	304	H Com/HuRes
1370	Jud & Rules	226	VENEREAL DISEASES	278	289	LAW
1371	State Affairs	177	PRIMARY ELECTION BALLOTS	200	201	LAW
1372	State Affairs	283	PROCUREMENT	-	283	H St Aff
1373	State Affairs	233	LABOR	303	317	LAW
1375	Finance	196	APPROPRIATION - COMMISSION ON AGING	251	271	LAW

<u>Senate Bill No.</u>	<u>Introduced By:</u>	<u>Intro- duction Page</u>	<u>Bill Description</u>	<u>Final Vote Page</u>	<u>Final Action Page</u>	<u>Final Disposition</u>
1376	Finance	226	APPROPRIATION - STATE INDEPENDENT LIVING COUNCIL	252	271	LAW
1377	Finance	226	APPROPRIATION - DIVISION OF VOCATIONAL REHABILITATION	252	271	LAW
1380 AA	Jud & Rules	272	CHILD CUSTODY ORDERS - SERVICEMEMBERS (Senate Amendments - See Senate Journal)	-	272	H Jud
1381	Finance	226	APPPROPRIATION - EDUCATIONAL PUBLIC BROADCASTING	252	271	LAW
1382	Finance	226	APPROPRIATION - OFFICE OF SPECIES CONSERVATION	252	271	LAW
1383 AA	State Affairs	290	DITCHES - CANALS - CONDUITS (Senate Amendments - See Senate Journal)	300	312	LAW
1384	Finance	233	APPROPRIATION - LABOR DEPARTMENT	253	271	LAW
1386	State Affairs	298	CIVIL AIR PATROL	319	328	LAW
1387	State Affairs	260	ABORTION	-	260	H St Aff
1388	Finance	246	APPROPRIATION - COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED	273	289	LAW
1389	Finance	246	APPROPRIATION - DEPARTMENT OF WATER RESOURCES	273	289	LAW
1390 AA	Jud & Rules	283	CERTIFICATES OF INSURANCE (Senate Amendments - See Senate Journal)	308	322	LAW
1391	Finance	246	APPROPRIATION - STATE LIQUOR DIVISION	273	289	LAW
1392	Finance	246	APPROPRIATION - REGULATORY BOARDS, SELF-GOVERNING	273	289	LAW
1393	Finance	283	APPROPRIATION - STATE CONTROLLER	291	312	LAW
1394	Finance	283	APPROPRIATION - IDAHO TRANSPORTATION DEPARTMENT	292	312	LAW
1395	State Affairs	283	STATE INSURANCE FUND - BOARD OF DIRECTORS	308	322	LAW
1396	Finance	283	APPROPRIATION - JUVENILE CORRECTIONS DEPARTMENT	292	312	LAW
1397	Finance	283	APPROPRIATION - STATE BOARD OF EDUCATION FOR COMMUNITY COLLEGES	293	312	LAW
1398	Finance	283	APPROPRIATION - OFFICE OF THE STATE BOARD OF EDUCATION	293	312	LAW
1399	Finance	283	APPROPRIATION - PERMANENT BUILDING FUND	294	312	LAW
1400	Finance	283	APPROPRIATION - IDAHO STATE CAPITOL COMMISSION	294	312	LAW
1401	Finance	290	APPROPRIATION - LEGISLATIVE COUNCIL	299	312	LAW

<u>Senate Bill No.</u>	<u>Introduced By:</u>	<u>Intro- duction Page</u>	<u>Bill Description</u>	<u>Final Vote Page</u>	<u>Final Action Page</u>	<u>Final Disposition</u>
1402	Finance	290	APPROPRIATION - FINANCIAL MANAGEMENT DIVISION	300	312	LAW
1403	Finance	290	APPROPRIATION - SUPERINTENDENT OF PUBLIC INSTRUCTION	301	312	LAW
1404	Finance	290	APPROPRIATION - DEPARTMENT OF HEALTH AND WELFARE	301	312	LAW
1405	Finance	290	APPROPRIATION - DEPARTMENT OF HEALTH AND WELFARE	301	312	LAW
1406	Finance	298	APPROPRIATION - DEPARTMENT OF ADMINISTRATION	309	322	LAW
1407	State Affairs	272	DEPARTMENT OF COMMERCE	310	322	LAW
1408	Finance	305	APPROPRIATION - MILLENNIUM FUND	311	322	LAW
1409	Finance	305	APPROPRIATION - DEPARTMENT OF COMMERCE	310	322	LAW
1410	Finance	305	APPROPRIATION - PUBLIC SCHOOLS	311	322	LAW
1412	Finance	317	APPROPRIATION - IDAHO STATE POLICE - TRAILER	320	328	LAW
1413	Finance	317	APPROPRIATION - CONSTITUTIONAL DEFENSE COUNCIL FUND	320	328	LAW
1414	Finance	317	APPROPRIATION - DEPARTMENT OF HEALTH AND WELFARE	321	328	LAW
1415	Finance	321	APPROPRIATION - DIVISION OF VOCATIONAL REHABILITATION	323	328	LAW
1416	Finance	321	APPROPRIATION - STATE HISTORICAL SOCIETY - DEPARTMENT OF ADMINISTRATION - STATE RECORDS CENTER	324	328	LAW

Senate Concurrent Resolution	Introduced By:	Intro- duction Page	Bill Description	Final Vote Page	Final Action Page	Final Disposition
112	Health & W	113	ALZHEIMER'S PLANNING GROUP	280	289	ADOPTED
113	LG & Tax	66	TAX COMMISSION - RULES REJECTED	-	75	H W/M
114	Health & W	88	HEALTH AND WELFARE - RULES REJECTED	279	289	ADOPTED
115	Health & W	88	BUREAU OF OCCUPATIONAL LICENSES - RULE REJECTED	278	289	ADOPTED
116	State Affairs	126	WASTEWATER DISCHARGE - STUDY	-	327	H 3rd Rdg
117	Ag Affairs	114	AGRICULTURE DEPARTMENT - RULE REJECTED	279	289	ADOPTED
118	Com & HR	96	BUILDING SAFETY DIVISION - RULE REJECTED	279	289	ADOPTED
119	Com & HR	100	GROUP INSURANCE - RULE REJECTED	279	289	ADOPTED
120	Res & Cons	155	COCOLALLA LAKE - BONNER COUNTY	280	289	ADOPTED
121	State Affairs	147	FISH AND GAME - RULE REJECTED	281	289	ADOPTED
122	Jud & Rules	147	STATE POLICE - RULES REJECTED	280	289	ADOPTED
123	State Affairs	167	BILLINGSLEY CREEK	287	297	ADOPTED
124	Jud & Rules	189	IDAHO DIGITAL LEARNING ACADEMY	280	289	ADOPTED
125	State Affairs	179	SAGE-GROUSE TASK FORCE	295	312	ADOPTED
128	State Affairs	195	ADMINISTRATIVE RULES	280	289	ADOPTED
129	State Affairs	195	TEMPORARY RULES	280	289	ADOPTED
130	Jud & Rules	215	UNION PACIFIC RAILROAD	295	312	ADOPTED
131	State Affairs	236	VOLUNTEER EMERGENCY MEDICAL SERVICES PROVIDERS	295	312	ADOPTED
132	State Affairs	236	TERRITORIAL SESQUICENTENNIAL	295	312	ADOPTED
133	State Affairs	243	IDAHO SERVICEMEN	250	271	ADOPTED

Senate Joint Memorial	Introduced By:	Intro- duction Page	<u>Bill Description</u>	<u>Final Vote Page</u>	<u>Final Action Page</u>	<u>Final Disposition</u>
103	Res & Cons	143	COMMUNITY FOREST TRUST PILOT	296	312	ADOPTED
104	State Affairs	167	HEALTH AND HUMAN SERVICES REGULATION	296	312	ADOPTED
105	State Affairs	179	FEDERAL LAW - ROLE OF STATES	296	312	ADOPTED
Senate Joint Resolution	Introduced By:	Intro- duction Page	<u>Bill Description</u>	<u>Final Vote Page</u>	<u>Final Action Page</u>	<u>Final Disposition</u>
102	Jud & Rules	33	CONTROL OVER STATE PRISONS	50	61	ADOPTED
106	State Affairs	148	RIGHTS TO HUNT, FISH AND TRAP	-	148	H Res/Con

HOUSE BILLS WHICH BECAME LAW

<u>House Bill No.</u>	<u>Introduced by</u>	<u>Signed by Governor</u>	<u>Effective Date(s)</u>	<u>Session Laws Chapter No.</u>
355	Revenue and Taxation	02/06/2012	01/01/12	2
356	Revenue and Taxation	02/08/2012	07/01/2012	4
357	Revenue and Taxation	02/13/2012	01/01/12	9
358 AAS	Revenue and Taxation	03/06/2012	01/01/12	38
360	Revenue and Taxation	02/08/2012	07/01/2012	5
361	Revenue and Taxation	02/08/2012	07/01/2012	3
362	Revenue and Taxation	02/08/2012	07/01/12 Sections 1 & 2; 07/01/13 Sections 3, 4 & 5	6
363	Revenue and Taxation	02/13/2012	01/01/12	10
364	Revenue and Taxation	02/14/2012	01/01/12	13
365	Revenue and Taxation	02/14/2012	01/01/12	14
367	Transportation and Defense	03/01/2012	07/01/2012	22
368 AA	Transportation and Defense	04/03/2012	07/01/2012	195
369	Transportation and Defense	03/01/2012	07/01/2012	23
372	State Affairs	04/03/2012	07/01/2012	196
374	Business	03/01/2012	07/01/2012	24
375	Business	03/01/2012	07/01/2012	25
376	Business	law w/o sign.	07/01/2012	193
379	Resources and Conservation	03/20/2012	04/01/12	79
382	Education	03/01/2012	07/01/2012	26
383	Education	03/01/2012	07/01/2012	34
384	Education	02/22/2012	07/01/2012	21
385	Education	03/02/2012	07/01/2012	35
386 AA	Education	03/29/2012	07/01/2012	178
389	Agricultural Affairs	03/08/2012	07/01/2012	43
391	State Affairs	03/01/2012	03/01/12	33
393 AA	Education	03/08/2012	07/01/2012	44
394	Education	03/06/2012	07/01/2012	37
395	Appropriations	02/08/2012	02/08/12	7
396	Resources and Conservation	03/26/2012	07/01/2012	118

<u>House Bill No.</u>	<u>Introduced by</u>	<u>Signed by Governor</u>	<u>Effective Date(s)</u>	<u>Session Laws Chapter No.</u>
397	Resources and Conservation	03/26/2012	07/01/2012	119
399	Resources and Conservation	03/26/2012	07/01/2012	120
400	Resources and Conservation	03/26/2012	07/01/2012	121
401	Resources and Conservation	03/26/2012	07/01/2012	122
402	Judiciary, Rules, and Administration	03/01/2012	07/01/2012	27
403	Judiciary, Rules, and Administration	03/21/2012	07/01/2012	99
404 AAS	State Affairs	02/21/2012	02/21/12	17
405	Health and Welfare	03/06/2012	07/01/2012	39
407	Business	03/01/2012	07/01/2012	28
408	Business	03/01/2012	07/01/2012	29
409	Business	03/02/2012	07/01/2012	36
412	Agricultural Affairs	03/01/2012	07/01/2012	30
414	Transportation and Defense	04/05/2012	07/01/2012	318
417	Revenue and Taxation	03/09/2012	03/09/12; 06/30/16 Sunset Clause	47
418	Commerce and Human Resources	03/01/2012	07/01/2012	31
419	Business	03/12/2012	07/01/2012	48
420	Business	03/27/2012	07/01/2012	156
421	Business	03/27/2012	07/01/2012	157
422	Business	03/27/2012	07/01/2012	158
426 AAS	Education	04/03/2012	07/01/2012	197
438	Revenue and Taxation	03/06/2012	01/01/12	40
439 AA,AAS	Health and Welfare	04/03/2012	07/01/2012	198
441	Health and Welfare	03/14/2012	07/01/11	61
442	Health and Welfare	03/14/2012	07/01/2012	62
443	State Affairs	04/03/2012	07/01/2012	199
446	Resources and Conservation	03/06/2012	07/01/2012	41
448	Judiciary, Rules, and Administration	03/27/2012	07/01/2012	159
450 AAS	Judiciary, Rules, and Administration	03/27/2012	07/01/2012	160
452	State Affairs	04/03/2012	04/03/12	200
455	Judiciary, Rules, and Administration	03/08/2012	07/01/2012	45
457 AAS	Resources and Conservation	03/27/2012	07/01/2012	161

<u>House Bill No.</u>	<u>Introduced by</u>	<u>Signed by Governor</u>	<u>Effective Date(s)</u>	<u>Session Laws Chapter No.</u>
458	Resources and Conservation	04/03/2012	07/01/2012	201
459	Resources and Conservation	03/21/2012	07/01/2012	100
460	Resources and Conservation	03/20/2012	03/20/12	71
461	Resources and Conservation	03/21/2012	07/01/2012	101
462	Resources and Conservation	03/20/2012	03/20/12	72
463	Resources and Conservation	03/20/2012	03/20/12	73
464	Resources and Conservation	03/23/2012	03/23/12	111
465	Business	03/14/2012	07/01/2012	63
466	Business	03/13/2012	07/01/2012	53
467	Business	03/12/2012	07/01/2012	49
468	Business	03/12/2012	07/01/2012	50
469	Business	03/06/2012	03/06/12	42
472	Transportation and Defense	03/14/2012	07/01/2012	64
473	Transportation and Defense	03/01/2012	07/01/2012	32
475	Judiciary, Rules, and Administration	03/08/2012	07/01/2012	46
479 AA	Transportation and Defense	04/05/2012	07/01/2012	319
481	Education	03/23/2012	07/01/2012	112
482	Local Government	03/12/2012	07/01/2012	51
484	Local Government	03/13/2012	07/01/2012	54
485 AA	Environment, Energy, and Technology	04/03/2012	01/01/12	202
487	Health and Welfare	04/03/2012	07/01/2012	203
489	Revenue and Taxation	03/13/2012	03/13/12	55
490	State Affairs	03/27/2012	07/01/2012	162
491 AA	State Affairs	03/29/2012	07/01/2012	179
492	Business	03/14/2012	07/01/2012	65
494	Resources and Conservation	04/03/2012	04/03/12	204
497 AAS	Judiciary, Rules, and Administration	03/29/2012	03/29/12	180
498	Education	03/12/2012	03/12/12	52
499	Education	03/14/2012	07/01/2012	66
500	Health and Welfare	03/14/2012	07/01/2012	67
501	Health and Welfare	03/14/2012	07/01/2012	68
502 AA	Health and Welfare	03/29/2012	07/01/2012	181

House Bill No.	Introduced by	Signed by Governor	Effective Date(s)	Session Laws Chapter No.
503	Health and Welfare	03/27/2012	07/01/2012	163
511 AA,AAS	Transportation and Defense	03/27/2012	07/01/2012	164
512 AA	Agricultural Affairs	03/26/2012	07/01/2012	117
513	Agricultural Affairs	03/26/2012	07/01/2012	123
515 AA	State Affairs	04/03/2012	07/01/2012	205
516	State Affairs	03/23/2012	07/01/2012	113
517	Revenue and Taxation	03/13/2012	01/01/12	59
518	Revenue and Taxation	04/03/2012	07/01/2012	206
519	Revenue and Taxation	law w/o sign.	01/01/12	192
521	Education	03/14/2012	07/01/2012	69
522 AA	Commerce and Human Resources	03/29/2012	07/01/2012	182
523 AA	Commerce and Human Resources	03/27/2012	03/27/12	165
525	Resources and Conservation	03/21/2012	07/01/2012	102
526	Resources and Conservation	03/20/2012	07/01/2012	80
532	Judiciary, Rules, and Administration	03/27/2012	07/01/2012	166
534	Education	03/14/2012	07/01/12; Sunset Clause - November 2012, if Ch.97, Laws of 2011, is rejected through voter referendum in General Election	70
536	State Affairs	04/05/2012	07/01/2012	320
539	Business	04/03/2012	07/01/2012	207
540 AA	Business	03/21/2012	01/01/14	103
541	Business	03/27/2012	07/01/2012	167
543	Resources and Conservation	03/21/2012	07/01/2012	104
546	Commerce and Human Resources	03/14/2012	07/01/2012	60
549	State Affairs	03/29/2012	03/29/12	183
550	State Affairs	03/29/2012	03/29/12	184
551	State Affairs	04/03/2012	07/01/2012	208
553	State Affairs	04/03/2012	07/01/2012	209
556	Education	03/27/2012	03/27/12	138
558	Revenue and Taxation	03/27/2012	07/01/2012	168
563	Revenue and Taxation	04/05/2012	01/01/12	321

<u>House Bill No.</u>	<u>Introduced by</u>	<u>Signed by Governor</u>	<u>Effective Date(s)</u>	<u>Session Laws Chapter No.</u>
564 AA,AAS	Education	04/03/2012	07/01/2012	210
569	State Affairs	03/29/2012	07/01/2012	185
570	State Affairs	03/29/2012	07/01/12; 07/01/15 Sunset Clause - Idaho Code section 72-1104(1)(c) only	186
572	State Affairs	04/03/2012	04/03/12	211
574	Appropriations	law w/o sign.	03/13/12	58
575	State Affairs	04/05/2012	07/01/2012	322
576	State Affairs	04/03/2012	07/01/2012	212
577	State Affairs	04/03/2012	07/01/2012	213
579	Education	03/27/2012	07/01/2012	169
582	Revenue and Taxation	03/29/2012	01/01/12	187
583	Revenue and Taxation	04/05/2012	04/05/12	323
584 AA	Revenue and Taxation	04/03/2012	01/01/12	214
590	Education	03/29/2012	07/01/2012	188
591	Revenue and Taxation	04/03/2012	07/01/2012	215
593	Revenue and Taxation	04/05/2012	07/01/2012	324
595	Ways and Means	03/23/2012	07/01/2012	114
598	State Affairs	03/23/2012	03/23/12	115
599	State Affairs	04/03/2012	07/01/2012	216
600	Appropriations	03/20/2012	07/01/2012	95
601	Appropriations	03/20/2012	07/01/2012	96
602	Appropriations	03/20/2012	07/01/2012	97
603	Education	law w/o sign.	07/01/2012	340
604	Education	03/29/2012	07/01/2012	189
607	State Affairs	04/03/2012	04/03/12	217
608	State Affairs	04/03/2012	07/01/2012	218
609	State Affairs	03/29/2012	07/01/2012	190
611	Ways and Means	law w/o sign.	07/01/2012	341
613	Ways and Means	04/03/2012	07/01/2012	219
615	Appropriations	law w/o sign.	07/01/2012	155
616	Appropriations	03/26/2012	07/01/2012	124

<u>House Bill No.</u>	<u>Introduced by</u>	<u>Signed by Governor</u>	<u>Effective Date(s)</u>	<u>Session Laws Chapter No.</u>
617	Appropriations	03/26/2012	07/01/2012	125
618	Appropriations	03/26/2012	07/01/2012	126
619 AA	State Affairs	04/05/2012	07/01/2012	325
621	Appropriations	03/23/2012	07/01/2012	116
622	Appropriations	03/27/2012	07/01/2012	170
624	Ways and Means	04/05/2012	04/05/12	326
626	Education	04/03/2012	07/01/12; Sunset Clause - November 2012, if Ch.247, Laws of 2011, is rejected through voter referendum in General Election	220
631 AA	Ways and Means	04/05/2012	07/01/2012	327
632	Ways and Means	04/03/2012	07/01/2012	299
633	Education	04/03/2012	07/01/2012	221
634	Revenue and Taxation	04/03/2012	01/01/12	222
635	Ways and Means	04/03/2012	07/01/2012	223
636	Appropriations	03/27/2012	07/01/2012	171
637	Appropriations	03/27/2012	07/01/2012	172
638	Appropriations	03/27/2012	07/01/2012	173
639 AA	Ways and Means	04/05/2012	07/01/2012	328
641	Appropriations	03/27/2012	03/27/12 Section 1; 07/01/12 All other sections	174
642	Appropriations	03/27/2012	07/01/2012	175
643	Appropriations	03/27/2012	07/01/2012	176
644	Appropriations	03/27/2012	07/01/2012	177
645	State Affairs	04/03/2012	07/01/2012	224
648	Ways and Means	04/03/2012	07/01/12 Sections 1 & 2; 03/01/13 Section 3; 03/01/13 Sunset Clause - Section 2	225
649	Ways and Means	04/03/2012	07/01/13	226
651	Ways and Means	04/05/2012	07/01/2012	329
653	Revenue and Taxation	04/03/2012	04/03/12	227

<u>House Bill No.</u>	<u>Introduced by</u>	<u>Signed by Governor</u>	<u>Effective Date(s)</u>	<u>Session Laws Chapter No.</u>
654	Appropriations	04/03/2012	04/03/12 Section 1; 07/01/12 All other sections	228
655	Appropriations	04/03/2012	07/01/2012	229
657	Appropriations	04/03/2012	07/01/2012	230
658	Appropriations	04/03/2012	04/03/12	231
659	Appropriations	04/03/2012	07/01/2012	232
660	Ways and Means	04/05/2012	Sections 2, 4, 7, 8, 9, 11 & 12 - First July 1 at least 3 months after approval, determination & notification specified in Section 13; Section 3 - null & void first July 1 at least 3 months after Supreme Court notification to Secretary of State of IRS determination letter	330
661	Ways and Means	04/03/2012	01/01/11; 01/01/17 Sunset Clause	233
662	Education	04/03/2012	07/01/2012	234
664	Appropriations	04/03/2012	04/03/12 Section 1; 07/01/12 All other sections	235
665	Appropriations	04/03/2012	07/01/2012	236
668	Appropriations	04/03/2012	07/01/2012	237
669	Appropriations	04/03/2012	07/01/2012	238
672	Education	04/05/2012	07/01/2012	331
674	Appropriations	04/03/2012	07/01/2012	239
675	Appropriations	04/03/2012	07/01/2012	240
676	Appropriations	04/03/2012	07/01/2012	241
677	Appropriations	04/03/2012	04/03/12 Section 1; 07/01/12 All other sections	242
678	Appropriations	04/03/2012	04/03/12 Sections 1 & 2; 07/01/12 All other sections	243
679	Appropriations	04/03/2012	07/01/2012	244
680	Appropriations	04/03/2012	07/01/2012	245

<u>House Bill No.</u>	<u>Introduced by</u>	<u>Signed by Governor</u>	<u>Effective Date(s)</u>	<u>Session Laws Chapter No.</u>
681	Appropriations	04/03/2012	04/03/12 Section 1; 07/01/12 All other sections	246
682	Appropriations	04/03/2012	04/03/12 Section 7; 07/01/12 All other sections	247
684	Appropriations	04/03/2012	07/01/2012	248
685	Appropriations	04/05/2012	07/01/2012	332
686	Appropriations	04/03/2012	07/01/2012	249
687	State Affairs	04/05/2012	04/05/12	333
691	Ways and Means	04/05/2012	04-05-12 Section 2 for all approved and valid special use permits; 07-01-12 Section 1	334
693	Ways and Means	03/30/2012	03/30/12	194
695	Appropriations	04/05/2012	07/01/2012	335
696	Appropriations	04/03/2012	04/03/12 Section 1; 07/01/12 All other sections	250
697	Revenue and Taxation	04/05/2012	01/01/12 Sections 1-7 & 16; 07/01/17 Sections 8-15 07/01/17 Sunset Clause - Sections 1 & 2	339
698	Education	04/03/2012	07/01/12; Sunset Clause - November 2012, if Ch.247, Laws of 2011, is rejected through voter referendum in General Election	251
701	Appropriations	04/05/2012	07/01/2012	336
702	Appropriations	04/05/2012	04/05/12	337
703	Appropriations	04/05/2012	In full force & effect after passage and approval of National Mortgage Settlement Agreement & receipt of funds; Section 7 null & void if funds not received by 6/30/12	338

APPENDIX

Final Report of the Commission for Reapportionment
Pusuant to Section 72-1508 Idaho Code



Idaho's Citizen

Commission for Reapportionment

Capitol Building
700 W. Jefferson Street
Boise, ID 83720-0054

Phone: (208) 334-4740
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January 30, 2012

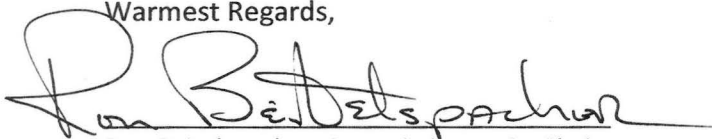
Honorable Ben Ysursa
Idaho Secretary of State
State Capitol
Boise, Idaho 83720

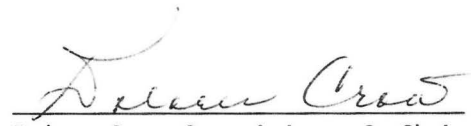
Mr. Ysursa,

As Idaho's Citizen Commission for Reapportionment, we transmit herewith to you the new legislative plan that has been adopted unanimously by the members of the full Commission according to our responsibility as prescribed in Section 2, Article III, Constitution of the State of Idaho.

It has been our honor to serve the people of Idaho in this capacity.

Warmest Regards,


Ron Beitelspacher, Commissioner, Co-Chair


Dolores Crow, Commissioner, Co-Chair


Shauneen Grange, Commissioner


Randy Hansen, Commissioner


Elmer Martinez, Commissioner


Sheila Olsen, Commissioner

Enclosures:

1. Population, Deviation, Race, Ethnicity Report.
2. Population Deviation Summary Report.
3. Report of New Congressional Districts by County, Voter Tabulation District and Census Block
4. Maps of New Congressional Districts

STATE OF IDAHO

COMMISSION FOR REAPPORTIONMENT

REVISED FINDINGS AND CONCLUSIONS

FOR LEGISLATIVE PLAN L 93, A REVISION OF PLAN L 87

This Commission For Reapportionment, whose members are:

Ron Beitelspacher, Co-Chair
Dolores Crow, Co-Chair
Shauneen Grange, Commissioner
Randy Hansen , Commissioner
Elmer Martinez, Commissioner
Sheila Olsen, Commissioner

was reconvened on January 26, 2012 by order of the Idaho Supreme Court within their opinion and holding in the case of *Twin Falls County v. Idaho Redistricting Commission*, (January 18, 2012) to revise Legislative Plan L 87. Set forth below are the findings and conclusions of the Commission in their adoption of Plan L 93, A Revision of Plan L 87.

PRIOR REDISTRICTING COMMISSION¹

The prior Redistricting Commission was convened by the Secretary of State on June 7, 2011. That Commission held a total of fourteen public hearings around the state in Sandpoint, Coeur d’Alene, Moscow, Lewiston, Boise, Meridian, Caldwell, Hailey, Twin Falls, Burley, Soda Springs, Rexburg, Pocatello and Idaho Falls. The prior Commission also held several public meetings in Boise reviewing approximately 82 proposed Legislative Plans and 50 proposed Constitutional Plans. The previous Commission concluded its proceedings without adopting either a legislative or congressional plan on September 6, 2011.

CURRENT REDISTRICTING COMMISSION

After being sworn in by the Secretary of the State, this Redistricting Commission adopted the record and proceedings of the previous Redistricting Commission. This Commission convened public hearings in Idaho Falls (October 5, 2011), Coeur D’ Alene (October 6, 2011) and Boise (October 7, 2011) during which time citizens were provided the opportunity to comment on the approximately 86

¹ The Commission for Reapportionment is commonly referred to as the Redistricting Commission. The terms “Commission for Reapportionment” and “Redistricting Commission” are used interchangeably herein.

Legislative plans under consideration by the Commission along with the approximately 51 Congressional plans under consideration. Pursuant to the Order of the Idaho Supreme Court, the Commission reconvened on January 26-29, 2012 for the purpose of revising Plan L 87. Within those meetings, the Commission adopted these findings, and revised plan L 87 resulting in the adoption of Plan L 93, a Revision of Plan L 87.

Based upon the Redistricting Commission's review of the record, its meetings, the public comments received, and the governing legal requirements, the Commission makes the following findings and conclusions:

LEGAL REQUIREMENTS AND APPLICATION

1. **Federal Constitutional Requirements.** The United States Constitution has been interpreted by the United States Supreme Court and the Idaho Supreme Court to require that legislative districts be formed after each census with substantially equal population to satisfy the one person/one vote requirement. A legislative redistricting plan that has more than a ten percent deviation is presumptively unconstitutional. *Smith v. Idaho Comm'n on Redistricting*, 136 Idaho 542 (2001). State legislative redistricting plans of less than 10% deviation between the most populous and least populous districts are presumed to satisfy the federal constitutional requirement. Merely showing that an alternative plan with a lower overall range could be used was not in itself sufficient to require invalidation of a plan. *Gafney v. Cummings*, 412 U.S. 735 (1973).
2. **State Constitutional Requirements.** Article III §5 of the Idaho Constitution establishes the following requirements on legislative redistricting:

SENATORIAL AND REPRESENTATIVE DISTRICTS. A senatorial or representative district, when more than one county shall constitute the same, shall be composed of contiguous counties, and a county may be divided in creating districts only to the extent it is reasonably determined by statute that counties must be divided to create senatorial and representative districts which comply with the constitution of the United States. A county may be divided into more than one legislative district when districts are wholly contained within a single county. No floterial district shall be created. Multi-member districts may be created in any district composed of more than one county only to the extent that two representatives may be elected from a district from which one senator is elected. The provisions of this section shall apply to any apportionment adopted following the 1990 decennial census.

Idaho Constitution, Art. III, Sec. 5.

This provision has been interpreted and applied by the Idaho Supreme Court to mean that a plan that splits 8 counties is unconstitutional if a plan that splits 7 counties within the allowable deviation (less than 10%), is advanced. *Twin Falls County v. Idaho Com'n on Redistricting*, ---P.3d ---, 2012 WL 130416, *3 (2012). Art. III, Section 2(2) of the Idaho Constitution charges the Commission for Reapportionment with the task of redistricting the Idaho legislature. Art. III. Sec. 2(3) of the Idaho Constitution authorizes the legislature to "enact laws providing for the implementation of the provisions of this section."

3. **State Statutory Requirements.** Idaho Code section 72-1506 provides criteria to govern legislative redistricting plans.

a. Idaho Code section 72-1506 states:

72-1506. Criteria governing plans. Congressional and legislative redistricting plans considered by the commission, and plans adopted by the commission, shall be governed by the following criteria:

(1) The total state population as reported by the U.S. census bureau, and the population of subunits determined therefrom, shall be exclusive permissible data.

(2) To the maximum extent possible, districts shall preserve traditional neighborhoods and local communities of interest.

(3) Districts shall be substantially equal in population and should seek to comply with all applicable federal standards and statutes.

(4) To the maximum extent possible, the plan should avoid drawing districts that are oddly shaped.

(5) Division of counties shall be avoided whenever possible. In the event that a county must be divided, the number of such divisions, per county, should be kept to a minimum.

(6) To the extent that counties must be divided to create districts, such districts shall be composed of contiguous counties.

(7) District boundaries shall retain the local voting precinct boundary lines to the extent those lines comply with the provisions of section [34-306](#), Idaho Code. When the commission determines, by an affirmative vote of at least five (5) members recorded in its minutes, that it cannot complete its duties for a legislative district by fully complying with the provisions of this subsection, this subsection shall not apply to the commission or legislative redistricting plan it shall adopt.

(8) Counties shall not be divided to protect a particular political party or a particular incumbent.

(9) When a legislative district contains more than one (1) county or a portion of a county, the counties or portion of a county in the district shall be directly connected by roads and highways which are designated as part of the interstate highway system, the United States highway system or the state highway system. When the commission determines, by an affirmative vote of at least five (5) members recorded in its minutes, that it cannot complete its duties for a legislative district by fully complying with the provisions of this subsection, this subsection shall not apply to the commission or legislative redistricting plan it shall adopt.

b. Within the *Twin Falls County* case, the Court found that the following provisions of Idaho Code § 72-1506 are mandatory: (1), (2), (3), (6), (7), (8), and (9). To the maximum extent possible, the Commission complied with the mandatory requirements placed upon it for compliance. Two provisions of Idaho Code § 72-1506 are advisory: (4) and the provision in ¶(5) that states: “In the event that a county must be divided, the number of such divisions, per county, should be kept to a minimum. *Twin Falls County*, at *4, (“They are merely advisory.”) & n.4 (clarifying which provisions are advisory).

c. The Commission found that it could not complete its duties by fully complying with the provisions of Idaho Code section 72-1506(7). Therefore, on January 27, 2012, all six Commissioners voted unanimously to waive the requirement that precincts be kept intact.

- d. The Commission also found that it could not complete its duties by fully complying with the provisions of Idaho Code section 72-1506(9). Therefore, on January 27, 2012, all six Commissioners voted unanimously to waive the requirement that all counties included in a district be connected by state highways.
4. **Application of Legal Requirements: Deviation.** The Idaho Supreme Court has held that a population deviation exceeding ten percent is presumptively unconstitutional. *Smith v. Idaho Comm'n on Redistricting*, 136 Idaho 542 (2001). The deviation in the legislative redistricting plan adopted hereby submitted by the Commission has a deviation of 9.92%.
5. **Application of Legal Requirements: Division of Counties.** The Idaho Supreme Court has held that Article III Sec. 5 of the Idaho Constitution prohibits the division of counties unless absolutely necessary to satisfy the one person/one vote requirement of the United States Constitution. *Bingham County v. Comm'n for Reapportionment*, 137 Idaho 870, 874 (2002). Further, the Idaho Supreme Court has directed that a plan that splits 8 counties is unconstitutional upon the presentation of a plan that splits only 7. *Twin Falls County v. Idaho Redistricting Commission*, --- P.3d ---Consistent with this requirement, Counties were only divided when required by one person/ one vote.

GENERAL FINDINGS

6. **Unique Physical Features.** There are several physical factors which complicate redistricting in Idaho. The unique shape of the state limits the combinations of contiguous counties that can be combined to create legislative districts. The geography of Idaho (wilderness areas, mountain ranges, deserts and rivers) in some cases limits the ideal combination of certain counties in the creation of legislative districts. The low population of many counties limits the ideal combination of certain counties in the creation of legislative districts. The fact that most of the external boundaries of Idaho (with the exception of certain areas on the western border) run through very sparsely populated areas limits the ideal combination of counties in the creation of legislative districts. For redistricting purposes, Idaho is the exact opposite of the rectangular shaped state whose population is evenly distributed over flat farmland. The federal one person/one vote requirement, the Idaho Constitution's limitation on the number of districts, the Idaho Constitution's limitation on the division of counties in the formation of legislative districts, and these unique physical features necessarily result in the creation of a few legislative districts that are not ideal under any redistricting plan.
7. **Number of Districts.** Art. III Sec. 2 of the Idaho Constitution requires that there be "not less than thirty nor more than thirty-five" legislative districts. After considering redistricting plans from thirty to thirty-five districts, as well as the very nearly unanimous public testimony received in favor of retaining the maximum number of thirty-five districts, the Commission finds that the thirty-five district plan is constitutional and serves the best interests of the citizens of the state of Idaho. Consistent with Article III, sec. 2, the Commission has adopted a 35 district plan.

8. **Division of Counties.** In a thirty-five district plan:

- a. 1 county has a population that it can constitute a single district by itself without combining with any other county or portion of another county. It is Bingham County. Bingham County has not been split and constitutes a district of its own within its County boundaries.
- b. Two counties could be divided into districts wholly within that county that meet the one person/one vote requirement without having to combine any portion of that county with any other county or portion of another county. They are Ada and Kootenai County.
- c. Four counties are of such population that one or more districts can be created solely within the county, but a portion of the county must be combined with other counties to meet the one person/one vote requirements. They are Bannock, Bonneville, Canyon, and Twin Falls Counties.
 - i. Bonneville County occupies a particularly unique situation because it has the population sufficient to equal 2.32 districts (pop. 104,234), but it must be split in order to preserve the County boundaries surrounding it in compliance with the Idaho Supreme Court's application of Article III, § 5 that a plan that splits 8 counties is unconstitutional if a plan splitting only 7 counties is advanced.
 - ii. Twin Falls County occupies a situation similar to Bonneville County. It has a population that should indicate 1.72 districts, but it is surrounded by counties requiring additional population and combinations. As Twin Falls mathematically must be split to comply with one person/ one vote, the Commission relied on the advisory portion of Idaho Code § 72-1506(5) to create legislative districts by splitting Twin Falls County twice.
- d. The remaining counties are so sparsely populated that they must be combined with other counties to create districts of sufficient population to comply with the federal constitutional requirement of one person/one vote. One of these counties (Bonner) must be divided and combined with contiguous counties because one neighboring county (Boundary) is not contiguous to any other county. Boundary County is so small it cannot constitute a district by itself which satisfies the one person/one vote requirement and when Bonner and Boundary Counties are combined undivided, they are too large to constitute a district which complies with the one person/one vote requirement.

9. **Demographic Data.** Although divided into 44 counties, both the population and land area of the counties are disparate. For example, out of 44 counties, 36 must be combined in some

fashion or another to achieve a district with a constitutionally acceptable population. Additionally, based upon the lack of an equal distribution of the population throughout the state, often a simple combination of counties into one district cannot be achieved, which therefore requires a county to be split in order to satisfy the one person - one vote requirement. To illustrate this principle (although no Idaho counties are actually configured like this), if there were three adjacent counties each with the population of two-thirds of a district, it might be necessary to split one of them among two districts to apportion them while keeping the other two wholly within a district, and there is no constitutional reason to choose among them which of the three to split. As indicated above, the following Counties must be split: Bonner (geography/ one person/ one vote), Kootenai (internally), Ada (internally), Canyon (internally and externally), Twin Falls (internally and externally), Bannock (internally and externally) and Bonneville (internally and externally). Idaho's unique shape further challenges the reapportionment of the Idaho because neighboring state boundaries often limit the direction in which the Commission can combine Counties. For example, within the Panhandle of Idaho, counties must generally be combined north and south, while on the Eastern border, combinations are limited to North, South, and West.

10. Consideration of Plans: The Commission had before it for consideration 93 full and partial legislative reapportionment plans. But of those 93, only 8 complied with dual requirements one person one vote and minimum county splits. Those plans were L 66, L 67, L 76, L 77, L 79, L 90, L 91, and L 93. The remaining plans (85) were either presumptively unconstitutional due to too many county splits or unacceptable population deviation, or failed to reapportion the entire state. The Commission evaluated and considered every plan submitted to it.

11. Statistical Data. The total state population is 1,567,582. With a total of thirty-five legislative districts, the ideal district population is 44,788 people.

SPECIFIC FINDINGS

APPROVED PLAN: L 93

12. The Commission adopts Plan L 93 as the Idaho Legislative Redistricting Plan by a unanimous 6-0 vote. District 28 contains the largest population with a total of 46,955 people. This constitutes a deviation of 4.84%² above the ideal district size of 44,788 people. District 20 has the smallest population with a total of 42,610 people. This constitutes a deviation of 4.86% below the ideal district size. Combined the overall plan population deviation of Plan L 93 is 9.70%. Specifically as to each district in Plan L 93, the Commission finds:

² The deviation percentages have been rounded to the nearest hundredth of a percentage point.

13. District 1 (Boundary County and Bonner County (part)). Separately, neither Boundary County nor Bonner County have sufficiently large populations to constitute one ideal district of 44,788 persons. When combined, they exceed 44,788 people, the population of an ideal district, by more than allowable deviation. The Commission therefore finds that it is necessary to divide the population of Bonner County to create District 1 because it is the only Idaho county contiguous to Boundary County and the division is necessary to satisfy the one person, one vote requirement of the 14th Amendment to the United States Constitution. Bonner County was divided along major highways and roads in an effort to keep communities of interest together. District 1 contains 46,712 people, a deviation of +4.30% from the ideal district.
14. District 2 (Kootenai County (part)). Consists primarily of the northern and eastern rural areas of Kootenai County. Includes the communities of Hayden, Dalton Gardens. Runs South to the Benewah County line, east to Shoshone County Line, and West to the Washington Border. District 2 contains 45,894 people with a deviation of +2.47 % from the ideal district.
15. District 3 (Kootenai County (part)). District 3 is contained wholly within Kootenai County. It includes the remainder of Kootenai County that is west of the city of Coeur d'Alene and Highway 95 to the Idaho border. Consistent with public testimony received at the June 22, 2011 hearings in Coeur d'Alene and Sandpoint, and the October 6, 2011 hearing in Coeur d'Alene, District 3 includes the majority of the cities of Post Falls and Rathdrum, keeping traditional communities of interest intact. Further, the district was divided along major highways providing an easily distinguished boundary. District 3 contains 46,276 people with a deviation of +3.32% from the ideal district.
16. District 4 (Kootenai County (part)). District 4 is contained entirely within Kootenai County and includes the majority of the city of Coeur d'Alene, a traditional community of interest unto itself. The district line follows well known and clearly identifiable streets and highways. District 4 contains 46,324 people with a deviation of +3.43% from the ideal district.
17. District 5 (Benewah County and Latah County). District 5 is comprised of the entirety of Benewah County and Latah County. Separately, Benewah County and Latah County do not have a large enough population to constitute an entire legislative district. Therefore, combining Benewah County and Latah County is necessary to meet the one person one vote requirement. Further, combining these counties keeps communities of interest intact. Idaho's major state highway, Highway 95 runs the entire length of the District 5. District 5 contains 46,529 people with a deviation of +3.89% from the ideal district.
18. District 6 (Lewis County and Nez Perce County). District 6 contains all of Lewis County and Nez Perce County. Separately, Lewis County and Nez Perce County do not have enough population to constitute an entire legislative district. As Nez Perce County is bounded by

Oregon and Washington on the west, the only contiguous county that could be combined with Nez Perce County to make compact legislative district is Lewis County. District 6 contains 43,086 people with a deviation of -3.80% from the ideal district.

19. District 7 (Bonner County (part), Shoshone County, Clearwater County, and Idaho County). District 7 includes a portion of Bonner County, the entirety of Shoshone County, the entirety of Clearwater County and the entirety of Idaho County. In order to meet the one person one vote requirement, the Commission combined this portion of Bonner County with Shoshone County because of the requirements of Article III sec. 5 and the geography of the panhandle. Any alternative configuration would result in an additional split of a county elsewhere. The requirement of Idaho Code sec. 72-1506 (9) (Roads), was waived by the Commission by a 6-0 vote.

This district is evidence of the great difficulty in creating legislative districts in a state the size and shape of Idaho with its diverse landscape and comparatively sparse population density. The Commission recognizes that this district is large and not ideal; however, it is necessary to meet the one person one vote requirement and preserve county boundaries whenever possible. It is particularly revealing that this district comprised of a massive geographical area is still population light, which clearly reflects the disparity between population and county land size evident throughout Idaho. District 7 includes 42,930 people with a deviation of -4.15% from the ideal district.

20. District 8 (Gem, Valley, Boise, Custer, Lemhi). District 8 consists of the entirety of Gem, Boise, Valley and Custer and Lemhi Counties. Separately, none of these counties have sufficient population to form independent legislative districts. More compact configurations were rejected because they would have required the splitting of counties, which is specifically disallowed by Article III, sec. 5 and the Court's holding in *Twin Falls County*. District 8 has 45,913 people, a deviation of +2.51% from the ideal district.
21. District 9 (Canyon County (part), Washington, Adams, and Payette County). District 9 contains a portion of Canyon County, Washington County, Adams County, and Payette County. Payette County is bounded on the west by the state of Oregon and does not have sufficient population to constitute one district. Payette County is bordered by both Canyon and Washington Counties. Adams, Washington, and Payette counties lack sufficient population to satisfy the one person one vote requirement requiring that a portion of Canyon County, the only remaining county that is contiguous to Payette County, be combined to create District 9. In dividing Canyon County, the Commission kept communities of interest intact by keeping the cities of Parma whole and including them in this district. Further, Payette County is connected to this portion of Canyon County by two major roadways, Highway 95 and Interstate 84, both major routes of commerce that create communities of interest and commonality throughout the region. District 9 includes 44,559 people with a deviation of -.51% from the ideal district.

22. District 10 (Canyon County (part)) is compact, follows major roads and highways and consists of the majority of the city of Caldwell, a traditional community of interest located entirely in Canyon County. District 10 contains 45,422 people, a deviation of +1.42% from the ideal district.
23. District 11 (Canyon County (part)). District 11 consists of all of rural Canyon County including Wilder, Notus, Greenleaf, and Middleton. This portion of Canyon County is tied together by Highways 44, 45, 55, and 95 that runs throughout the district as well as several other roads which creates a corridor for commerce and a commonality of interest between the two counties. District 11 contains 43,430 people, a deviation of -3.03% from the ideal district.
24. District 12 (Canyon County (part)) is compact and consists of a portion of the city of Nampa, which had to be split due to its size. Nampa was divided along major roads and highways and in accordance with traditional communities of interest. This district is located entirely in Canyon County. District 12 contains 45,525 people, a deviation of +1.65% from the ideal district.
25. District 13 (Canyon County (part)) is compact and includes the remainder of the city of Nampa, which had to be split due to its size. Nampa was divided along major roads and highways and in accordance with traditional communities of interest. This district is located entirely in Canyon County and contains 46,784 people, a deviation of +4.46% from the ideal district.
26. District 14 (Ada County (part)). Ada County has sufficient population for nine total districts. This plan keeps Ada County intact, uses major roads and highways as easily identifiable boundaries and divides the districts based on city lines which constitute traditional communities of interest. The majority of the districts in Ada County have a population deviation of less than the ideal district in order to accommodate for future growth in these areas. District 14 consists of the cities of Eagle and Star, traditional communities of interest unto themselves. District 14 contains 44,919 people, a deviation of .29% from the ideal district.
27. District 15 (Ada County (part)) is made up of a community of interest located wholly within the city of Boise and Ada County. District 15 contains 42,799 people, a deviation of -4.44% from the ideal district.
28. District 16 (Ada County (part)) consists of the entirety of Garden City as well as traditional communities of interest in the city of Boise. Portions of the city of Boise were included in order to satisfy the one person one vote requirement. District 16 includes 44,383 people, a deviation of -.90% from the ideal district.

29. District 17 (Ada County (part)) is made up of communities of interest located wholly within the city of Boise in Ada County. District 17 includes 43,778 people, a deviation of -2.26% from the ideal district.
30. District 18 (Ada County (part)) includes traditional communities of interest in the city of Boise and continues to Ada County's boundary. District 18 includes 43,586 people, a deviation of -2.68% from the ideal district.
31. District 19 (Ada County (part)) includes traditional communities of interest in the city of Boise and continues to Ada County's northern boundary and Highway 55. District 19 includes 42,921 people, a deviation of -4.17% from the ideal district.
32. District 20 (Ada County (part)) includes the majority of the city of Meridian, a traditional community of interest wholly contained in Ada County. Significant public testimony supported keeping the city of Meridian whole. District 20 includes 42,610 people, a deviation of -4.86% from the ideal district.
33. District 21(Ada County (part)) includes traditional communities of interest south of Interstate 84 that are wholly included in Ada County. District 21 includes 43,541 people, a deviation of -2.78% from the ideal district.
34. District 22 (Ada County (part)) keeps the majority of the city of Kuna intact and continues to the Ada County boundary. District 22 includes 43,828 people, a deviation of -2.14% from the ideal district.
35. District 23 (Owyhee County , Elmore County, and Twin Falls County (part)). District 23 includes all of Elmore and Owyhee Counties. Elmore County does not have a large enough population to constitute a district by itself and therefore in order to meet the one vote requirement, it was combined with Owyhee County and a small portion of Twin Falls County. Due to Owyhee County's geographic location this combination was necessary as Elmore and Twin Falls Counties are its only two remaining neighboring counties that could be combined to form a complete legislative district. Elmore and Owyhee Counties are connected by Highway 51 which runs north to south, creating a commercial zone and linking the communities within those counties together. Combined, these two counties did not have sufficient population to form a complete legislative district, and in the interest of forming compact districts, a portion of Twin Falls County which is contiguous to both Elmore and Owyhee Counties, had to be included. District 23 contains 44,458 people, a deviation of -0.74% from the ideal district.
36. District 24 (Twin Falls County (part)). District 24 consists of the majority of the city of Twin Falls, a traditional community of interest entirely contained within Twin Falls County. District 24 includes 46,915 people, a deviation of 4.75% from the ideal district.

37. District 25 (Jerome County and Twin Falls County). District 25 includes the entirety of Jerome County and Twin Falls County. Separately, these counties do not have a large enough population to constitute an entire legislative district. They are contiguous counties connected by Interstate 84 and Highways 30 and 93. This district keeps Buhl and Filer as well as Kimberly, Hansen and Murtaugh together. District 25 includes 46,795 people, a deviation of +4.48% from the ideal district.
- a. In the creation of this district, and the reapportionment of Twin Falls County in particular, Districts 23, 24 and 25 reflect the difficulty of reapportionment in Idaho. A single plan was advanced (out of 8 possibilities) that split Twin Falls only once (apportioning it among two districts instead of three). The Commission considered that alternative but rejected it because it required the bisection of the City of Twin Falls, a combination of Minidoka and Jerome Counties (which are connected by a sliver of land constituting the Snake River Canyon, and breaks up the natural combination of Minidoka and Cassia Counties, an area that is commonly referred to based upon the combination as “Mini-Cassia.” Based upon the Idaho Supreme Court’s express recognition of the advisory nature of Idaho Code § 72-1506(5),³ the Commission after careful consideration determined that the configuration of Plan L 93 best served the citizens of the State of Idaho, as well as, Twin Falls, Minidoka, Jerome, and Cassia Counties.
 - b. This configuration represents the Commission’s adherence to the mandatory requirements of Idaho Code § 72-1506, including ¶ (2) that “to the maximum extent possible, districts shall preserve traditional neighborhoods and local communities of interest” over the advisory requirement of Idaho Code § 72-1506(5) that “In the event that a county must be divided, the number of such divisions, per county, should be kept to a minimum.
38. District 26 (Blaine County, Lincoln County, Gooding County, and Camas County). Consistent with the Idaho Constitutional requirement to keep counties whole to the maximum extent possible, District 26 combines the entirety of Blaine, Lincoln, Gooding, and Camas counties. These counties are contiguous, connected by several different roads and highways and share common watersheds creating communities of interest. District 26 has 43,165 people, a deviation of -3.62% from the ideal district.
39. District 27 (Cassia County and Minidoka County). Cassia and Minidoka counties are combined to create a district. This combination reflects a common community of interest as it is commonly referred to as the Mini-Cassia area. This keeps the cities of Rupert, Paul, Heyburn, Burley and Declo together. Geographically, the Snake River and Snake River

³ (In the event that a county must be divided, the number of such divisions, per county, should be kept to a minimum. *Twin Falls County*, at *4, (“They are merely advisory.”) & n.4 (clarifying which provisions are advisory).

Canyon create a natural divide between District 27 and District 25. District 27 includes 43,021 people, a deviation of -3.95% from the ideal population district.

40. District 28 (Bannock County(part) and Power County)). District 28 includes all of Power County and part of Bannock County. This district includes the airport shared by these two counties and is tied together by a major interstate highway. District 28 includes 46,955 people, a deviation of -4.84% from the ideal district.
41. District 29 (Bannock County (part)). District 29 consists of the majority of the city of Pocatello, a community of interest in itself, and is located entirely within Bannock County. District 29 is compact and easily distinguished due to its clearly identifiable boundaries consisting of interstate highways and the Bannock County line. District 29 includes 43,701 people, a deviation of -2.43% from the ideal district.
42. District 30 (Bonneville County (part)). Bonneville County has a large enough population that two complete legislative districts may be contained within the county; however, it is not large enough to form three inclusive legislative districts. Therefore, the Commission finds that Bonneville County must be split in order to comply with the one person one vote requirement. District 30 is contained entirely within Bonneville County and includes local communities of interest that share the area's agricultural emphasis. Further, the district includes the majority of the cities of Lincoln and Ammon, communities of interest in themselves. District 30 contains 46,525 people, a deviation of +3.88% from the ideal district.
43. District 31 (Bingham County). District 31 includes the entirety of Bingham County, which is large enough to constitute an entire legislative district. District 31 has 45,607 people, a deviation of 1.83% from the ideal district.
44. District 32 (Bonneville County (part), Bear Lake County, Caribou County, Franklin County, Oneida and Teton County (part)). District 32 is another example of how the Idaho's unique geography and the sparseness population distribution in certain areas necessitate the creation of large districts. District 32 includes the entirety of Bear Lake, Caribou, Franklin, Oneida, and Teton Counties, which still lack population sufficient to constitute a district within acceptable limits of deviation. Therefore a portion of Bonneville County had to be combined with these counties. Together these counties do not have sufficient population to create an entire legislative district and must be combined with portions of other counties in order to meet the one person one vote requirement. Therefore, these counties are combined with the remainder of Bonneville County which is contiguous.

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whenever possible. It is particularly revealing that this district comprised of a massive geographical area is still population light, which clearly reflects the disparity between population and county land size evident throughout Idaho. The requirement of Idaho Code sec. 72-1506 (9) (Roads), was waived by the Commission by a 6-0 vote. District 32 includes 44,502 people, a deviation of -0.64% from the ideal district.

45. District 33 (Bonneville County (part)). The majority of the city of Idaho Falls is included in District 33 which is contained entirely within Bonneville County. Idaho Falls is a community of interest requiring statutory protection and the district is compact with easily identifiable boundaries. District 33 has 45,964 people, a deviation of +2.63% from the ideal district.
46. District 34 (Madison County, Bonneville County (part)). Madison County is kept whole within District 34 but it does not contain sufficient population to form an entire legislative district. In order to meet the one person one vote requirement, the Commission included the northern portion of Bonneville County. Although Bonneville County had to be split to comply with Article III, § 5, the communities of Uconn and Iona were maintained. This district is directly connected by Highways 20 and 26 creating commercial corridors and commonality of interests. District 34 has 44,970 people, a deviation of +0.44% from the ideal district.
47. District 35 (Butte County, Clark County, Jefferson County, and Fremont County). District 35 is contiguous, bounded by Idaho's borders with Montana and Wyoming, and made up of all of Butte, Clark, Jefferson and Fremont counties. Individually, the population of these counties is insufficient to meet the one person one vote requirement and therefore they must be combined. This is another large geographic district that must come together to create a population adequate to satisfy the one person one vote requirement. As vast as the area is, it does share a common interest in natural resources, farming, ranching, and recreation. District 35 contains 43,255 people a deviation of -3.42% from the ideal district.